

**State of Iowa**

**1987**

# **JOURNAL OF THE HOUSE**

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**April 16 - May 10**

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

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# JOURNAL OF THE HOUSE

Ninety-fifth Calendar Day — Sixty-fifth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Thursday, April 16, 1987

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

Prayer was offered by the Honorable Don Knapp, state representative from Dubuque County.

The Journal of Wednesday, April 15, 1987 was approved.

## INTRODUCTION OF BILL

**House File 674**, by committee on ways and means, a bill for an act relating to taxation in regard to the withholding on pari-mutuel winnings, application of a net operating loss, filing of nonresident income tax returns, and due date of individual estimated tax payments and providing an effective date.

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

## MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 14, 1987, passed the following bill in which the concurrence of the Senate was asked:

House File 132, a bill for an act relating to the final report of a personal representative in probate.

Also: That the Senate has on April 14, 1987, passed the following bill in which the concurrence of the Senate was asked:

House File 176, a bill for an act relating to the requirements for the loaning by a library of library materials or equipment having a value of five hundred dollars or more.

Also: That the Senate has on April 14, 1987, amended and passed the following bill in which the concurrence of the House is asked:

House File 241, a bill for an act requiring Iowa state university of science and technology to use resources connected with institutions of the Iowa department of corrections, in order to conduct agricultural research, development, and testing projects.

Also: That the Senate has on April 14, 1987, passed the following bill in which the concurrence of the Senate was asked:

House File 318, a bill for an act relating to the use of county and municipal infractions.

Also: That the Senate has on April 14, 1987, passed the following bill in which the concurrence of the Senate was asked:

House File 324, a bill for an act authorizing the joint investment of funds by counties, cities, and city utilities.

Also: That the Senate has on April 14, 1987, amended and passed the following bill in which the concurrence of the House is asked:

House File 328, a bill for an act relating to the licensure and regulation of birth centers and providing penalties.

Also: That the Senate has on April 14, 1987, amended and passed the following bill in which the concurrence of the House is asked:

House File 346, a bill for an act relating to temporary certificates issued by the board of medical examiners.

Also: That the Senate has on April 14, 1987, passed the following bill in which the concurrence of the Senate was asked:

House File 360, a bill for an act relating to the decisions of guardians regarding life-sustaining procedures.

Also: That the Senate has on April 14, 1987, passed the following bill in which the concurrence of the Senate was asked:

House File 378, a bill for an act relating to the dissemination and redissemination of criminal history data to the Iowa department of public health for purposes of employment screening for juvenile substance abuse treatment programs, and providing a penalty.

Also: That the Senate has on April 14, 1987, passed the following bill in which the concurrence of the Senate was asked:

House File 379, a bill for an act relating to the employment of persons in public service jobs.

Also: That the Senate has on April 14, 1987, passed the following bill in which the concurrence of the Senate was asked:

House File 394, a bill for an act relating to nonlocal business entities, particularly transient merchants and out-of-state contractors and providing penalties.

Also: That the Senate has on April 14, 1987, amended and passed the following bill in which the concurrence of the House is asked:

House File 407, a bill for an act relating to violations of 321J.2 and retention of records of motor vehicle violations.

Also: That the Senate has on April 14, 1987, passed the following bill in which the concurrence of the Senate was asked:

House File 408, a bill for an act to authorize the parties to a dissolution to waive the filing of a financial statement only after approval by the court.

Also: That the Senate has on April 14, 1987, passed the following bill in which the concurrence of the Senate was asked:

House File 409, a bill for an act relating to the procedures used for the taking of property for public transportation purposes.

Also: That the Senate has on April 14, 1987, amended and passed the following bill in which the concurrence of the House is asked:

House File 411, a bill for an act relating to the grain indemnity fund, by eliminating credit sale contracts from its protection, providing for distribution of receivership assets excluding proceeds of the fund, raising minimum net worth requirements, and providing definitions, eliminating participation by federally licensed warehouses, and providing a penalty for late payment of fees, eligibility standards, for the appointment of additional members to the Iowa grain indemnity fund board, the adjustment of fees, a procedure for determining the value of losses, requirements for recovery from the fund, and the retroactive applicability of certain of its provisions.

Also: That the Senate has on April 14, 1987, passed the following bill in which the concurrence of the Senate was asked:

House File 416, a bill for an act relating to consumer frauds and providing penalties.

Also: That the Senate has on April 14, 1987, passed the following bill in which the concurrence of the Senate was asked:

House File 426, a bill for an act requiring lenders or other secured parties to provide to debtors copies of documents signed by the debtors.

Also: That the Senate has on April 14, 1987, amended and passed the following bill in which the concurrence of the House is asked:

House File 464, a bill for an act relating to the receipt and sale of protected game by a nonprofit corporation.

Also: That the Senate has on April 14, 1987, amended and passed the following bill in which the concurrence of the House is asked:

House File 494, a bill for an act requiring mobile home dealers to apply for a certificate of title for mobile homes received as a trade-in and making penalties applicable.

Also: That the Senate has on April 14, 1987, passed the following bill in which the concurrence of the Senate was asked:

House File 513, a bill for an act relating to interstate rendition of persons charged with failure to provide support.

Also: That the Senate has on April 14, 1987, passed the following bill in which the concurrence of the Senate was asked:

House File 517, a bill for an act relating to requirements for lender reporting to the title guaranty division.

Also: That the Senate has on April 14, 1987, passed the following bill in which the concurrence of the Senate was asked:

House File 523, a bill for an act relating to the financial authority of political subdivisions by authorizing loan agreements, the issuance of bonds for additional purposes, and the payment of interest from bond proceeds.

Also: That the Senate has on April 14, 1987, passed the following bill in which the concurrence of the Senate was asked:

House File 536, a bill for an act relating to public bonds by specifying requirements for the issuance of certain bonds, providing for the use of bond proceeds, and providing for the security of certain bonds.

Also: That the Senate has on April 14, 1987, amended and passed the following bill in which the concurrence of the House is asked:

House File 540, a bill for an act relating to the planning, acquisition, development, and operation of welcome centers on highways and at other locations throughout the state.

Also: That the Senate has on April 14, 1987, passed the following bill in which the concurrence of the Senate was asked:

House File 556, a bill for an act relating to, and defining, bed and breakfast inns, and subjecting violators to existing penalties.

Also: That the Senate has on April 14, 1987, passed the following bill in which the concurrence of the Senate was asked:

House File 587, a bill for an act relating to the licensing and regulation of architects, and providing penalties.

Also: That the Senate has on April 14, 1987, passed the following bill in which the concurrence of the Senate was asked:

House File 596, a bill for an act relating to the time for designating the period for which certain employer payments shall be allocated.

Also: That the Senate has on April 14, 1987, passed the following bill in which the concurrence of the Senate was asked:

House File 610, a bill for an act to grant the commissioner of insurance the authority to approve discretionary group insurance.

Also: That the Senate has on April 14, 1987, passed the following bill in which the concurrence of the Senate was asked:

House File 615, a bill for an act relating to providing workers' compensation coverage for emergency medical personnel and providing authority for their certification.

Also: That the Senate has on April 14, 1987, passed the following bill in which the concurrence of the Senate was asked:

House File 623, a bill for an act relating to the identification, protection, planning, and promotion of public highways and roads along scenic regions of the state.

Also: That the Senate has on April 14, 1987, amended and passed the following bill in which the concurrence of the House is asked:

House File 626, a bill for an act relating to the agricultural development authority, by expanding certain definitions, providing requirements for certain farmers to participate in certain programs, providing programs to assist eligible beef cattle producers, making appropriations, and providing an effective date.

Also: That the Senate has on April 14, 1987, amended and passed the following bill in which the concurrence of the House is asked:

House File 640, a bill for an act relating to revenue adjustments and revised revenue requirements to be reflected in rates and charges to customers of certain public utilities based on the federal Tax Reform Act of 1986, with civil penalties applicable and providing an effective date.

Also: That the Senate has on April 15, 1987, adopted the following concurrent resolution in which the concurrence of the Senate was asked:

House Concurrent Resolution 30, a concurrent resolution to exempt bills sponsored by the appropriations committees of the House and the Senate from subsection 3 of Joint Rule 20.

JOHN F. DWYER, Secretary

### RULES SUSPENDED

Arnould of Scott asked and received unanimous consent to suspend Rule 31.8, relating to the timely filing of amendments, on amendments submitted on April 15, 1987, to House File 671.

### CONSIDERATION OF BILLS

#### Regular Calendar

**Senate File 139**, a bill for an act relating to economic development, by declaring economic development as a public purpose and by allowing money received from the county government assistance fund or the municipal assistance fund to be used for economic development projects, with report of committee recommending amendment and passage was taken up for consideration.

Groninga of Cerro Gordo asked and received unanimous consent that Senate File 139 be deferred and that the bill be placed on the unfinished business calendar.

### SENATE FILE 274 DEFERRED

Arnould of Scott asked and received unanimous consent that Senate File 274 be deferred and that the bill retain its place on the unfinished business calendar.

**Senate File 474**, a bill for an act relating to the waiver of homestead exemptions, and providing dates for the effectiveness and applicability of the Act, with report of committee recommending passage was taken up for consideration.

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

**On the question "Shall the bill pass?" (S.F. 474)**

The ayes were, 94:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Black	Blanshan
Brammer	Buhr	Carpenter	Clark
Cohoon	Connolly	Connors	Cooper
Corbett	Corey	De Groot	Diemer
Doderer	Dvorsky	Eddie	Fey
Fogarty	Fuller	Garman	Groninga
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Hansen, S. D.	Hanson, D. R.	Harbor	Harper
Hatch	Haverland	Hermann	Hester
Holveck	Hummel	Jay	Jochum
Johnson	Knapp	Koenigs	Kremer
Lageschulte	Lundby	Maulsby	May
McKean	McKinney	Metcalf	Muhlbauer
Mullins	Neuhauser	Norrgard	Ollie
Osterberg	Parker	Paulin	Pavich
Pellett	Peters	Petersen, D. F.	Peterson, M. K.
Plasier	Platt	Poncy	Renaud
Renken	Rosenberg	Running	Schneklath
Schrader	Shoning	Shoultz	Siegrist
Skow	Spear	Stromer	Stueland
Svoboda	Swartz	Swearingen	Tabor
Teaford	Tyrrell	Van Camp	Van Maanen
Wise	Mr. Speaker		

The nays were, 1:

Chapman

Absent or not voting, 5:

Branstad	Daggett	Miller	Royer
Sherzan			

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

**SENATE FILE 219 DEFERRED**

Arnould of Scott asked and received unanimous consent that Senate File 219 be deferred and that the bill retain its place on the unfinished business calendar.

**APPROPRIATIONS CALENDAR**

**House File 671**, a bill for an act relating to and making appropriations to agencies, boards, commissions, departments, and programs of state government for health and human rights, human services, the

judicial branch, the department of justice, the department of corrections, the board of parole, the auditor of state, campaign finance, employment services, inspections and appeals, employment relations, and commerce, and providing effective dates, was taken up for consideration.

The House stood at ease at 10:02 a.m., until the fall of the gavel.

The House resumed session and consideration of House File 671 at 11:25 a.m., Speaker Avenson in the chair.

Swartz of Marshall offered the following amendment H—3801 filed by him:

H—3801

- 1 Amend House File 671 as follows:
- 2 1. Page 3, line 6, by inserting before the word
- 3 "For" the following: "a."
- 4 2. Page 3, by inserting after line 10, the
- 5 following:
- 6 "b. For programs and assistance to
- 7 encourage family self-sufficiency, as
- 8 specified .....\$ 750,000
- 9 (i) Of the funds appropriated in this paragraph
- 10 two hundred thousand (200,000) dollars shall be used
- 11 for model service coordination grants for political
- 12 subdivisions or community-based nonprofit organization
- 13 except community action agencies.
- 14 The purpose of the service coordination grants is
- 15 to develop demonstration projects in local communities
- 16 to coordinate and focus services for low-income or
- 17 high-risk families in order to bring the families out
- 18 of poverty. The department shall create a task force
- 19 to develop guidelines for the grant application
- 20 process and review the grant applications. The task
- 21 force shall recommend to the department specific
- 22 grantees and the amounts and conditions of their
- 23 grants. The department shall make final decisions
- 24 regarding the grantees and grants.
- 25 The application shall include information as to:
- 26 (i) Targeted populations in the community,
- 27 including families in need of multiple services or who
- 28 have required services within the two years prior to
- 29 the initiation of the proposed project.
- 30 (ii) Services to be coordinated, which shall
- 31 include but are not limited to preschool programs,
- 32 health programs, child care programs, parent education
- 33 programs, and job training opportunities.
- 34 (iii) The mechanism which will demonstrate the
- 35 outcome of the coordination of services, with specific

36 criteria for evaluation.

37 (iv) Indications of the coordination level and  
38 services existing prior to the initiation of the  
39 proposed project, and an explanation of how the  
40 proposed project will improve the coordination of  
41 services and the status of the families.

42 A grant shall not exceed thirty thousand dollars.  
43 Projects shall be replicable in other Iowa  
44 communities.

45 (2) Of the funds appropriated in this paragraph  
46 four hundred eighty-five thousand (485,000) dollars  
47 shall be used for community action agencies to  
48 establish family development teams.

49 The department shall designate an appropriate  
50 number of family development teams within the

**Page 2**

1 community action agencies. Available funding for the  
2 family development teams is determined after each team  
3 submits a request for proposal, which shall include  
4 information relating to the program as specified by  
5 the department. The department shall require that the  
6 funds be used in such a manner as to maximize federal  
7 financial participation and may encourage use of funds  
8 as state match to apply for federal demonstration  
9 projects. Preference shall be given to projects where  
10 local governments participate in the financing of such  
11 service. The department shall make final decisions  
12 regarding the grants. The family development programs  
13 shall encourage family economic self-sufficiency and  
14 independence from public assistance programs. Each  
15 family development team shall have between two and ten  
16 individuals experienced in nurturing relationships  
17 within families, identifying barriers to self-  
18 sufficiency, collaborating with families to establish  
19 goals for independence from public assistance,  
20 facilitating use of resources, and serving as a source  
21 of family emotional support.

22 (3) Of the funds appropriated in this paragraph no  
23 more than fifty thousand (50,000) dollars shall be  
24 used for support staff, in addition to the full-time  
25 equivalents specified for the department,  
26 administration, and supervision of evaluation of the  
27 approved programs and grants under this paragraph as  
28 specified in subparagraph (5).

29 (4) Of the funds appropriated in this paragraph no  
30 more than fifteen thousand (15,000) dollars shall be  
31 used for a contract for evaluation services with Iowa  
32 State University of science and technology for review  
33 of approved programs and grants specified in  
34 subparagraphs (1) and (2).

- 35 (5) Each approved program and grant shall submit  
 36 to an evaluation conducted by the department, in  
 37 coordination with the contractee specified in  
 38 subparagraph (4). The evaluation shall include  
 39 consideration of the extent to which families are kept  
 40 together or brought back together, the extent to which  
 41 families become self-sufficient and are no longer  
 42 dependent upon public assistance programs, the extent  
 43 to which coordination exists between approved programs  
 44 and grants specified in subparagraphs (1) and (2) when  
 45 feasible and between such approved programs and grants  
 46 and community and local resources, and the extent to  
 47 which such programs and grants have brought families  
 48 out of poverty.”  
 49 3. Page 4, line 4, by striking the word “a.”  
 50 4. By striking page 4, line 9 through page 5,

**Page 3**

- 1 line 8.  
 2 5. By striking page 5, line 22 through page 6,  
 3 line 11.  
 4 6. Page 23, line 15, by striking the figure  
 5 “62,517,500” and inserting the following:  
 6 “62,208,746”.  
 7 7. Page 28, line 4, by striking the figure  
 8 “137,982,500” and inserting the following:  
 9 “138,391,254”.

Hammond of Story offered the following amendment H—3830, to amendment H—3801, filed by her and Buhr of Polk from the floor and moved its adoption:

**H—3830**

- 1 Amend amendment, H—3801, to House File 671 as  
 2 follows:  
 3 1. Page 2, line 28, by inserting after the figure  
 4 “(5)” the following: “, in addition to other  
 5 responsibilities within the department of human  
 6 rights”.  
 7 2. Page 2, line 34, by inserting after the figure  
 8 “(2).” the following: “The evaluation under the  
 9 contract shall measure effectiveness in reaching the  
 10 goals specified for the programs and grants.”

Amendment H—3830 was adopted.

Swartz of Marshall asked and received unanimous consent to temporarily defer action on amendment H—3801, as amended.

Buhr of Polk asked and received unanimous consent to withdraw amendment H—3810 filed by her and Hammond of Story on April 15, 1987.

Garman of Story offered the following amendment H—3760 filed by her and moved its adoption:

H—3760

- 1 Amend House File 671 as follows:
- 2 1. Page 7, line 2, by striking the figure
- 3 "14,278" and inserting the following: "15,278".
- 4 2. Page 7, by inserting after line 2 the
- 5 following:
- 6 "It is the intent of the general assembly that one
- 7 thousand (1,000) dollars of the funds appropriated
- 8 under this subsection be used to begin a retired
- 9 seniors volunteer program in Boone."
- 10 3. Page 7, line 3, by inserting after the word
- 11 "the" the following: "remaining".

A non-record roll call was requested.

The ayes were 38, nays 47.

Amendment H—3760 lost.

Van Camp of Scott offered the following amendment H—3809 filed by him and moved its adoption:

H—3809

- 1 Amend House File 671 as follows:
- 2 1. Page 7, line 14, by striking the figure
- 3 "1,027,195" and inserting the following: "1,227,195".
- 4 2. Page 7, by inserting after line 14 the
- 5 following:
- 6 "Of the funds appropriated in this subsection, two
- 7 hundred thousand (200,000) dollars shall be used for
- 8 respite care programs."

Roll call was requested by Van Camp of Scott and Bennett of Ida.

On the question "Shall amendment H—3809 be adopted?"  
(H.F. 671)

The ayes were, 34:

Beaman	Bennett	Branstad	Carpenter
Corbett	Corey	Daggett	De Groot
Diemer	Garman	Halvorson, R. A.	Hanson, D. R.
Harbor	Hermann	Hester	Hummel
Kremer	Lageschulte	Lundby	Maulsby
McKean	Metcalf	Miller	Paulin
Petersen, D. F.	Platt	Running	Schneklath
Shoning	Stromer	Stueland	Swearingen
Tyrrell	Van Camp		

The nays were, 60:

Adams	Arnould	Beatty	Black
Blanshan	Brammer	Buhr	Chapman
Clark	Cohoon	Connolly	Connors
Cooper	Doderer	Dvorsky	Eddie
Fey	Fogarty	Fuller	Groninga
Gruhn	Halvorson, R. N.	Hammond	Hansen, S. D.
Harper	Hatch	Haverland	Holveck
Jay	Jochum	Johnson	Knapp
Koenigs	May	McKinney	Mullins
Neuhauser	Norrgard	Ollie	Osterberg
Parker	Pavich	Peters	Peterson, M. K.
Poncy	Renaud	Renken	Rosenberg
Schrader	Sherzan	Siegrist	Skow
Spear	Svoboda	Swartz	Tabor
Teaford	Van Maanen	Wise	Mr. Speaker

Absent or not voting, 6:

Bisignano	Muhlbauer	Pellett	Plasier
Royer	Shultz		

Amendment H—3809 lost.

Hester of Pottawattamie offered the following amendment H—3821 filed by her and Van Camp of Scott:

H—3821

- 1 Amend House File 671 as follows:
- 2 1. Page 8, by inserting after line 2 the
- 3 following:
- 4 "8. For partial support of
- 5 individual needs assessments and
- 6 case management ..... \$ 1,890,000
- 7 9. Area agency on aging
- 8 coordination of the care review
- 9 committees ..... \$ 320,000
- 10 10. Statewide program management,
- 11 training, and coordination of long-
- 12 term care program ..... \$ 120,000".
- 13 2. Page 20, by inserting after line 26, the
- 14 following:
- 15 "Sec. \_\_\_\_\_. Section 249D.33, Code 1987, is amended
- 16 by adding the following new subsection:
- 17 NEW SUBSECTION. 21. Coordinate the care review
- 18 committee program in the area in accordance with rules
- 19 adopted by the commission.
- 20 Sec. \_\_\_\_\_. NEW SECTION. 249D.70 PURPOSE OF LONG-
- 21 TERM CARE PROGRAM.
- 22 In establishing the comprehensive long-term care
- 23 program, the general assembly's purpose is to promote
- 24 the development of a coordinated, cost-effective

25 continuum of care for institutionalized and home-based  
26 elderly. This system of care is intended to provide  
27 quality services to improve, maintain, or restore the  
28 basic physical, emotional, and social functioning of  
29 an elderly individual at the highest level of  
30 independent action possible, and to promote and  
31 safeguard the rights of these individuals. The  
32 comprehensive long-term care program will eliminate  
33 the fragmented approaches to services, provide an  
34 assessment of the person to determine the services and  
35 care needed, coordinate and simplify funding  
36 requirements, and administer services which permit an  
37 older person to remain in a home environment as long  
38 as reasonably possible.

39 Sec. \_\_\_\_\_. **NEW SECTION. 249D.71 COMPREHENSIVE**  
40 **LONG-TERM CARE PROGRAM.**

41 A comprehensive long-term care program is created  
42 within the department of elder affairs to implement  
43 the purposes of the program. The department shall:

44 1. Establish an interagency coordinating mechanism  
45 for long-term care policies affecting functionally  
46 dependent adults, including the elderly, at home or in  
47 institutions.

48 2. Develop and establish in each area a  
49 coordinating mechanism for public, private, and  
50 volunteer long-term care services for the elderly.

**Page 2**

1 3. Create a common data base which will assist  
2 policymakers in long-range planning and policy  
3 development relating to the program.

4 4. Provide training and technical assistance to  
5 increase the abilities of care givers and advocates,  
6 both public and private.

7 Sec. \_\_\_\_\_. **NEW SECTION. 249D.72 PROGRAM APPROACH.**

8 The long-term care program shall take a holistic  
9 approach to the development of a services delivery  
10 system by assessing the needs of individuals,  
11 identifying the continuum of services available in the  
12 community, monitoring service delivery and  
13 appropriateness through case management techniques,  
14 coordinating statewide policy planning, and advocating  
15 for the rights of long-term care consumers.

16 Sec. \_\_\_\_\_. **NEW SECTION. 249D.73 DUTIES OF**  
17 **COMPREHENSIVE LONG-TERM CARE PROGRAM.**

18 The comprehensive long-term care program shall:

19 1. Plan and coordinate health promotion and  
20 prevention of disease programs. Available community  
21 programs of disease prevention, public sanitation,  
22 immunization, and community health information shall  
23 be utilized when possible. Health diagnosis and

24 treatment shall be monitored through local assessment  
 25 teams who shall utilize local primary care, acute  
 26 health care programs, and community health support  
 27 systems of nutrition, pharmacy, and health aide  
 28 services.

29 2. Annually plan for continuing education programs  
 30 in local communities to train local individuals for  
 31 the provision of respite care, custodial care in the  
 32 home, homemaker-home health aides and chore services,  
 33 and other personal aid services, necessary to enable  
 34 clients to remain in their own homes, and to train  
 35 local persons to care review committee advocacy for  
 36 the functionally dependent adults in institutions.

37 3. Utilize existing manpower development and  
 38 placement programs to assist low-income persons to use  
 39 the training to obtain local employment.

40 4. Provide the counseling and support programs  
 41 necessary to enable the client to remain as  
 42 independent as possible in the least restrictive  
 43 environment.

44 5. Coordinate ombudsman programs pursuant to  
 45 section 249D.42 to improve linkages between community-  
 46 based and institutional long-term care."

47 3. Page 23, line 15, by striking the figure  
 48 "62,517,500" and inserting the following:  
 49 "60,187,500".

Harbor of Mills asked and received unanimous consent to defer action on amendment H—3821.

(House File 671 pending at recess.)

On motion by Arnould of Scott, the House was recessed at 12:01 p.m., until 12:30 p.m.

### AFTERNOON SESSION

The House reconvened, Speaker Avenson in the chair.

### QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed fifty-eight members present, forty-two absent.

### BUSINESS PENDING AT RECESS

The House resumed consideration of **House File 671**, a bill for an act relating to and making appropriations to agencies, boards, commissions, departments, and programs of state government for health and human rights, human services, the judicial branch, the department of justice, the department of corrections, the board of parole, the

auditor of state, campaign finance, employment services, inspections and appeals, employment relations, and commerce, and providing effective dates, pending at recess.

Jochum of Dubuque offered the following amendment H—3798 filed by him and moved its adoption:

H—3798

- 1 Amend House File 671 as follows:
- 2 1. Page 10, line 24, by striking the figure
- 3 "1988" and inserting the following: "1988,"
- 4 2. Page 18, by striking line 35.
- 5 3. Page 20, by inserting after line 13 the
- 6 following:
- 7 "Sec. \_\_\_\_\_. Section 7E.6, subsection 5, Code 1987,
- 8 is amended by striking the subsection."
- 9 4. Page 28, lines 25 and 26, by striking the
- 10 words and figure "twenty-four (24,000) thousand" and
- 11 inserting the following: "twenty-four thousand
- 12 (24,000)".
- 13 5. Page 50, line 9, by striking the figure
- 14 "247A.10" and inserting the following: "246.908".
- 15 6. Page 59, line 23, by striking the word
- 16 "position" and inserting the following: "positions".
- 17 7. Renumber as necessary.

Amendment H—3798 was adopted.

Arnould of Scott asked and received unanimous consent to defer action on amendment H—3812.

Connors of Polk in the chair at 12:46 p.m.

Jochum of Dubuque offered the following amendment H—3792 filed by him and moved its adoption:

H—3792

- 1 Amend House File 671 as follows:
- 2 1. Page 14, line 27, by striking the figure
- 3 "7,458,869" and inserting the following: "7,323,869".

Amendment H—3792 was adopted.

Hermann of Scott offered the following amendment H—3844 filed by him from the floor and moved its adoption:

H—3844

- 1 Amend House File 671 as follows:
- 2 1. Page 20, by inserting after line 30 the
- 3 following:

- 4 "Sec. \_\_\_\_\_, Section 601K.128, Code 1987, is  
 5 repealed."  
 6 2. By renumbering as necessary.

Roll call was requested by Stromer of Hancock and Hermann of Scott.

Rule 75 was invoked.

On the question "Shall amendment H-3844 be adopted?"  
 (H.F. 671)

The ayes were, 47:

Beaman	Bennett	Black	Brammer
Branstad	Buhr	Carpenter	Clark
Corbett	Corey	Daggett	De Groot
Diemer	Eddie	Garman	Halvorson, R. A.
Halvorson, R. N.	Hansen, S. D.	Hanson, D. R.	Haverland
Hermann	Hester	Holveck	Hummel
Jay	Kremer	Lageschulte	Lundby
Maulsby	McKean	Metcalf	Miller
Mullins	Paulin	Petersen, D. F.	Plasier
Platt	Renken	Schnekloth	Shoning
Siegrist	Stromer	Stueland	Swartz
Tyrrell	Van Camp	Van Maanen	

The nays were, 37:

Adams	Arnould	Avenson	Beatty
Bisignano	Blanshan	Chapman	Cohoon
Doderer	Dvorsky	Fey	Groninga
Hammond	Harper	Hatch	Jochum
Johnson	Knapp	Koenigs	May
McKinney	Neuhauser	Ollie	Osterberg
Peters	Peterson, M. K.	Poncy	Renaud
Rosenberg	Running	Schrader	Sherzan
Skow	Spear	Teaford	Wise
Mr. Speaker (Connors)			

Absent or not voting, 16:

Connolly	Cooper	Fogarty	Fuller
Gruhn	Harbor	Muhlbauer	Norrgard
Parker	Pavich	Pellett	Royer
Shoultz	Svoboda	Swearingen	Tabor

Amendment H-3844 was adopted.

Jochum of Dubuque offered the following amendment H-3831  
 filed by him from the floor:

H-3831

1 Amend House File 671 as follows:

2 1. Page 21, line 20, by inserting before the word  
3 "It" the following: "1."

4 2. Page 22, line 2, by striking the figure "1."  
5 and inserting the following: "a."

6 3. Page 22, line 4, by striking the figure "2."  
7 and inserting the following: "b."

8 4. Page 22, line 6, by striking the figure "3."  
9 and inserting the following: "c."

10 5. Page 29, by inserting after line 32, the  
11 following:

12 "2. Of the funds appropriated in this section, the  
13 department shall expend not more than three hundred  
14 seventy-seven thousand (377,000) dollars for the  
15 following:

16 a. To develop necessary standards and payment  
17 processes, write administrative rules, develop  
18 employee and provider manuals, amend the state medical  
19 assistance plan, and provide employee and provider  
20 training to expand medical assistance coverage for the  
21 following services: case management, day training and  
22 habilitation, day treatment, and substance abuse.

23 b. To modify existing medical assistance service  
24 definitions to encompass the following additional  
25 services: transportation, medication management,  
26 partial hospitalization, rehabilitation services,  
27 diagnosis and evaluation, family support, and early  
28 intervention.

29 c. To develop and submit waiver applications for  
30 the following service areas: respite care, homemaker  
31 and chore housekeeping, in-home training, vocational  
32 services, nonmedical transportation, and behavior  
33 management.

34 Amendments to the medical assistance plan and  
35 modifications of existing medical assistance service  
36 definitions shall be completed for implementation no  
37 later than July 1, 1988.

38 The department may hire a contractor or employ a  
39 staff under a twelve-month personal service contract  
40 to complete the project. The department shall provide  
41 the general assembly with a detailed progress report  
42 no later than January 1, 1988.

43 It is the intent of the general assembly that  
44 county and block grant funds made available as a  
45 consequence of enhanced federal funding for services  
46 under medical assistance be used for purposes of  
47 implementing section 225C.28. The department shall  
48 develop a system for identifying prior expenditures on  
49 the services covered under changes to the medical  
50 assistance plan or by waiver application and proposals

Page 2

1 for requiring a maintenance of financial effort  
2 subsequent to a replacement of state or county funds  
3 by federal funds. Those proposals shall be submitted  
4 to the general assembly by January 1, 1988.”  
5 6. Page 39, line 30, by striking the figure  
6 “58,450,000” and inserting the following:  
7 “57,850,000”.  
8 7. Page 40, by striking lines 13 through 28 and  
9 inserting the following:  
10 “Sec. 2051. ENHANCED MENTAL HEALTH/MENTAL  
11 RETARDATION/DEVELOPMENTAL SERVICES. There is  
12 appropriated from the general fund of the state for  
13 the fiscal year beginning July 1, 1987 and ending June  
14 30, 1988, to the department of human services, the  
15 following amounts, or so much thereof as is necessary:  
16 1. For contractual services,  
17 salaries, support, and  
18 miscellaneous purposes .....\$ 600,000  
19 The department shall expend these funds for the  
20 development and implementation of a plan for reducing  
21 populations at state hospital schools and state mental  
22 health institutes consistent with the provisions of  
23 section 225C.28, subsection 6 and recognizing the  
24 needs of the communities in which the facilities  
25 exist, for the analysis and identification of  
26 implementation options for a statewide coordinated and  
27 integrated client tracking, service inventory and  
28 payment system, and to employ not more than eight  
29 field staff and two central office staff, in addition  
30 to authorized full-time equivalent positions, to  
31 develop and implement a regional specialized service  
32 coordination system and a regional framework for  
33 planning and coordinating services.  
34 In developing implementation options for a  
35 statewide coordinated and integrated client tracking,  
36 service inventory and payment system, the department  
37 shall include in its analysis existing department of  
38 human services’ information systems as well as the  
39 Iowa facilities management information system and the  
40 mental health, mental retardation, and developmental  
41 disabilities data system.  
42 2. For administrative support,  
43 for regional boards, and for ser-  
44 vice coordination and diagnosis and  
45 evaluation .....\$2,000,000  
46 a. Of the funds provided under this subsection,  
47 not more than three hundred forty-five thousand  
48 (\$45,000) dollars shall be used as support for  
49 regional planning boards. Funds shall be divided  
50 equally among the regional planning boards and shall

## Page 3

1 be used for planning and administration of the boards.  
2 b. The remaining funds provided under this  
3 subsection shall be used by the department of human  
4 services for:

5 (1) No more than eighty-eight percent of the  
6 remaining funds for the establishment of service  
7 coordination units for persons with mental  
8 retardation, developmental disabilities, or chronic  
9 mental illness for the provision of specialized  
10 service coordination. These units shall be  
11 established no later than January 1, 1988 in each of  
12 the department's human service districts. Priority  
13 shall be given to individuals who require service  
14 coordination in preventing a placement that would be  
15 inconsistent with the person's identified needs.

16 (2) No more than twelve percent of the remaining  
17 funds shall be used for the provision of diagnosis and  
18 evaluation services for persons with mental  
19 retardation, developmental disabilities, or chronic  
20 mental illness. Priority shall be given to  
21 individuals who have not received a diagnosis and  
22 evaluation within the past five years.

23 The available funds shall be allocated to the  
24 department of human service districts based on the  
25 bill of rights enumeration study. Within the funds  
26 available under this paragraph "b", case management  
27 and diagnosis and evaluation shall be made available  
28 proportional to the bill of rights populations within  
29 each district as cited in the enumeration study.

30 The department shall seek to draw down additional  
31 funds through the federal medical assistance program  
32 in the provision of these services.

33 It is the intent of the general assembly that the  
34 state impose standards for construction of  
35 intermediate care facilities for the mentally retarded  
36 that are no more stringent than federal standards. It  
37 is the intent of the general assembly that recognition  
38 be given to reducing the cost for potential conversion  
39 of residential care facilities for the mentally  
40 retarded to intermediate care facilities for the  
41 mentally retarded without imposing more restrictive  
42 construction and renovation standards than absolutely  
43 essential.

44 It is the intent of the general assembly that  
45 greater use of federal support through vocational  
46 rehabilitation funding be provided for the bill of  
47 rights population. The department shall work with the  
48 department of education in seeking to make greater use  
49 of vocational rehabilitation support for the bill of  
50 rights population, and shall report to the general

## Page 4

1 assembly by January 1, 1988 on the feasibility of  
 2 obtaining additional federal assistance.  
 3 The department shall develop a proposal to assist  
 4 individuals in obtaining social security and Title XIX  
 5 benefits.

6 Sec. 2052. Nothing in this Act is intended by the  
 7 general assembly to be the provision of a fair and  
 8 equitable funding formula specified in 1985 Iowa Acts,  
 9 chapter 249, section 9. Nothing in this Act shall be  
 10 construed, is intended, or shall imply a claim of  
 11 entitlement to any programs or services specified in  
 12 section 225C.28."

Jochum of Dubuque offered the following amendment H—3850,  
 to amendment H—3831, filed by him from the floor and moved its  
 adoption:

## H—3850

1 Amend amendment, H—3831, to House File 671 as  
 2 follows:

3 1. Page 1, by striking lines 2 through 12 and  
 4 inserting the following:

5 " \_\_\_\_\_. Page 29, by inserting after line 32 the  
 6 following:

7 "Of the funds appropriated in this subsection,  
 8 the".

9 2. Page 2, line 11, by inserting after the word  
 10 "DEVELOPMENTAL" the following: "DISABILITIES".

11 3. Page 2, by striking lines 29 and 30 and  
 12 inserting the following: "field staff and two central  
 13 office staff, which positions are in addition to any  
 14 full-time equivalent positions authorized by law, to".

Amendment H—3850 was adopted.

On motion by Jochum of Dubuque, amendment H—3831, as  
 amended, was adopted.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Norrgard of Des Moines, for the remainder of the day, on request of Wise of Lee.

Mullins of Kossuth asked and received unanimous consent to with-  
 draw amendment H—3763 filed by her on April 14, 1987.

Mullins of Kossuth asked and received unanimous consent to defer  
 action on amendment H—3823.

Haverland of Polk offered amendment H — 3818 filed by him and requested division as follows:

H—3818

1 Amend House File 671 as follows:

H—3818A

2 1. Page 24, line 35, by striking the words and  
3 figure "fifty thousand (50,000)" and inserting the the  
4 following: "one hundred thousand (100,000)".

5 2. Page 26, lines 6 and 7, by striking the words  
6 "contract with the commission on children, youth, and  
7 families to".

8 3. Page 26, line 30, by inserting after the word  
9 "placement," the following: "prevention of subsequent  
10 pregnancies during adolescence,".

11 4. Page 27, by striking line 10 and inserting the  
12 following: "the department."

13 5. Page 27, line 16, by inserting after the word  
14 "year." the following: "Of the funds appropriated in  
15 this paragraph, the department shall expend no more  
16 than five percent for administrative costs. The  
17 department shall adopt rules pursuant to chapter 17A  
18 to implement the grant program."

19 6. Page 29, by inserting after line 32 the  
20 following:

21 "The department, in cooperation with the Iowa  
22 pharmacists association, shall conduct a study  
23 examining the economic and administrative impact of a  
24 separate reimbursement policy for unit dose drug  
25 distribution systems in long-term care facilities. A  
26 report on the study shall be prepared and submitted to  
27 the general assembly by January 31, 1988."

28 7. Page 31, by inserting after line 10 the  
29 following:

30 "The department, in conjunction with  
31 representatives of provider and consumer  
32 organizations, shall study and evaluate the state  
33 supplementary assistance program and make  
34 recommendations to the general assembly by February 1,  
35 1988 for new options under the program which promote  
36 and enhance less restrictive environments for eligible  
37 recipients of section 225C.28.

38 The department shall increase the personal needs  
39 allowance for residents of residential care facilities  
40 by the same percentage and at the same time as federal  
41 supplemental security and federal social security  
42 benefits are increased due to a recognized increase in  
43 the cost of living."

44 8. Page 31, by striking lines 19 through 21 and  
45 inserting the following: "subsidized adoptions,

## H-3818A

46 including the purchase of services for special needs  
47 children."

## H-3818B

48 9. Page 31, line 24, by inserting after the word  
49 "planning." the following: "It is the intent of the  
50 general assembly that the department of human services

## Page 2

1 shall develop and implement a plan to utilize existing  
2 state programs to provide family planning services for  
3 adolescents."

## H-3818A

4 10. Page 32, line 8, by inserting after the word  
5 "together." the following: "The pilot services shall  
6 include the provision of twenty-four hour crisis  
7 intervention, limitation of caseload to four or fewer  
8 families, and termination of services within at most  
9 six months of referral."

10 11. Page 32, line 34, by striking the figure  
11 "26,740,000" and inserting the following:  
12 "26,830,000".

13 12. Page 33, by inserting after line 17 the  
14 following:

15 "\_\_\_\_\_. Of the funds appropriated in this  
16 subsection, ninety thousand (90,000) dollars, or so  
17 much thereof as is necessary, shall be used to extend  
18 eligibility for independent living for youth between  
19 eighteen and twenty-one years of age who remain in  
20 school."

21 13. Page 33, by inserting after line 25 the  
22 following:

23 "It is the intent of the general assembly to  
24 develop and enhance foster care resources within Iowa  
25 in such a manner that children receive needed services  
26 in-state, unless the child's needs are so specialized  
27 and unique that they cannot be efficiently or  
28 effectively met in-state or unless an out-of-state  
29 placement offers significant advantages in terms of  
30 proximity to family.

31 Recognizing both the complexity and the necessity  
32 to address the issues involved in meeting this intent,  
33 the department of human services shall work with the  
34 judicial department through the out-of-state placement  
35 committee, as established by the commissioner of the  
36 department and chief justice of the supreme court.  
37 The committee shall gather and study additional  
38 information, including but not limited to the specific

H-3818A

39 reasons children are placed out-of-state, the number  
40 of children placed out-of-state who could be placed  
41 in-state if appropriate services were available, and  
42 alternative methods to provide incentives to develop  
43 needed in-state alternatives. The committee shall  
44 report its findings to the legislative council by  
45 October 1, 1987. The committee shall gather any  
46 additional information requested by the legislative  
47 council, and shall evaluate its findings and shall  
48 make recommendations to the general assembly by  
49 January 1, 1988 as to the best means to implement this  
50 intent of the general assembly.

Page 3

1 ea. Of the funds appropriated in this section, one  
2 hundred fifty thousand (150,000) dollars, or so much  
3 thereof as is necessary, may be used to reduce the  
4 need for out-of-state placements. The funds may be  
5 used for start-up costs to establish facilities or  
6 additional beds or supplement existing per diems to  
7 provide types of services to meet the needs of  
8 children now being sent out-of-state. The department  
9 may target the funds to one or more areas of the state  
10 and shall select sites and pilot projects based on the  
11 following criteria:

12 (1) Number of children placed out-of-state and not  
13 in close proximity to family.

14 (2) Projects planning to provide one or more of  
15 the following services: substance abuse treatment,  
16 vocational training for juvenile delinquents, or  
17 vocational training for children with both behavioral  
18 and educational difficulties.

19 The department shall report to the general assembly  
20 in February, 1988 regarding the manner in which the  
21 funds specified in paragraph "ea" were used and its  
22 impact."

23 14. Page 34, line 11, by inserting after the word  
24 "placement." the following: "The system shall be  
25 designed to enhance permanency planning goals, by  
26 increasing resource flexibility within current  
27 budgetary levels. It is the intent of the general  
28 assembly that the department develop this system in  
29 consultation with professionals in the child welfare  
30 field, using outside technical assistance from the  
31 national conference of state legislatures and the  
32 center for the study of social policy where possible."

33 15. Page 34, line 14, by striking the figure  
34 "2,880,300" and inserting the following: "2,780,300".

35 16. Page 35, by striking lines 9 through 17.

36 17. Page 40, by inserting after line 12 the

H-3818A

37 following:

38 "\_\_\_\_\_. A county shall be responsible for the  
39 nonfederal share of costs for care of medicaid-  
40 eligible residents with legal settlement in that  
41 county regardless of the level of care provided to  
42 that resident. A county shall be responsible for  
43 eighty percent of the cost of care for residents who  
44 are not medicaid-eligible."

45 18. Page 42, line 25, by striking the word  
46 "thirty" and inserting the following: "twenty-five".

47 19. Page 42, by inserting after line 32 the  
48 following:

49 "The department of human services, in conjunction  
50 with representatives of provider and consumer

Page 4

1 organizations, shall study the development of a  
2 payment system for state supplementary assistance,  
3 foster care, Title XIX and the social services block  
4 grant which broadens the array of housing, vocational,  
5 employment and support options and provides incentive  
6 to providers complying with section 225C.28,  
7 subsections 6 and 7, and report to the general  
8 assembly by February 1, 1988 regarding the payment  
9 system.

10 Sec. \_\_\_\_\_. TRANSPLANTS. The department of human  
11 services shall develop emergency administrative rules  
12 which implement a state plan for transplants. Such  
13 rules shall be at least as stringent as any existing  
14 Title XIX or XVIII rules and shall not allow payment  
15 for transplants listed as experimental by either Title  
16 XIX or XVIII. Such rules shall be superseded by the  
17 state plan developed pursuant to chapter 142B, the  
18 human organ and tissue transplant policy if House File  
19 601, specifying such rules, is enacted by the general  
20 assembly."

21 20. Page 44, by inserting after line 23 the  
22 following:

23 "The department shall establish, unless disapproved  
24 by the United States department of health and human  
25 services, a new reimbursement system for drug products  
26 based on the average wholesale price of drug product  
27 costs. The department shall adjust the maximum  
28 allowable professional fee to reflect the change in  
29 the reimbursement system from estimated acquisition  
30 cost to average wholesale price reimbursement."

31 21. Page 45, by striking lines 6 through 13 and  
32 inserting the following:

33 "\_\_\_\_\_. For services given by social service  
34 providers on or after July 1, 1987, reductions to

## H-3818A

35 invoices or rates shall be discontinued. In addition,  
 36 for services given between July 1, 1987 and June 30,  
 37 1988, rates shall be automatically increased by four  
 38 percent over the unreduced rates in effect on June 30,  
 39 1987. Rates for foster group care and shelter care  
 40 services shall not exceed sixty-eight dollars and  
 41 eighty cents per day. This automatic increase is  
 42 intended to be a one-time exception to policy for the  
 43 fiscal year beginning July 1, 1987 and ending June 30,  
 44 1988 only and is not intended to eliminate regular  
 45 submission of cost reports."

46 22. By renumbering, relettering, or redesignating  
 47 and correcting internal references as necessary.

Haverland of Polk asked and received unanimous consent to withdraw amendment H-3818B.

Hester of Pottawattamie offered the following amendment H-3852, to amendment H-3818A, filed by her from the floor and moved its adoption:

## H-3852

- 1 Amend amendment H-3818 to House File 671 as
- 2 follows:
- 3 1. Page 3, line 40, inserting after the word
- 4 "residents" the words "of state hospital schools".

Amendment H-3852 was adopted.

Haverland of Polk offered the following amendment H-3853, to amendment H-3818A, filed by him from the floor and moved its adoption:

## H-3853

- 1 Amend amendment, H-3818, to House File 671 as
- 2 follows:
- 3 1. Page 4, by striking line 21 and inserting the
- 4 following:
- 5 "\_\_\_\_\_. Page 44, by striking lines 17 through 23
- 6 and inserting the".

Amendment H-3853 was adopted.

Speaker Avenson in the chair at 1:34 p.m.

Further division of amendment H-3818 was requested: Page 3, lines 47 through page 4, line 20 to be amendment H-3818C.

On motion by Haverland of Polk, amendment H-3818A, as amended, was adopted.

Teaford of Black Hawk offered the following amendment H—3794 filed by her and moved its adoption:

H—3794

- 1 Amend House File 671 as follows:
- 2 1. Page 27, by inserting after line 2, the
- 3 following:
- 4 “(7) Pregnancy prevention programs which teach and
- 5 encourage teen sexual abstinence.”

Amendment H—3794 was adopted.

Van Maanen of Mahaska offered the following amendment H—3753 filed by him and moved its adoption:

H—3753

- 1 Amend House File 671 as follows:
- 2 1. Page 27, by striking lines 14 through 16 and
- 3 inserting the following: “grants.”

Amendment H—3753 was adopted.

Tyrrell of Iowa offered the following amendment H—3814 filed by Tyrrell, et al.:

H—3814

- 1 Amend House File 671 as follows:
- 2 1. By striking page 26, line 5 through page 27,
- 3 line 16.
- 4 2. Page 28, line 4, by striking the figure
- 5 “137,982,500” and inserting the following:
- 6 “138,482,500”.

Schneklath of Scott offered the following amendment H—3846, to amendment H—3814, filed by him from the floor and moved its adoption:

H—3846

- 1 Amend amendment, H—3814, to House File 671 as
- 2 follows:
- 3 1. Page 1, by inserting after line 6 the
- 4 following:
- 5 “\_\_\_\_\_. Page 44, line 16, by inserting after the
- 6 word “data.” the following: “The department shall
- 7 designate a prevailing daily reimbursement rate for
- 8 intermediate care facilities in each county in the
- 9 state and funds appropriated under section 203,
- 10 subsection 2 of this Act shall be prorated in such a
- 11 manner that the same percentage of cost shall be paid
- 12 in all counties of the state.”
- 13 2. By renumbering as necessary.

A non-record roll call was requested.

The ayes were 10, nays 30.

Amendment H—3846 lost.

Tyrrell of Iowa offered the following amendment H—3847, to amendment H—3814, filed by him from the floor and moved its adoption:

H—3847

- 1 Amend amendment, H—3814, to House File 671 as fol-
- 2 lows:
- 3 1. Page 1, by inserting after line 6 the fol-
- 4 lowing:
- 5 “\_\_\_\_\_ Page 44, line 15, by striking the word and
- 6 figure “June 30,” and inserting the following:
- 7 “December 31,”.

Roll call was requested by Tyrrell of Iowa and Kremer of Buchanan.

On the question “Shall amendment H—3847, to amendment H—3814, be adopted?” (H.F. 671)

The ayes were, 28:

Bennett	Branstad	Carpenter	Corbett
Corey	Daggett	De Groot	Eddie
Garman	Hanson, D. R.	Harbor	Hermann
Hummel	Kremer	Lageschulte	Lundby
Maulsby	Paulin	Pellett	Petersen, D. F.
Renken	Schnekloth	Stromer	Stueland
Swearingen	Tyrrell	Van Camp	Van Maanen

The nays were, 65:

Adams	Arnould	Beatty	Bisignano
Black	Blanshan	Brammer	Buhr
Chapman	Clark	Cohoon	Connolly
Connors	Cooper	Diemer	Doderer
Dvorsky	Fey	Fogarty	Fuller
Gruhn	Halvorson, R. N.	Hammond	Hansen, S. D.
Harper	Hatch	Haverland	Hester
Holveck	Jay	Jochum	Johnson
Knapp	Koenigs	May	McKean
McKinney	Metcalf	Muhlbauer	Mullins
Neuhauser	Ollie	Osterberg	Parker
Pavich	Peters	Peterson, M. K.	Plasier
Poncy	Renaud	Rosenberg	Running
Schrader	Sherzan	Shoning	Shoultz
Siegrist	Skow	Spear	Svoboda
Swartz	Tabor	Teaford	Wise
Mr. Speaker			

Absent or not voting, 7:

Beaman	Groninga	Halvorson, R. A.	Miller
Norrgard	Platt	Royer	

Amendment H—3847 lost.

Tyrrell of Iowa asked and received unanimous consent to withdraw amendment H—3814, found on page 1482 of the House Journal.

Jochum of Dubuque asked and received unanimous consent to withdraw amendment H—3813 filed by him on April 15, 1987.

Jochum of Dubuque offered the following amendment H—3802 filed by him and moved its adoption:

H—3802

- 1 Amend House File 671 as follows:
- 2 1. Page 37, line 31, by inserting after the word
- 3 "more" the following: "than seven hundred".

Amendment H—3802 was adopted.

Jochum of Dubuque offered the following amendment H—3825 filed by him from the floor and moved its adoption:

H—3825

- 1 Amend House File 671 as follows:
- 2 1. Page 40, by inserting after line 28 the
- 3 following:
- 4 "Sec. 2070. ADDITIONAL POSITIONS. The state
- 5 hospital-schools and mental health institutes may
- 6 exceed their specified limit of full-time equivalent
- 7 positions if such additional positions are
- 8 specifically related to licensing, certification or
- 9 accreditation standards or citations."

Amendment H—3825 was adopted.

Van Maanen of Mahaska offered the following amendment H—3828 filed by Norrgard of Des Moines and him from the floor and moved its adoption:

H—3828

- 1 Amend House File 671 as follows:
- 2 1. Page 42, by inserting after line 32 the
- 3 following:
- 4 "It is the intent of the general assembly that
- 5 effective July 1, 1987, the department of human
- 6 services shall, in determining eligibility for the
- 7 social services block grant, disregard one-third of
- 8 all income of a person who receives social security
- 9 permanent disability insurance payments."

Amendment H—3828 was adopted.

Hanson of Delaware offered the following amendment H—3829 filed from the floor by Hanson of Delaware, Van Maanen, Haverland, Norrgard, Hester and Jochum and moved its adoption:

H—3829

1 Amend House File 671 as follows:  
 2 1. Page 42, by inserting after line 32 the  
 3 following:  
 4 "Sec. \_\_\_\_\_. It is the intent of the general  
 5 assembly that effective July 1, 1987, the department  
 6 of human services shall consider fifteen leave days as  
 7 reimbursable units of service for vocational programs  
 8 serving persons with disabilities, that include  
 9 sheltered work, work activity, and supported  
 10 employment services, accredited by the commission on  
 11 accreditation of rehabilitation facilities (CARF) or  
 12 the accreditation council on services for people with  
 13 developmental disabilities (ACDD). The department  
 14 shall adopt administrative rules pursuant to chapter  
 15 17A that clarify policies regarding accrual of such  
 16 leave days. The department shall not specify the  
 17 purposes or otherwise limit the use or number of these  
 18 fifteen leave days when developing and implementing  
 19 such administrative rules."

Amendment H—3829 was adopted.

Hanson of Delaware asked and received unanimous consent to defer action on amendment H—3817.

Jochum of Dubuque offered the following amendment H—3826 filed by him from the floor and moved its adoption:

H—3826

1 Amend House File 671 as follows:  
 2 1. Page 45, by inserting after line 34 the  
 3 following:  
 4 "Sec. 250. 1987 Iowa Acts, House File 355, section  
 5 3, subsection 2, is amended to read as follows:  
 6 2. For food stamp employment and  
 7 training program .....\$ 100,000  
 8 80,000  
 9 Sec. 251. 1987 Iowa Acts, House File 355, section  
 10 8, is amended to read as follows:  
 11 SEC. 8. 1986 Iowa Acts, chapter 1246, section 303,  
 12 subsection 9, is amended to read as follows:  
 13 9. For community-based programs .....\$ 2,698,500  
 14 2,698,000  
 15 Sec. 252. 1987 Iowa Acts, House File 355, section

16 9, is amended to read as follows:

17 SEC. 9. 1986 Iowa Acts, chapter 1246, section 303,  
18 subsection 9, paragraph h, is amended to read as  
19 follows:

20 h. Of the funds appropriated by this subsection,  
21 nine hundred fifteen thousand five hundred ~~(915,500)~~  
22 (915,000) dollars, or so much thereof as is necessary,  
23 is allocated for protective day care.

24 Sec. 253. 1986 Iowa Acts, chapter 1246, section  
25 303, subsection 1, unnumbered paragraph 1, is amended  
26 to read as follows:

27 For aid to families with dependent  
28 children ..... \$ ~~59,000,000~~  
29 57,400,000

30 Sec. 254. 1986 Iowa Acts, chapter 1246, section  
31 303, subsection 2, paragraph e, is amended to read as  
32 follows:

33 e. Any spontaneous abortion, commonly known  
34 as a miscarriage, if not all of the products  
35 of conception are expelled ..... \$ ~~128,000,000~~  
36 132,500,000

37 Sec. 255. 1986 Iowa Acts, chapter 1246, section  
38 303, subsection 3, unnumbered paragraph 1, is amended  
39 to read as follows:

40 For medical contracts ..... \$ ~~2,200,000~~  
41 2,425,400

42 Sec. 256. 1986 Iowa Acts, chapter 1246, section  
43 303, subsection 5, is amended to read as follows:

44 5. For state supplementary assistance,  
45 including state supplementary assistance  
46 for the blind ..... \$ ~~9,500,000~~  
47 10,170,000

48 Sec. 257. 1986 Iowa Acts, chapter 1246, section  
49 303, subsection 8, is amended to read as follows:

50 8. For foster care ..... \$ ~~24,200,000~~

Page 2

1 27,891,807

2 Sec. 258. 1986 Iowa Acts, chapter 1246, section  
3 308, unnumbered paragraph 1, is amended to read as  
4 follows:

5 There is appropriated from the general fund of this  
6 state for the fiscal year beginning July 1, 1986, and  
7 ending June 30, 1987, to the department of human  
8 services for supplementation of federal social  
9 services block grant funds and for allocation to the  
10 various counties for the purchase of local services  
11 and child day care services for eligible individuals,  
12 the following amount, or so much thereof as is  
13 necessary:

14	1986-1987
15	<u>Fiscal Year</u>
16	<u>\$ 3,180,000</u>
17	<u>3,137,563"</u>

18 2. Page 46, by inserting after line 10 the  
19 following:  
20 "Sec. \_\_\_\_\_. Sections 250 through 258 of this Act,  
21 being deemed of immediate importance, take effect upon  
22 enactment."

23 3. Renumber sections and correct internal  
24 references as necessary in accordance with this  
25 amendment.

Amendment H—3826 was adopted.

Fuller of Hardin offered the following amendment H—3819 filed by him and moved its adoption:

H—3819

1 Amend House File 671 as follows:  
2 1. Page 46, by inserting after line 7 the fol-  
3 lowing:  
4 "Sec. \_\_\_\_\_. There is appropriated from the general  
5 fund of the state to the department of human services  
6 for the fiscal year beginning July 1, 1987 and ending  
7 June 30, 1988, the amount of two hundred fifty-nine  
8 thousand (259,000) dollars, or so much thereof as is  
9 necessary, to be used for capital improvements at the  
10 state training school at Eldora, Iowa. The capital  
11 improvements to be made with the funds appropriated in  
12 this section include the installation of an auditorium  
13 elevator and ramp, re-roofing living units 3 & 4, 5 &  
14 6, and 7 & 8, re-roofing the school, and repairing the  
15 copper roof deck and spot tuckpoint on the gymnasium."  
16 2. Page 46, line 10, by inserting after the word  
17 "improvements" the following: ", unless specifically  
18 authorized by the appropriation".  
19 3. Renumber sections and correct internal  
20 references as necessary in accordance with this  
21 amendment.

Amendment H—3819 lost.

Running of Linn asked and received unanimous consent to withdraw amendment H—3783 filed by him on April 15, 1987.

Blanshan of Greene in the chair at 2:16 p.m.

Spear of Lee offered the following amendment H—3795 filed by him and moved its adoption:

## H—3795

- 1 Amend House File 671 as follows:
- 2 1. Page 49, line 2, by striking the word
- 3 "seventeen" and inserting the following: "eighteen".
- 4 2. Page 51, by striking line 4 and inserting the
- 5 following: "computed by the legislative fiscal bureau
- 6 on or before June 1, 1987,".
- 7 3. Page 52, line 33, by inserting after the word
- 8 "annual" the following: "legislative".
- 9 4. Page 54, by inserting after line 31 the
- 10 following:
- 11 "Notwithstanding chapter 232A, it is the intent of
- 12 the general assembly that the judicial department
- 13 receive funds appropriated and administer the Iowa
- 14 juvenile victim restitution program."
- 15 5. Page 54, lines 34 and 35, by striking the
- 16 words "provide juvenile indigent services" and
- 17 inserting the following: "fund the cost of juvenile
- 18 proceedings including attorney and witness fees".
- 19 6. Page 55, by striking lines 14 through 29.
- 20 7. Renumber sections and correct internal
- 21 references as necessary in accordance with this
- 22 amendment.

Amendment H—3795 was adopted.

Sherzan of Polk asked and received unanimous consent to withdraw amendment H—3797 filed by him on April 15, 1987.

Rosenberg of Story offered the following amendment H—3837 filed by him from the floor:

## H—3837

- 1 Amend House File 671 as follows:
- 2 1. By striking page 48, line 33 through page 49,
- 3 line 5 and inserting the following:
- 4 1. For operation of adult
- 5 correctional institutions, in-
- 6 cluding salaries and support
- 7 for not more than one thousand
- 8 six hundred seventeen point
- 9 ninety-three full-time equiva-
- 10 lent positions, maintenance,
- 11 and miscellaneous purposes,
- 12 provided that the director of
- 13 corrections, in order to keep
- 14 expenditures from exceeding
- 15 the amount of funds appro-
- 16 priated by this section, shall
- 17 declare a prison overcrowding
- 18 state of emergency in the state's

19 prisons when the population of  
20 the prison system exceeds two  
21 thousand seven hundred ninety-five  
22 inmates for sixty consecutive  
23 days. Upon the declaration of  
24 a prison overcrowding state of  
25 emergency, the board of parole  
26 shall consider all inmates, ex-  
27 cept for inmates convicted of  
28 class "A" felonies, for parole  
29 who are within nine months of  
30 their tentative discharge date.  
31 If the board of parole's actions  
32 do not reduce the population of  
33 the prison system below two  
34 thousand seven hundred twenty in-  
35 mates within ninety days of the  
36 date of the declaration of the  
37 prison overcrowding state of  
38 emergency, the tentative dis-  
39 charge dates of all inmates,  
40 whose most serious offenses for  
41 which the inmates are currently  
42 incarcerated are crimes against  
43 property and who are incarcer-  
44 ated in state prisons on the  
45 date of the declaration, shall  
46 be reduced by ninety days by  
47 the director of corrections. How-  
48 ever, the tentative discharge  
49 date of a prisoner sentenced un-  
50 der section 204.406, 204.413,

**Page 2**

1 902.7, 902.8, or 906.5 shall  
2 not be reduced under this sec-  
3 tion prior to completion of the  
4 mandatory minimum sentence re-  
5 quired by the section. The  
6 director of corrections shall  
7 terminate a prison overcrowd-  
8 ing state of emergency in the  
9 state's prisons when the popu-  
10 lation of the prison system is  
11 reduced below two thousand seven  
12 hundred twenty inmates. The  
13 department shall adopt adminis-  
14 trative rules which identify  
15 all offenses as either crimes  
16 against property or crimes  
17 against persons. As used in

18 this section, "prison" means a  
 19 correctional facility operated  
 20 by the department of corrections  
 21 and funded under this section,  
 22 "prison system" means the pri-  
 23 sons of this state which are  
 24 the Iowa correctional institu-  
 25 tion for women, the Iowa state  
 26 men's reformatory, the Iowa  
 27 state penitentiary, the Iowa  
 28 medical and classification fa-  
 29 cility, the north central cor-  
 30 rectional facility, the Mount  
 31 Pleasant correctional facility,  
 32 the Clarinda correctional treat-  
 33 ment facility, the correctional  
 34 release center, and the rehabil-  
 35 itation camps, excluding the  
 36 Luster Heights honor camp and  
 37 facilities established under  
 38 1986 Iowa Acts, chapter 1246,  
 39 section 402, subsection 2 for  
 40 treatment of OWI offenders;  
 41 and "tentative discharge date"  
 42 means the date at which an  
 43 inmate is scheduled for re-  
 44 lease including good con-  
 45 duct and work time currently  
 46 received. However, offenders  
 47 for whom the board of parole  
 48 has authorized parole, but for  
 49 whom the director has determined  
 50 that inadequate parole plans

Page 3

1 have been formulated, may remain  
 2 within the correctional institu-  
 3 tion for a period of ten days  
 4 following parole authorization or  
 5 until adequate parole plans have  
 6 been developed, whichever date is  
 7 sooner. During this period of  
 8 time, the offender shall not be  
 9 included in the list of names  
 10 used to determine the existence  
 11 of a prison overcrowding emer-  
 12 gency. On and after July 1, 1987,  
 13 the superintendent shall not admit  
 14 additional inmates to the medium  
 15 security facility of the men's re-  
 16 formatory at Anamosa if the inmate  
 17 population of the men's reforma-  
 18 tory equals or exceeds eight hun-  
 19 dred and fifty inmates . . . . . \$ 54,000,000"

Sherzan of Polk offered the following amendment H—3851, to amendment H—3837, filed by him from the floor:

H—3851

1 Amend the Rosenberg amendment, H—3837, to House  
2 File 671 as follows:

3 1. By striking page 1, line 2 through page 3,  
4 line 19 and inserting the following:  
5 "\_\_\_\_\_. Page 55, by inserting after line 13 the  
6 following:

7 "Sec. 350. 1986 Iowa Acts, chapter 1246, section  
8 401, subsection 1, is amended to read as follows:

9 1. For operation of adult  
10 correctional institutions, in-  
11 cluding salaries and support,  
12 maintenance, and miscellaneous  
13 purposes, provided that the di-  
14 rector of corrections, in order  
15 to keep expenditures from exceed-  
16 ing the amount of funds appro-  
17 priated by this section, shall  
18 declare a prison overcrowding  
19 state of emergency in the state's  
20 prisons when the population of  
21 the prison system exceeds two  
22 thousand six hundred forty-five  
23 inmates for sixty consecutive  
24 days. Upon the declaration of  
25 a prison overcrowding state of  
26 emergency, the board of parole  
27 shall consider all inmates, ex-  
28 cept for inmates convicted of  
29 class "A" felonies, for parole  
30 who are within nine months of  
31 their tentative discharge date.  
32 If the board of parole's actions  
33 do not reduce the population of  
34 the prison system below two  
35 thousand six hundred twenty in-  
36 mates within ninety days of the  
37 date of the declaration of the  
38 prison overcrowding state of  
39 emergency, the tentative dis-  
40 charge dates of all inmates,  
41 whose most serious offenses for  
42 which the inmates are currently  
43 incarcerated are crimes against  
44 property and who are incarcer-  
45 ated in state prisons on the  
46 date of the declaration, shall  
47 be reduced by ninety days by

48 the director of corrections. How-  
49 ever, the tentative discharge  
50 date of a prisoner sentenced un-

Page 2

1 der section 204.406, 204.413,  
2 902.7, 902.8, or 906.5 shall  
3 not be reduced under this sec-  
4 tion prior to completion of the  
5 mandatory minimum sentence re-  
6 quired by the section. The  
7 director of corrections shall  
8 terminate a prison overcrowd-  
9 ing state of emergency in the  
10 state's prisons when the popu-  
11 lation of the prison system is  
12 reduced below two thousand six  
13 hundred twenty inmates. The  
14 department shall adopt adminis-  
15 trative rules which identify  
16 all offenses as either crimes  
17 against property or crimes  
18 against persons. As used in  
19 this section, "prison" means a  
20 correctional facility operated  
21 by the department of corrections  
22 and funded under this section,  
23 "prison system" means the pri-  
24 sons of this state which are  
25 the Iowa correctional institu-  
26 tion for women, the Iowa state  
27 men's reformatory, the Iowa  
28 state penitentiary, the Iowa  
29 medical and classification fa-  
30 cility, the north central cor-  
31 rectional facility, the Mount  
32 Pleasant correctional facility,  
33 the Clarinda correctional treat-  
34 ment facility, the correctional  
35 release center, and the rehabil-  
36 itation camps, excluding the  
37 Luster Heights honor camp and  
38 facilities established under  
39 section 402, subsection 2 of  
40 this Act for treatment of OWI  
41 offenders; and "tentative dis-  
42 charge date" means the date at  
43 which an inmate is scheduled  
44 for release including good con-  
45 duct and work time currently  
46 received. However, offenders

47 for whom the board of parole  
48 has authorized parole, but for  
49 whom the director has determined  
50 that inadequate parole plans

Page 3

1 have been formulated, may remain  
2 within the correctional institu-  
3 tion for a period of ten days  
4 following parole authorization or  
5 until adequate parole plans have  
6 been developed, whichever date is  
7 sooner. During this period of  
8 time, the offender shall not be  
9 included in the list of names  
10 used to determine the existenee  
11 of a prison overerowding emer-  
12 gency. On and after July 1, 1986,  
13 the superintendent shall not admit  
14 additional inmates to the medium  
15 security facility of the men's re-  
16 formatory at Anamosa if the inmate  
17 population of the men's reforma-  
18 tory equals or exceeds eight hun-  
19 dred and fifty inmates ..... \$ 50,094,227"

20 \_\_\_\_\_ Page 55, by inserting after line 35

21 the following:

22 "Sec. \_\_\_\_\_. Section 350 of this Act, being deemed  
23 of immediate importance, takes effect upon enactment." "

Speaker Avenson in the chair at 3:19 p.m.

Sherzan of Polk moved the adoption of amendment H—3851, to amendment H—3837.

A non-record roll call was requested.

The ayes were 62, nays 27.

Amendment H—3851 was adopted.

Rosenberg of Story moved the adoption of amendment H—3837, as amended.

A non-record roll call was requested.

The ayes were 46, nays 29.

Amendment H—3837, as amended, was adopted.

McKean of Jones offered the following amendment H—3793 filed by McKean, et al., and moved its adoption:

H-3793

- 1 Amend House File 671 as follows:
- 2 1. Page 54, line 20, by striking the figure
- 3 "55,885,000" and inserting the following:
- 4 "54,000,000".

A non-record roll call was requested.

The ayes were 29, nays 43.

Amendment H-3793 lost.

Jochum of Dubuque offered the following amendment H-3791 filed by him and moved its adoption:

H-3791

- 1 Amend House File 671 as follows:
- 2 1. Page 54, by inserting after line 23 the
- 3 following:
- 4 "Funds appropriated under this subsection may be
- 5 used to fund any increase in the salaries of the
- 6 judges."

Amendment H-3791 was adopted.

Running of Linn offered the following amendment H-3789 filed by him and moved its adoption:

H-3789

- 1 Amend House File 671 as follows:
- 2 1. Page 58, by inserting after line 11 the
- 3 following:
- 4 "Sec. \_\_\_\_ FEDERAL FUNDS APPROPRIATED FOR BUILDING
- 5 PURCHASE.
- 6 There is appropriated out of the funds made
- 7 available to this state pursuant to section 903 of the
- 8 federal Social Security Act, as amended, for the
- 9 fiscal year beginning July 1, 1987, and ending June
- 10 30, 1988, sixty-two thousand five hundred (62,500)
- 11 dollars, and for the fiscal year beginning July 1,
- 12 1988, and ending June 30, 1989, sixty-two thousand
- 13 five hundred (62,500) dollars, to the department of
- 14 employment services for the payment of the first two
- 15 of four annual payments to the Iowa public employment
- 16 retirement system for the purchase of that portion of
- 17 the state administrative office building located at
- 18 1000 East Grand, Des Moines, Iowa, which is owned by
- 19 the Iowa public employment retirement system.
- 20 The moneys appropriated in this section shall not
- 21 be obligated after June 30, 1989. The amount
- 22 obligated pursuant to this section during any twelve-

23 month period beginning on July 1 and ending on June 30  
24 shall not exceed the amount available for obligation  
25 pursuant to section 903 of the federal Social Security  
26 Act, as amended, and as reflected in the accounts of  
27 the division of job service of the department of  
28 employment services and the United States department  
29 of labor.

30 Sec. \_\_\_\_\_. CONTINGENCY FUND USES — BUILDING AND  
31 EQUIPMENT EXPENSES, ECONOMIC DEVELOPMENT LABOR  
32 SURVEYS, DIVISION-APPROVED TRAINING.

33 1. Notwithstanding the provisions of section  
34 96.13, subsection 3, which restrict the use of moneys  
35 in the special employment security contingency fund,  
36 moneys in the fund on June 30, 1987, shall not be  
37 transferred by the treasurer of state to either the  
38 temporary emergency surcharge fund or the unemployment  
39 compensation fund, but shall be available to the  
40 division of job service of the department of  
41 employment services for the fiscal year beginning July  
42 1, 1987, and ending June 30, 1988, for expenditures  
43 under subsection 2.

44 2. The division of job service shall expend moneys  
45 which are credited to the special employment security  
46 contingency fund during the fiscal year beginning July  
47 1, 1987, and ending June 30, 1988, including moneys  
48 which are available to the division of job service  
49 under subsection 1, only in accordance with the  
50 following restrictions:

Page 2

1 a. The division may expend up to fifty thousand  
2 (50,000) dollars from the fund for upgrading of  
3 electrical service within the state administrative  
4 office building in order to meet existing standards  
5 and for the purchase and installation of word  
6 processing equipment in the state administrative  
7 office building to replace equipment transferred to  
8 the department of inspections and appeals.

9 b. The division may expend up to two hundred fifty  
10 thousand (250,000) dollars from the fund for the  
11 support of the county, labor survey, economic  
12 development teams.

13 c. Any balance of moneys in the special employment  
14 security contingency fund shall be deposited by the  
15 treasurer of state in the division-approved training  
16 fund which is created as a special fund in the state  
17 treasury. Notwithstanding section 453.7, interest or  
18 earnings from moneys deposited in the division-  
19 approved training fund shall be credited to that fund.  
20 The division shall use moneys from the fund to pay  
21 only the instructional cost of training related to

22 tuition and course fees, approved by the division  
 23 pursuant to section 96.4 and 345 IAC, rules 4.39 and  
 24 4.40, for individuals who demonstrate to the  
 25 division's satisfaction that they are financially  
 26 incapable of paying the instructional cost of the  
 27 approved training. However, the division may expend  
 28 up to thirty thousand (30,000) dollars from the fund  
 29 for administrative costs relating to payments for  
 30 division-approved training.

31 Payments from the fund shall not be made to the  
 32 individual receiving approved training but shall be  
 33 made directly to the institution or person providing  
 34 the approved training. Payments shall not exceed one  
 35 thousand dollars per individual trainee in any two-  
 36 year period. The division shall distribute  
 37 information on the qualification requirements for and  
 38 availability of payment for the division-approved  
 39 training to individuals filing claims for benefits or  
 40 receiving benefits under chapter 96."

41 2. By renumbering as necessary.

Amendment H—3789 was adopted.

Renaud of Polk offered the following amendment H—3790 filed by him and moved its adoption:

H—3790

- 1 Amend House File 671 as follows:
- 2 1. Page 69, line 1, by striking the word "forty-
- 3 one" and inserting the following: "eighty-four point
- 4 eighty-three".

Amendment H—3790 was adopted.

Hermann of Scott offered the following amendment H—3777 filed by him:

H—3777

- 1 Amend House File 671 as follows:
- 2 1. Page 70, line 26, by striking the word ", is"
- 3 and inserting the following: "and section 79.19, Code
- 4 1987, are".

Jochum of Dubuque rose on a point of order that amendment H—3777 was not germane.

The Speaker ruled the point well taken and amendment H—3777 not germane.

Hummel of Benton offered the following amendment H—3806 filed by him and moved its adoption:

H—3806

- 1 Amend House File 671 as follows:
- 2 1. Page 70, by striking lines 26 and 27.
- 3 2. Renumber as necessary.

Amendment H—3806 was adopted.

Halvorson of Webster offered the following amendment H—3799 filed by him and Jochum of Dubuque and moved its adoption:

H—3799

- 1 Amend House File 671 as follows:
- 2 1. Page 70, line 30, by inserting after the word
- 3 "members" the following: ", or their designees,".

Amendment H—3799 was adopted.

Hatch of Polk offered the following amendment H—3805 filed by him and moved its adoption:

H—3805

- 1 Amend House File 671 as follows:
- 2 1. Page 71, by inserting after line 28 the
- 3 following:
- 4 "Sec. \_\_\_\_\_. Section 478.4, Code 1987, is amended to
- 5 read as follows:
- 6 478.4 FRANCHISE — HEARING.
- 7 The utilities board shall consider said petition
- 8 and any objections filed thereto in the manner
- 9 hereinafter provided. It shall examine the proposed
- 10 route or cause any engineer selected by it to do so.
- 11 If a hearing is held on the petition it may hear such
- 12 testimony as may aid it in determining the propriety
- 13 of granting such franchise. It may grant such
- 14 franchise in whole or in part upon such terms,
- 15 conditions, and restrictions, and with such
- 16 modifications as to location and route as may seem to
- 17 it just and proper. Before granting such franchise,
- 18 the utilities board shall make a finding that the
- 19 proposed line or lines are necessary to serve a public
- 20 use and represents a reasonable relationship to an
- 21 overall plan of transmitting electricity in the public
- 22 interest. No franchise shall become effective until
- 23 the petitioners shall pay, or file an agreement to
- 24 pay, all costs and expenses of the franchise
- 25 proceeding, whether or not objections are filed,
- 26 including costs of inspections or examinations of the
- 27 route, hearing, salaries, publishing of notice, and
- 28 any other expenses reasonably attributable thereto.
- 29 The funds received for the costs and the expenses of
- 30 the franchise proceeding shall be remitted to the

31 treasurer of state for deposit in the general  
32 utilities trust fund of the state.  
33 Sec. \_\_\_\_\_. Section 479.16, Code 1987, is amended to  
34 read as follows:  
35 479.16 USE OF FUNDS.  
36 All moneys received under the provisions of this  
37 chapter shall be remitted monthly to the treasurer of  
38 state and credited to the general utilities trust fund  
39 of the state."  
40 2. Renumber sections and correct internal  
41 references as necessary in accordance with this  
42 amendment.

Amendment H—3805 was adopted.

Koenigs of Mitchell asked and received unanimous consent to withdraw amendment H—3820 filed by him on April 15, 1987.

The House resumed consideration of amendment H—3801, as amended, previously deferred and found on pages 1464 through 1466 of the House Journal.

Swartz of Marshall offered the following amendment H—3845, to amendment H—3801, filed by him from the floor and moved its adoption:

H—3845

- 1 Amend amendment, H—3801, to House File 671 as fol-
- 2 lows:
- 3 1. Page 3, line 9, by striking the figure
- 4 "138,391,254" and inserting the following:
- 5 "138,291,254".

Amendment H—3845 was adopted.

On motion by Swartz of Marshall, amendment H—3801, as amended, was adopted.

The House resumed consideration of amendment H—3821, previously deferred, found on pages 1468 through 1470 of the House Journal.

Hester of Pottawattamie offered the following amendment H—3862, to amendment H—3821, filed by her from the floor and moved its adoption:

H—3862

- 1 Amend amendment, H—3821, to House File 671 as
- 2 follows:
- 3 1. Page 2, by inserting after line 49, the
- 4 following:
- 5 "\_\_\_\_\_. Page 23, by striking lines 18 through 27

6 and inserting the following: "needs for one person at  
 7 one hundred sixty-nine dollars, for two persons at  
 8 three hundred thirty-four dollars, for three persons  
 9 at three hundred ninety-five dollars, for four persons  
 10 at four hundred fifty-nine dollars, for five persons  
 11 at five hundred eight dollars, for six persons at five  
 12 hundred sixty-five dollars, for seven persons at six  
 13 hundred twenty-one dollars, for eight persons at six  
 14 hundred seventy-seven dollars, for nine persons at  
 15 seven hundred thirty-three dollars, for ten persons at  
 16 eight hundred one dollars, and for each additional  
 17 person eighty dollars." "

Amendment H—3862 was adopted.

Hester of Pottawattamie moved the adoption of amendment H—3821, as amended.

Roll call was requested by Stromer of Hancock and Hester of Pottawattamie.

On the question "Shall amendment H—3821, as amended, be adopted?" (H.F. 671)

The ayes were, 38:

Beaman	Bennett	Branstad	Corbett
Corey	Daggett	De Groot	Diemer
Eddie	Fogarty	Garman	Halvorson, R. A.
Hanson, D. R.	Harbor	Hermann	Hester
Hummel	Kremer	Lageschulte	Lundby
Maulsby	McKean	Metcalf	Miller
Paulin	Pellett	Petersen, D. F.	Plasier
Platt	Renken	Running	Schnekloth
Skow	Stromer	Stueland	Tyrrell
Van Camp	Van Maanen		

The nays were, 57:

Adams	Arnould	Beatty	Bisignano
Black	Blanshan	Brammer	Buhr
Carpenter	Chapman	Clark	Cohon
Connors	Cooper	Dvorsky	Fey
Fuller	Groninga	Gruhn	Halvorson, R. N.
Hammond	Hansen, S. D.	Harper	Hatch
Haverland	Holveck	Jay	Jochum
Johnson	Knapp	Koenigs	May
McKinney	Muhlbauer	Mullins	Neuhauser
Ollie	Osterberg	Parker	Pavich
Peters	Peterson, M. K.	Poncy	Renaud
Rosenberg	Schrader	Sherzan	Shoning
Shoultz	Siegrist	Spear	Svoboda
Swartz	Tabor	Teaford	Wise
Mr. Speaker			

Absent or not voting, 5:

Connolly  
Swearingen

Doderer

Norrgard

Royer

Amendment H—3821, as amended, lost.

Hammond of Story offered the following amendment H—3812, previously deferred, filed by her and Harper of Black Hawk and moved its adoption:

H—3812

- 1 Amend House File 671 as follows:
- 2 1. Page 11, line 21, by striking the figure
- 3 "2,097,108" and inserting the following: "2,147,108".
- 4 2. Page 11, by inserting after line 28, the
- 5 following:
- 6 "Of the funds appropriated under this paragraph
- 7 fifty thousand (50,000) dollars shall be used for a
- 8 lead abatement program."

A non-record roll call was requested.

The ayes were 38, nays 14.

Amendment H—3812 was adopted.

Mullins of Kossuth offered the following amendment H—3823, previously deferred, filed by her and Branstad of Winnebago:

H—3823

- 1 Amend House File 671 as follows:
- 2 1. Page 23, line 2, by striking the figure
- 3 "29,000,000" and inserting the following:
- 4 "29,006,594".
- 5 2. Page 23, line 15, by striking the figure
- 6 "62,517,500" and inserting the following:
- 7 "63,025,636".
- 8 3. Page 23, by striking lines 18 through 25 and
- 9 inserting the following: "needs for one person at one
- 10 hundred seventy-three dollars, for two persons at
- 11 three hundred forty-two dollars, for three persons at
- 12 four hundred four dollars, for four persons at four
- 13 hundred seventy dollars, for five persons at five
- 14 hundred twenty dollars, for six persons at five
- 15 hundred seventy-eight dollars, for seven persons at
- 16 six hundred thirty-five dollars, for eight persons at
- 17 six hundred ninety-three dollars, for nine persons at
- 18 seven hundred fifty dollars, for ten".
- 19 4. Page 24, by inserting after line 30 the
- 20 following:
- 21 "\_\_\_\_\_ Effective April 1, 1988, the department

22 shall liberalize its resource policies in the aid to  
 23 families with dependent children program by excluding  
 24 the value of income producing property of self-  
 25 employed individuals to the extent allowed by the  
 26 United States department of health and human  
 27 services."

28 5. By striking page 24, line 31 through page 25,  
 29 line 6.

30 6. Page 28, line 4, by striking the figure  
 31 "137,982,500" and inserting the following:  
 32 "138,449,146".

33 7. Page 29, line 33, by striking the figure  
 34 "2,550,000" and inserting the following: "2,559,275".

35 8. Page 37, by inserting after line 10 the  
 36 following:

37 "Sec. 203A. ADDITIONAL FUNDING. Notwithstanding  
 38 1986 Iowa Acts, chapter 1246, section 14, subsection  
 39 7, there is appropriated from the moneys appropriated  
 40 to the obstetrical patient care fund to the department  
 41 of human services for the fiscal year beginning July  
 42 1, 1987 and ending June 30, 1988 four hundred twenty-  
 43 three thousand (423,000) dollars or so much thereof as  
 44 is necessary to supplement the funds appropriated in  
 45 section 203, subsection 1, of this Act."

The Speaker announced that lines 5 through 7 and lines 30 through 32 of amendment H—3823 were out of order.

The Speaker announced that amendment H—3859, to amendment H—3823, filed by Mullins of Kossuth and Branstad of Winnebago from the floor, was out of order.

Mullins of Kossuth moved the adoption of amendment H—3823.

Roll call was requested by Mullins of Kossuth and Lageschulte of Bremer.

On the question "Shall amendment H—3823 be adopted?"  
 (H.F. 671)

The ayes were, 29:

- |               |             |                  |                  |
|---------------|-------------|------------------|------------------|
| Adams         | Beaman      | Branstad         | Carpenter        |
| Clark         | Corbett     | Daggett          | De Groot         |
| Eddie         | Garman      | Halvorson, R. A. | Halvorson, R. N. |
| Hanson, D. R. | Harbor      | Holveck          | Koenigs          |
| Kremer        | Lageschulte | Lundby           | McKean           |
| Mullins       | Paulin      | Pellett          | Plasier          |
| Platt         | Renken      | Running          | Stromer          |
| Van Camp      |             |                  |                  |

The nays were, 53:

Arnould	Beatty	Brammer	Buhr
Chapman	Cohoon	Connolly	Connors
Cooper	Diemer	Doderer	Dvorsky
Fey	Fogarty	Gruhn	Hammond
Hansen, S. D.	Harper	Haverland	Hermann
Hester	Jay	Jochum	Johnson
Knapp	Maulsby	May	McKinney
Miller	Muhlbauer	Neuhauser	Osterberg
Parker	Pavich	Peterson, M. K.	Poncy
Renaud	Rosenberg	Schneklath	Sherzan
Shoning	Siegrist	Skow	Spear
Stueland	Svoboda	Swartz	Tabor
Teaford	Tyrrell	Van Maanen	Wise
Mr. Speaker			

Absent or not voting, 18:

Bennett	Bisignano	Black	Blanshan
Corey	Fuller	Groninga	Hatch
Hummel	Metcalf	Norrgard	Ollie
Peters	Petersen, D. F.	Royer	Schrader
Shoultz	Swearingen		

Amendment H—3823 lost.

Rosenberg of Story offered the following amendment H—3848 filed by him and Haverland of Polk from the floor:

H—3848

- 1 Amend House File 671 as follows:
- 2 1. Page 23, by striking lines 33 and 34 and
- 3 inserting the following: "funds appropriated in
- 4 subsection 1, four hundred thousand (400,000) dollars,
- 5 or so".
- 6 2. Page 24, by inserting after line 18, the
- 7 following:
- 8 "\_\_\_\_\_. Of the funds appropriated in this
- 9 subsection, three hundred fifty thousand (350,000)
- 10 dollars, or so much thereof as is necessary shall be
- 11 allocated for the rehabilitation, construction, or
- 12 purchase of transitional shelters for homeless
- 13 families, under provisions of House File 603 if
- 14 enacted by the Seventy-second General Assembly, 1987
- 15 Session, and becomes law. If House File 603 is not
- 16 enacted by the Seventy-second General Assembly, 1987
- 17 Session, the funds shall be transferred to the Iowa
- 18 finance authority for the rehabilitation,
- 19 construction, or purchase of transitional shelters for
- 20 homeless families. Any state funds may be used for
- 21 matching federal funds if available."

Rosenberg of Story offered the following amendment H—3860, to amendment H—3848, filed by him from the floor and moved its adoption:

H—3860

- 1 Amend amendment, H—3848, to House File 671 as
- 2 follows:
- 3 1. Page 1, by striking lines 8 through 11 and
- 4 inserting the following:
- 5 “ “ \_\_\_\_\_. There is appropriated three hundred fifty
- 6 thousand (350,000) dollars or so much thereof as is
- 7 necessary from the general fund of the state to the
- 8 Iowa finance authority for the rehabilitation,
- 9 construction, or”.
- 10 2. Page 1, by striking line 17 and inserting the
- 11 following: “Session, the funds shall be used by the
- 12 Iowa”.

Amendment H—3860 was adopted.

On motion by Rosenberg of Story, amendment H—3848, as amended, was adopted.

The House resumed consideration of amendment H—3818C, found on page 1480 of the House Journal.

On motion by Haverland of Polk, amendment H—3818C was adopted.

Hanson of Delaware offered the following amendment H—3817, previously deferred, filed by him:

H—3817

- 1 Amend House File 671 as follows:
- 2 1. Page 45, by inserting after line 13 the
- 3 following:
- 4 “Sec. \_\_\_\_\_. The department of human services shall
- 5 provide for direct reimbursement to persons contracted
- 6 with for transportation purposes. It is the intent of
- 7 the general assembly that these persons are not con-
- 8 sidered public employees but are independent
- 9 contractors.”

Hanson of Delaware offered the following amendment H—3861, to amendment H—3817, filed by him from the floor and moved its adoption:

H—3861

- 1 Amend amendment, H—3817, to House File 671 as
- 2 follows:

- 3 1. Page 1, by striking lines 5 through 9 and  
 4 inserting the following: "implement a rule under  
 5 Title XIX that allows for direct payment to a provider  
 6 of transportation if there is evidence that the  
 7 recipient is not paying the transportation provider."

Amendment H—3861 was adopted.

On motion by Hanson of Delaware, amendment H—3817, as amended, was adopted.

Van Camp of Scott offered the following amendment H—3824 filed by him from the floor and moved its adoption:

H—3824

- 1 Amend House File 671 as follows:  
 2 1. Page 45, by inserting after line 34 the  
 3 following:  
 4 "Sec. \_\_\_\_\_. There is appropriated from the general  
 5 fund of the state to the department of human services  
 6 for the fiscal year beginning July 1, 1987 and ending  
 7 June 30, 1988, the sum of one hundred twenty thousand  
 8 (120,000) dollars, or so much thereof as is necessary,  
 9 to contract for a comprehensive study of the aid to  
 10 dependent children standard of need."  
 11 2. Renumber sections and correct internal  
 12 references as necessary in accordance with this  
 13 amendment.

Van Camp of Scott offered the following amendment H—3856, to amendment H—3824, filed by him from the floor and moved its adoption:

H—3856

- 1 Amend amendment H—3824 to House File 671 as  
 2 follows:  
 3 1. Page 1, by inserting after line 1, the  
 4 following:  
 5 "\_\_\_\_\_. Page 27, by striking line 11 and inserting  
 6 the following: "Three hundred eighty thousand  
 7 (380,000) dollars, or so much thereof as".

A non-record roll call was requested.

The ayes were 17, nays 37.

Amendment H—3856 lost.

Van Camp of Scott moved the adoption of amendment H—3824.

A non-record roll call was requested.

The ayes were 17, nays 37.

Amendment H—3824 lost.

Jay of Appanoose called up for consideration the motion to reconsider amendment H—3844 filed by him from the floor and moved to reconsider the vote by which amendment H—3844, found on pages 1471 and 1472 of the House Journal, was adopted by the House on April 16, 1987.

A non-record roll call was requested.

The ayes were 52, nays 40.

The motion prevailed and the House reconsidered amendment H—3844, placing out of order the motion to reconsider amendment H—3844 filed by Hansen of Woodbury from the floor.

Hermann of Scott moved the adoption of amendment H—3844.

Roll call was requested by Hermann of Scott and Stromer of Hancock.

Rule 75 was invoked.

On the question "Shall amendment H—3844 be adopted?" (H.F. 671)

The ayes were, 44:

Beaman	Bennett	Brammer	Branstad
Buhr	Carpenter	Clark	Corbett
Corey	Daggett	De Groot	Diemer
Eddie	Garman	Halvorson, R. A.	Hanson, D. R.
Harbor	Hermann	Hester	Holveck
Hummel	Kremer	Lageschulte	Lundby
Maulsby	McKean	Metcalf	Miller
Mullins	Paulin	Pellett	Petersen, D. F.
Plasier	Platt	Renken	Schneklath
Shoning	Siegrist	Stromer	Stueland
Swearingen	Tyrrell	Van Camp	Van Maanen

The nays were, 54:

Adams	Arnould	Beatty	Bisignano
Black	Blanshan	Chapman	Cohoon
Connolly	Connors	Cooper	Doderer
Dvorsky	Fey	Fogarty	Fuller
Groninga	Gruhn	Halvorson, R. N.	Hammond
Hansen, S. D.	Harper	Hatch	Haverland
Jay	Jochum	Johnson	Knapp
Koenigs	May	McKinney	Muhlbauer
Neuhauser	Ollie	Osterberg	Parker
Pavich	Peters	Peterson, M. K.	Poncy
Renaud	Rosenberg	Running	Schrader
Sherzan	Shoultz	Skow	Spear
Svoboda	Swartz	Tabor	Teaford
Wise	Mr. Speaker		

Absent or not voting, 2:

Norrgard Royer

Amendment H—3844 lost.

Carpenter of Polk called up for consideration the motion to reconsider amendment H—3801 filed by her from the floor and moved to reconsider the vote by which amendment H—3801, as amended, (found on pages 1464 through 1466 of the House Journal) was adopted by the House on April 16, 1987.

A non-record roll call was requested.

The ayes were 40, nays 48.

The motion to reconsider lost.

Amendment H—3858 filed by Renaud of Polk from the floor and not timely filed pursuant to Rule 31.8, was out of order.

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. 671)

The ayes were, 69:

Adams	Arnould	Beatty	Bisignano
Black	Blanshan	Brammer	Buhr
Chapman	Clark	Cphoon	Connolly
Connors	Cooper	Corbett	Diemer
Doderer	Dvorsky	Eddie	Fey
Fogarty	Fuller	Groninga	Gruhn
Halvorson, R. N.	Hammond	Hansen, S. D.	Harper
Hatch	Haverland	Hester	Holveck
Jay	Jochum	Johnson	Knapp
Koenigs	Lageschulte	Lundby	May
McKean	McKinney	Miller	Muhlbauer
Mullins	Neuhauser	Ollie	Osterberg
Parker	Pavich	Peters	Peterson, M. K.
Poncy	Renaud	Rosenberg	Running
Schrader	Sherzan	Shoning	Shultz
Siegrist	Skow	Spear	Svoboda
Swartz	Tabor	Teaford	Wise
Mr. Speaker			

The nays were, 29:

Beaman	Bennett	Branstad	Carpenter
Corey	Daggett	De Groot	Garman
Halvorson, R. A.	Hanson, D. R.	Harbor	Hermann
Hummel	Kremer	Maulsby	Metcalf

Paulin  
Platt  
Stueland  
Van Maanen

Pellett  
Renken  
Swearingen

Petersen, D. F.  
Schnekloth  
Tyrrell

Plasier  
Stromer  
Van Camp

Absent or not voting, 2:

Norrgard Royer

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

**IMMEDIATE MESSAGE**  
(House File 671)

Arnould of Scott asked and received unanimous consent that House File 671 be immediately messaged to the Senate.

**LEAVE OF ABSENCE**

Leave of absence was granted as follows:

Swearingen of Keokuk, for the remainder of the day, on request of Carpenter of Polk.

**Unfinished Business Calendar**

The House resumed consideration of **Senate File 480**, a bill for an act relating to things of value given to and received by public employees, officials, members of the general assembly, other persons serving in a public capacity, and candidates, mandating reporting of certain things of value, subjecting violators to penalties, and providing an effective date, deferred and placed on the unfinished business calendar April 14, 1987.

The House stood at ease at 5:49 p.m., until the fall of the gavel.

The House resumed session and consideration of **Senate File 480** at 6:03 p.m., Speaker Avenson in the chair.

Chapman of Linn offered the following amendment H—3803 filed by her and De Groot of Lyon:

H—3803

- 1 Amend Senate File 480 as amended, passed and
- 2 reprinted by the Senate as follows:
- 3 1. By striking all after the enacting clause and
- 4 inserting the following:
- 5 "Section 1. Section 68B.2, Code 1987, is amended
- 6 by striking the section and inserting in lieu thereof
- 7 the following:
- 8 68B.2 DEFINITIONS.
- 9 When used in this chapter, unless the context

10 otherwise requires:

11 1. "Compensation" means any money, thing of value,  
12 or financial benefit conferred in return for services  
13 rendered or to be rendered.

14 2. "Legislative employee" means a full-time  
15 officer or employee of the general assembly but does  
16 not include members of the general assembly.

17 3. "Member of the general assembly" means an  
18 individual duly elected to the senate or the house of  
19 representatives of the state of Iowa.

20 4. "Regulatory agency" means the department of  
21 agriculture and land stewardship, department of  
22 employment services, department of commerce,  
23 department of public health, department of public  
24 safety, department of education, state board of  
25 regents, department of human services, department of  
26 revenue and finance, department of inspections and  
27 appeals, department of personnel, public employment  
28 relations board, department of transportation, civil  
29 rights commission, department of public defense, and  
30 department of natural resources.

31 5. "Employee" means a full-time, salaried employee  
32 of the state of Iowa and does not include part-time  
33 employees or independent contractors. Employee  
34 includes but is not limited to all clerical personnel.

35 6. "Official" means an officer of the state of  
36 Iowa receiving a salary or per diem whether elected or  
37 appointed or whether serving full-time or part-time.  
38 Official includes but is not limited to supervisory  
39 personnel and members of state agencies and does not  
40 include members of the general assembly or legislative  
41 employees.

42 7. "Agency" means a department, division, board,  
43 commission, or bureau of the state, including a  
44 regulatory agency or any of its political  
45 subdivisions.

46 8. "Candidate" means a candidate as defined in  
47 section 56.2 and includes a person elected to public  
48 office until the person takes office.

49 9. a. "Gift" means a rendering of money,  
50 property, services, discount, loan forgiveness,

**Page 2**

1 payment of indebtedness, or anything else of value in  
2 return for which legal consideration of equal or  
3 greater value is not given and received, if the donor  
4 is in any of the following categories:

5 (1) Is doing or seeking to do business of any kind  
6 with the donee's agency.

7 (2) Is engaged in activities which are regulated  
8 or controlled by the donee's agency.

9 (3) Has interests which may be substantially and  
10 materially affected, in a manner distinguishable from  
11 the public generally, by the performance or  
12 nonperformance of the donee's official duties.

13 (4) Is a lobbyist with respect to matters within  
14 the scope of the donee's official duties.

15 b. However, "gift" does not mean any of the  
16 following:

17 (1) Campaign contributions.

18 (2) Food and beverage provided for immediate  
19 consumption in the presence of the donor.

20 (3) Nonmonetary items with a value of five dollars  
21 or less.

22 (4) Items donated within thirty days to a public  
23 body or a bona fide educational or charitable  
24 organization without the donation being claimed at any  
25 time as a charitable contribution for tax purposes.

26 10. "Local official" and "local employee" mean an  
27 official or employee of a political subdivision of  
28 this state.

29 11. "Doing business with the state or a political  
30 subdivision" means being a party to any one or any  
31 combination of sales, purchases, leases, or contracts  
32 to, from, or with the state or a political  
33 subdivision, or any agency thereof, involving  
34 consideration of two thousand five hundred dollars or  
35 more on a cumulative basis during a calendar year. In  
36 the case of the awarding or execution of a contract or  
37 lease, the total ascertainable consideration committed  
38 to be paid at the time of the making of the contract  
39 or lease, regardless of the period of time over which  
40 the payments are to be made, shall be included within  
41 the calendar year of the award or execution.

42 Where the terms "legislative employee", "member of  
43 the general assembly", "candidate", "employee", "local  
44 employee", "official" or "local official" are used in  
45 this chapter, they include a firm of which any of  
46 those persons is a partner and a corporation of which  
47 any of those persons holds ten percent or more of the  
48 stock either directly or indirectly, and the spouse  
49 and minor children of any of those persons.

50 Sec. 2. Section 68B.5, Code 1987, is amended by

**Page 3**

1 striking the section and inserting in lieu thereof the  
2 following:

3 **68B.5 GIFTS SOLICITED OR ACCEPTED.**

4 1. An official, employee, local official, local  
5 employee, member of the general assembly, candidate,  
6 or legislative employee shall not, directly or  
7 indirectly, solicit, accept, or receive a gift.

8 2. A person shall not, directly or indirectly,  
9 offer or make a gift to an official, employee, local  
10 official, local employee, member of the general  
11 assembly, candidate, or legislative employee.

12 Sec. 3. Section 68B.6, Code 1987, is amended by  
13 adding the following new unnumbered paragraph:

14 NEW UNNUMBERED PARAGRAPH. A member of the general  
15 assembly may appear before a governmental agency or  
16 board in any case, proceeding, application, or other  
17 matter before a state agency, court of the state of  
18 Iowa, a federal court, or any federal bureau, agency,  
19 commission, or department, except that the member  
20 shall not appear for compensation if the matter is  
21 subject to legislative review. Whenever a member  
22 makes such an appearance, the member shall carefully  
23 avoid all conduct which might in any way lead members  
24 of the general public to conclude that the member is  
25 using the member's official position to further the  
26 member's professional success or personal financial  
27 interest.

28 Sec. 4. Section 68B.8, Code 1987, is amended to  
29 read as follows:

30 68B.8 ADDITIONAL PENALTY.

31 In addition to any penalty contained in any other  
32 provision of law, a person who knowingly and  
33 intentionally violates the provisions a provision of  
34 section 68B.3 to 68B.6 and this section shall be is  
35 guilty of a serious misdemeanor, and Regardless of  
36 any action that may be taken in a criminal  
37 prosecution, a person who knowingly and intentionally  
38 violates a provision of section 68B.3 to 68B.6 may be  
39 reprimanded, suspended, or dismissed from the person's  
40 position or otherwise sanctioned.

41 Sec. 5. Section 68B.10, subsection 3, Code 1987,  
42 is amended to read as follows:

43 3. Issue advisory opinions interpreting the intent  
44 of constitutional and statutory provisions relating to  
45 legislators and lobbyists as well as interpreting the  
46 code of ethics and rules issued pursuant to this  
47 section. Opinions shall be issued when approved by a  
48 majority of the seven members and may be issued upon  
49 the written request of a member of the general  
50 assembly or upon the committee's initiation. Opinions

Page 4

1 are not binding on the legislator or lobbyist.

2 Sec. 6. Section 68B.10, subsection 4, Code 1987,  
3 is amended by striking the subsection and inserting in  
4 lieu thereof the following:

5 4. Receive and investigate complaints and charges  
6 against members of its house alleging a violation of

7 the code of ethics, rules governing lobbyists, this  
8 chapter, or other matters referred to it by its house.  
9 The committee shall recommend rules for the receipt  
10 and processing of complaints made during the  
11 legislative session and those made after the general  
12 assembly adjourns.

13 Sec. 7. Section 68B.10, Code 1987, is amended by  
14 adding the following new unnumbered paragraph after  
15 subsection 5:

16 NEW UNNUMBERED PARAGRAPH. The ethics committees  
17 may employ independent legal counsel to assist them in  
18 carrying out their duties under this chapter with the  
19 approval of the speaker of the house for the house  
20 committee or the senate majority leader for the senate  
21 committee. Payment of costs for the independent legal  
22 counsel shall be made from section 2.12.

23 Sec. 8. Section 68B.10, unnumbered paragraph 5,  
24 Code 1987, is amended to read as follows:

25 Violation of the code of ethics may result in the  
26 suspension of a member from the general assembly and  
27 the forfeiture of the censure, reprimand, or other  
28 sanctions as determined by a majority of the member's  
29 house. However, a member may be suspended or expelled  
30 and the member's salary forfeited only if directed by  
31 a two-thirds vote of the member's house to which the  
32 member belongs. Such A suspension, expulsion, or  
33 forfeiture of salary shall be for such the duration as  
34 specified in the directing resolution provided  
35 however, that. However, it cannot shall not extend  
36 beyond the date of adjournment of the session end of  
37 the general assembly during which the violation  
38 occurred. Violation of the rules a rule relating to  
39 lobbyists and lobbying activities may result in the  
40 suspension of any censure, reprimand, or other  
41 sanctions as determined by a majority of the members  
42 of the house in which the violation occurred.  
43 However, a lobbyist may be suspended from lobbying  
44 activities for the duration provided in the directing  
45 resolution only if directed by a two-thirds vote of  
46 the house wherein in which the violation occurred.

47 Sec. 9. Section 722.1, Code 1987, is amended by  
48 striking the section and inserting in lieu thereof the  
49 following:

50 722.1 BRIBERY.

Page 5

1 A person who offers, promises, or gives anything of  
2 value or any benefit to a person who is serving or has  
3 been elected, selected, appointed, employed, or  
4 otherwise engaged to serve in a public capacity,  
5 including a public officer or employee, a referee,

6 juror, or jury panel member, or a witness in a  
 7 judicial or arbitration hearing or any official  
 8 inquiry, or a member of a board of arbitration,  
 9 pursuant to an agreement or arrangement or with the  
 10 understanding that the promise or thing of value or  
 11 benefit will influence the act, vote, opinion,  
 12 judgment, decision, or exercise of discretion of the  
 13 person with respect to the person's services in that  
 14 capacity commits a class "D" felony. In addition, a  
 15 person convicted under this section is disqualified  
 16 from holding public office under the laws of this  
 17 state.

18 Sec. 10. Section 722.2, Code 1987, is amended by  
 19 striking the section and inserting in lieu thereof the  
 20 following:

21 722.2 ACCEPTING BRIBE.

22 A person who is serving or has been elected,  
 23 selected, appointed, employed, or otherwise engaged to  
 24 serve in a public capacity, including a public officer  
 25 or employee, a referee, juror, or jury panel member,  
 26 or a witness in a judicial or arbitration hearing or  
 27 any official inquiry, or a member of a board of  
 28 arbitration who solicits or knowingly accepts or  
 29 receives a promise or anything of value or a benefit  
 30 given pursuant to an understanding or arrangement that  
 31 the promise or thing of value or benefit will  
 32 influence the act, vote, opinion, judgment, decision,  
 33 or exercise of discretion of the person with respect  
 34 to the person's services in that capacity commits a  
 35 class "C" felony. In addition, a person convicted  
 36 under this section is disqualified from holding public  
 37 office under the laws of this state.

38 Sec. 11. Section 68B.11, Code 1987, is repealed.

39 Sec. 12. This Act, being deemed of immediate  
 40 importance, is effective upon enactment."

41 2. Title page, by striking line 4 and inserting  
 42 the following: "subjecting".

Carpenter of Polk offered the following amendment H—3867, to  
 amendment H—3803, filed by her from the floor and moved its  
 adoption:

H—3867

1 Amend amendment H—3803 to Senate File 480 as  
 2 amended, passed, and reprinted by the Senate as  
 3 follows:

4 1. Page 2, by striking lines 3 through 14 and  
 5 inserting the following: "greater value is not given  
 6 or received, from a donor."

7 2. Page 2, by inserting after line 41 the  
 8 following:

9 "12. "Donor" means a person who is in any of the  
10 following categories:

11 a. Is doing or seeking to do business of any kind  
12 with the donee's agency.

13 b. Is engaged in activities which are regulated or  
14 controlled by the donee's agency.

15 c. Has interests which may be substantially and  
16 materially affected, in a manner distinguishable from  
17 the public generally, by the performance or  
18 nonperformance of the donee's official duties.

19 d. Is a lobbyist with respect to matters within  
20 the scope of the donee's official duties."

21 3. Page 4, by inserting after line 46 the  
22 following:

23 "Sec. \_\_\_\_\_. NEW SECTION. 68B.12 REPORTING OF FOOD  
24 AND BEVERAGE.

25 If a donor provides food or beverage for immediate  
26 consumption in the presence of the donor to an  
27 official, employee, local official, local employee,  
28 member of the general assembly, legislative employee,  
29 or candidate, the donor shall file a report as  
30 required under this section. The report shall show  
31 the total of the expenditures by the donor upon the  
32 covered public servants of that branch of state  
33 government or that political subdivision during the  
34 calendar month. The senate, house of representatives,  
35 supreme court, and political subdivisions shall adopt  
36 rules, and the governor shall issue an executive order  
37 regarding the filing of reports and disclosure of  
38 expenditures under this section."

Amendment H—3867 lost.

Hanson of Delaware offered the following amendment H—3865,  
to amendment H—3803, filed by him from the floor and moved its  
adoption:

H—3865

1 Amend the amendment, H—3803, to Senate File 480 as  
2 amended, passed, and reprinted by the Senate as  
3 follows:

4 1. Page 2, by striking lines 18 and 19.

Roll call was requested by Hanson of Delaware and Carpenter of  
Polk.

On the question "Shall amendment H—3865, to amendment  
H—3803, be adopted?" (S.F. 480)

The ayes were, 29:

Adams  
Clark

Beatty  
Doderer

Branstad  
Halvorson, R. N.

Carpenter  
Hammond

Hanson, D. R.	Hatch	Haverland	Hermann
Hester	Holveck	Johnson	Koenigs
Maulsby	McKean	Metcalf	Miller
Mullins	Neuhauser	Ollie	Osterberg
Plasier	Rosenberg	Stueland	Teaford
Van Maanen			

The nays were, 87:

Arnould	Beaman	Bennett	Bisignano
Black	Blanshan	Brammer	Buhr
Chapman	Cohoon	Connolly	Connors
Cooper	Corbett	Corey	Daggett
De Groot	Diemer	Dvorsky	Eddie
Fey	Fogarty	Fuller	Garman
Groninga	Gruhn	Halvorson, R. A.	Hansen, S. D.
Harbor	Harper	Hummel	Jay
Jochum	Knapp	Kremer	Lageschulte
Lundby	May	McKinney	Muhlbauer
Paulin	Pavich	Pellett	Peters
Petersen, D. F.	Peterson, M. K.	Platt	Poncy
Renaud	Renken	Running	Schnekloth
Schrader	Sherzan	Shoning	Shoultz
Siegrist	Skow	Spear	Stromer
Svoboda	Swartz	Tabor	Tyrrell
Van Camp	Wise	Mr. Speaker	

Absent or not voting, 4:

Norrgard	Parker	Royer	Swearingen
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Amendment H—3865 lost.

Holveck of Polk asked and received unanimous consent to defer action on amendment H—3864.

Jay of Appanoose offered the following amendment H—3869, to amendment H—3803, filed by him from the floor and moved its adoption:

H—3869

- 1 Amend the amendment, H—3803, to Senate File 480 as
- 2 amended, passed, and reprinted by the Senate as
- 3 follows:
- 4 1. Page 4, line 14, by striking the word
- 5 "paragraph" and inserting the following:
- 6 "paragraphs".
- 7 2. Page 4, by inserting after line 22 the
- 8 following:
- 9 "NEW UNNUMBERED PARAGRAPH. The rules governing
- 10 lobbyists and lobbying activities shall require that a
- 11 member of the general assembly monthly disclose any
- 12 food and beverage provided for immediate consumption

13 in the presence of the donor and consumed by the  
14 member which exceeds two thousand calories in one  
15 event."

Amendment H—3869 lost.

Holveck of Polk offered the following amendment H—3857, to amendment H—3803, filed by him from the floor and moved its adoption:

H—3857

1 Amend amendment, H—3803, to Senate File 480, as  
2 amended, passed, and reprinted by the Senate, as  
3 follows:  
4 1. Page 4, by inserting after line 46 the  
5 following:  
6 "Sec. \_\_\_\_\_ NEW SECTION. 68B.12 REPORTING OF FOOD  
7 AND BEVERAGE.  
8 1. The house of representatives and the senate  
9 shall adopt rules requiring the reporting of food or  
10 beverages provided for immediate consumption in the  
11 presence of the donor made to members of the general  
12 assembly and legislative employees. The rules shall  
13 require public disclosure of the nature, amount, date,  
14 and donor of the food and beverages from any one donor  
15 or donors made to one of those individuals which  
16 exceed fifteen dollars in value in any one calendar  
17 day.  
18 2. The governor shall issue an executive order  
19 requiring the reporting of food or beverages provided  
20 for immediate consumption in the presence of the donor  
21 made to officials and employees of the executive  
22 department of the state. The executive order shall  
23 require public disclosure of the nature, amount, date,  
24 and donor of the food and beverages from any one donor  
25 or donors made to one of those individuals which  
26 exceed fifteen dollars in value in any one calendar  
27 day.  
28 3. The supreme court of this state shall adopt  
29 rules requiring the reporting of food or beverages  
30 provided for immediate consumption in the presence of  
31 the donor provided to officials and employees of the  
32 judicial department of this state. The rules shall  
33 require public disclosure of the nature, amount, date,  
34 and donor of the food and beverages from any one donor  
35 or donors made to one of those individuals which  
36 exceed fifteen dollars in value in any one calendar  
37 day.  
38 4. The governing body of a political subdivision  
39 of this state shall adopt rules requiring the  
40 reporting of food or beverages provided for immediate

41 consumption in the presence of the donor made to its  
 42 respective members and its local officials and local  
 43 employees and their immediate family members. The  
 44 rules as adopted shall require public disclosure of  
 45 the nature, amount, date, and donor of the food and  
 46 beverages from any one donor or donors made to one of  
 47 those individuals which exceed fifteen dollars in  
 48 value in any one calendar day. Copies of the rules  
 49 and reports shall be filed with the county auditor of  
 50 the county in which the political subdivision is

**Page 2**

- 1 located.
- 2 The secretary of state shall develop a standard
- 3 form for public disclosure of gifts in compliance with
- 4 this subsection which shall be available at every
- 5 county auditor's office without cost."

Roll call was requested by Kremer of Buchanan and McKean of Jones.

On the question "Shall amendment H-3857, to amendment H-3803, be adopted?" (S.F. 480)

The ayes were, 41:

Adams	Beaman	Bennett	Black
Branstad	Carpenter	Clark	Corbett
Corey	Daggett	De Groot	Diemer
Eddie	Fogarty	Fuller	Gruhn
Halvorson, R. N.	Hammond	Hanson, D. R.	Haverland
Hermann	Hester	Holveck	Hummel
Johnson	Kremer	Maulsby	McKean
Miller	Muhlbauer	Mullins	Ollie
Osterberg	Pellet	Petersen, D. F.	Plasier
Rosenberg	Stueland	Swartz	Tyrrell
Van Maanen			

The nays were, 52:

Arnould	Bisignano	Blanshan	Brammer
Buhr	Chapman	Cohoon	Connolly
Connors	Cooper	Doderer	Dvorsky
Fey	Garman	Groninga	Halvorson, R. A.
Hansen, S. D.	Harbor	Harper	Hatch
Jay	Jochum	Knapp	Koenigs
Lageschulte	Lundby	May	McKinney
Metcalf	Neuhauser	Paulin	Pavich
Peters	Peterson, M. K.	Platt	Pony
Renaud	Renken	Running	Schneklath
Schrader	Shoning	Shoultz	Siegrist
Skow	Spear	Stromer	Svoboda
Tabor	Van Camp	Wise	Mr. Speaker

Absent or not voting, 7:

Beatty	Norrgard	Parker	Royer
Sherzan	Swearingen	Teaford	

Amendment H—3857 lost.

Holveck of Polk offered the following amendment H—3864, previously deferred, to amendment H—3803, filed by him from the floor and moved its adoption:

H—3864

- 1 Amend the amendment, H—3803, to Senate File 480 as
- 2 amended, passed, and reprinted by the Senate as
- 3 follows:
- 4 1. Page 2, by inserting after line 25 the
- 5 following:
- 6 “(5) Honoraria, limited to compensation for
- 7 personal appearances or speeches.”
- 8 2. Page 4, by inserting after line 46 the
- 9 following:
- 10 “Sec. \_\_\_\_\_. Section 68B.11, Code 1987, is amended
- 11 by striking the section and inserting in lieu thereof
- 12 the following:
- 13 68B.11 REPORTING.
- 14 The house of representatives, senate, supreme
- 15 court, and governing body of political subdivisions
- 16 shall adopt rules, and the governor shall issue an
- 17 executive order which requires an official, employee,
- 18 local official, local employee, member of the general
- 19 assembly, candidate, or legislative employee to report
- 20 the receipt of honoraria. The report shall include
- 21 the nature, amount, date, and payor of the honoraria
- 22 and shall be filed as provided in the rule or
- 23 executive order by the twentieth of the month
- 24 following the month in which the honoraria is
- 25 received.”
- 26 3. Page 5, by striking line 38.

A non-record roll call was requested.

The ayes were 14, nays 48.

Amendment H—3864 lost.

On motion by Chapman of Linn, amendment H—3803 was adopted, placing out of order the following amendments:

- H—3682 filed by Hermann of Scott on April 8, 1987.
- H—3808 filed by Holveck, et al., on April 15, 1987.
- H—3746 filed by Bennett of Ida on April 14, 1987.

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. 480)

The ayes were, 75:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Black	Blanshan
Brammer	Buhr	Chapman	Cohoon
Connolly	Connors	Cooper	Corbett
Corey	De Groot	Diemer	Doderer
Dvorsky	Eddie	Fey	Fogarty
Fuller	Garman	Groninga	Gruhn
Halvorson, R. A.	Hammond	Hansen, S. D.	Harbor
Harper	Hatch	Haverland	Hester
Hummel	Jay	Jochum	Knapp
Koenigs	Lageschulte	Lundby	May
McKinney	Metcalf	Muhlbauer	Neuhauser
Paulin	Pavich	Pellett	Peters
Petersen, D. F.	Peterson, M. K.	Platt	Poncy
Renaud	Renken	Running	Schneklath
Schrader	Sherzan	Shoning	Shoultz
Siegrist	Skow	Spear	Stromer
Svoboda	Swartz	Tabor	Tyrrell
Van Camp	Wise	Mr. Speaker	

The nays were, 18:

Branstad	Carpenter	Clark	Daggett
Halvorson, R. N.	Hanson, D. R.	Hermann	Holveck
Johnson	Kremer	McKean	Miller
Mullins	Ollie	Osterberg	Rosenberg
Stueland	Van Maanen		

Absent or not voting, 7:

Maulsby	Norrsgard	Parker	Plasier
Royer	Swearingen	Teaford	

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

### MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 16, 1987, refused to concur in the House amendment to the following bill in which the concurrence of the Senate was asked:

Senate File 481, a bill for an act relating to state tax revenues and expenditures by altering the individual income tax rates, withholding, standard deductions, and personal exemptions and credits; increasing the state sales, services, and use tax and provid-

ing for refunds for certain contractors as a result of that increase; adjusting the allowable growth under the school foundation formula; and providing effective dates.

JOHN F. DWYER, Secretary

**MOTION TO RECONSIDER**  
(Amendment H—3423 to Senate File 219)  
(Filed April 15, 1987)

I move to reconsider the vote by which amendment H—3423 to Senate File 219 failed to be adopted by the House on April 15, 1987.

LUNDBY of Linn

**PRESENTATION OF VISITORS**

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

Twenty-one students from Marcus High School Jazz Band, Marcus, accompanied by Gerald Bertrand. By Miller of Cherokee.

Forty-nine government students from Rock Falls Senior High School, Nora Springs, accompanied by Frank Altman. By Clark of Cerro Gordo.

Twenty-three fourth, fifth and sixth grade students from Sac and Fox Settlement School, Tama, accompanied by Mrs. Wanatee, Mr. Everton and Mrs. Swartz. By Svoboda of Tama.

Thirty fifth grade students from Rex Mathes Elementary School, West Des Moines, accompanied by Lorraine Cornelissens. By Carpenter of Polk.

**HOUSE STUDY BILL COMMITTEE ASSIGNMENT**

**H.S.B. 321 Ways and Means**

Repealing 1979 Iowa Acts, chapter 172 relating to the application to and petitioning of the Congress of the United States to request a constitutional convention to propose an amendment to the Constitution of the United States requiring the federal budget to be balanced.

**AMENDMENTS FILED**

H—3832	H.F.	346	Senate Amendment
H—3833	H.F.	241	Senate Amendment
H—3834	S.F.	340	Halvorson of Clayton Harbor of Mills
H—3835	H.F.	626	Senate Amendment
H—3836	H.F.	540	Senate Amendment

H-3838	H.F.	407	Senate Amendment
H-3839	H.F.	411	Senate Amendment
H-3840	H.F.	328	Senate Amendment
H-3841	H.F.	464	Senate Amendment
H-3842	H.F.	640	Senate Amendment
H-3843	H.F.	494	Senate Amendment
H-3855	S.F.	458	Hummel of Benton

On motion by Arnould of Scott, the House adjourned at 7:03 p.m., until 1:00 p.m., Monday, April 20, 1987.

# JOURNAL OF THE HOUSE

Ninety-ninth Calendar Day — Sixty-sixth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Monday, April 20, 1987

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

Prayer was offered by the Honorable Minnette Doderer, state representative from Johnson County.

The Journal of Thursday, April 16, 1987 was approved.

## PETITIONS FILED

The following petitions were received and placed on file:

By Branstad of Winnebago, from eighteen residents of District 16 favoring House File 496, to limit malpractice suits.

By Schnekloth of Scott, from one hundred six constituents of District 39, favoring liability and malpractice reform.

Also: from thirty-one citizens of Scott County opposing riverboat gambling.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Muhlbauer of Crawford, until his arrival, on request of Pavich of Pottawattamie; Schnekloth of Scott on request of Pellett of Cass; Petersen of Muscatine on request of Platt of Muscatine; Swearingen of Keokuk and Tyrrell of Iowa, both for an indefinite period, on request of Stromer of Hancock.

## MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 15, 1987, amended and passed the following bill in which the concurrence of the House is asked:

House File 375, a bill for an act relating to the crime of conspiracy, and providing penalties.

Also: That the Senate has on April 16, 1987, amended and passed the following bill in which the concurrence of the House is asked:

House File 499, a bill for an act relating to education including salary increases, efficiencies, and education enhancement, relating to the establishment of an educational excellence program consisting of three phases relating to the recruitment of quality teachers, the retention of quality teachers, and the enhancement of the quality and

effectiveness of teachers; activities of the state board of education relating to the accreditation process; duration of a superintendent's contract; open enrollment of pupils in contiguous school districts; postsecondary enrollment options for certain high school students; redrawing boundary lines of area education agencies; plans for a governance structure for merged area schools; majority vote for school district bond issues under certain conditions; date of the organizational meeting of school corporations; annual publication of financial statements; sharing interscholastic activity programs; adoption of student achievement goals; provision for intercollegiate athletic activities at merged area schools; procedure for opting out of whole grade sharing; calculation of enrollment of school districts; weighting for non-English-speaking students; and provide effective dates.

Also: That the Senate has on April 15, 1987, passed the following bill in which the concurrence of the Senate was asked:

House File 525, a bill for an act relating to the jurisdiction of the juvenile court in hospital admission of minors and the admission procedures for minors.

Also: That the Senate has on April 15, 1987, amended and passed the following bill in which the concurrence of the House is asked:

House File 655, a bill for an act relating to civil actions by removing the one hundred mile limit on subpoenas to witnesses in civil cases, by limiting the award of attorney's fees in small claims actions, by requiring actions to be brought in small claims court in a court having actual jurisdiction, and by providing a cause of action against a person filing certain false claims on real property.

JOHN F. DWYER, Secretary

### ADOPTION OF HOUSE MEMORIAL RESOLUTION 10

Paulin of Plymouth offered the following House Memorial Resolution and moved its adoption:

#### HOUSE MEMORIAL RESOLUTION 10

*Whereas*, The Honorable Henry W. Wormley of Plymouth County, Iowa, who was a member of the Fiftieth, Fiftieth Extra and Fifty-first General Assemblies, passed away August 19, 1985;  
*Now Therefore*,

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

The motion prevailed and the Speaker appointed as such committee Paulin of Plymouth, Bennett of Ida and Miller of Cherokee.

#### SENATE FILES 469 AND 461 DEFERRED

Arnould of Scott asked and received unanimous consent that Senate Files 469 and 461 be deferred and that the bills retain their place on the calendar.

**CONSIDERATION OF BILLS**  
**Unfinished Business Calendar**

The House resumed consideration of **Senate File 219**, a bill for an act providing for public grants and public education relating to adolescent pregnancy prevention and services by establishing a task force on adolescent pregnancy prevention and services, providing for pilot project grants relating to adolescent pregnancy prevention and services, and establishing a local advisory committee to public school boards regarding the inclusion or exclusion of human growth and development instruction in the school curriculum, previously deferred.

De Groot of Lyon offered the following amendment H—3535 filed by him:

H—3535

- 1 Amend Senate File 219, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 5, by inserting before line 29 the
- 4 following:
- 5 "Each school board or merged area school which
- 6 offers general adult education classes or courses
- 7 shall periodically offer an evening instructional
- 8 program in human growth and development for parents,
- 9 guardians, prospective biological and adoptive
- 10 parents, and foster parents."

Van Camp of Scott offered the following amendment H—3649, to amendment H—3535, filed by Tyrrell of Iowa and him and moved its adoption:

H—3649

- 1 Amend the amendment, H—3535, to Senate File 219, as
- 2 amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 1, line 10, by inserting after the word
- 5 "parents." the following: "The instructors for the
- 6 programs shall be parents themselves."

Amendment H—3649 lost.

On motion by De Groot of Lyon, amendment H—3535 was adopted.

The House resumed consideration of amendment H—3665E (page 2 line 47 through page 3, line 21) found on page 1295 of the House Journal.

On motion by Plasier of Sioux, amendment H—3665E lost.

Van Camp of Scott offered the following amendment H—3642, previously deferred, filed by him and Tyrrell of Iowa and moved its adoption:

H—3642

1 Amend Senate File 219, as amended, passed, and  
2 reprinted by the Senate, as follows:

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

4 2. Page 1, line 18, by striking the words  
5 "legislative council" and inserting the following:  
6 "governor".

7 3. Page 1, line 24, by striking the words  
8 "legislative council" and inserting the following:  
9 "governor".

10 4. Page 1, by inserting after line 34 the  
11 following:

12 "The task force members named in paragraphs "a"  
13 through "c" shall be voting members and the task force  
14 members named in paragraphs "d" and "e" shall be  
15 nonvoting advisory members."

16 5. By striking page 1, line 35 through page 2,  
17 line 2 and inserting the following:

18 "2. The governor or the governor's designee shall  
19 serve as the chairperson of the task force. The task  
20 force shall meet at the call of the chairperson."

21 6. Page 2, line 3, by striking the words  
22 "legislative council" and inserting the following:  
23 "governor".

24 7. Page 2, by striking lines 5 and 6 and  
25 inserting the following: "section 2.12. The  
26 legislative".

Amendment H—3642 lost.

The House resumed consideration of amendment H—3665D, as amended, (page 2, lines 3 through 46) found on pages 1294 and 1295 of the House Journal, previously deferred.

Running of Linn offered the following amendment H—3800, to amendment H—3665D, filed by him and moved its adoption:

H—3800

1 Amend the amendment, H—3665, to Senate File 219, as  
2 amended, passed, and reprinted by the Senate, as  
3 follows:

4 1. Page 2, by striking lines 8 through 17 and  
5 inserting the following: "section shall be awarded to  
6 public school corporations, adolescent service  
7 providers, and nonprofit corporations involved in  
8 adolescent issues for two-year pilot projects targeted

9 toward those areas of the state with the highest  
 10 incidence of adolescent pregnancy. Prior to the  
 11 awarding of any funds, the task force established in  
 12 section 234A.1 shall establish, to its own  
 13 satisfaction, the incidence of adolescent pregnancy  
 14 within the various areas of the state and shall  
 15 prohibit the use of any funds awarded pursuant to this  
 16 section for the purchase of services or products which  
 17 will terminate a”.

Amendment H—3800 lost.

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Blanshan of Greene, until his arrival, on request of Tabor of Jackson.

Plasier of Sioux moved the adoption of amendment H—3665D.

Roll call was requested by Stromer of Hancock and Miller of Cherokee.

On the question “Shall amendment H—3665D be adopted?”  
 (S.F. 219)

The ayes were, 33:

Beaman	Bennett	Branstad	Corbett
Daggett	De Groot	Eddie	Garman
Halvorson, R. A.	Hanson, D. R.	Harbor	Hermann
Hummel	Knapp	Kremer	Lageschulte
Lundby	Maulsby	McKean	Miller
Paulin	Plasier	Renken	Royer
Running	Sherzan	Shoning	Skow
Stromer	Stueland	Swartz	Van Camp
Van Maanen			

The nays were, 58:

Adams	Arnould	Beatty	Bisignano
Black	Brammer	Buhr	Carpenter
Chapman	Clark	Cohoon	Connolly
Connors	Cooper	Diemer	Doderer
Dvorsky	Fey	Fogarty	Fuller
Groninga	Gruhn	Halvorson, R. N.	Hammond
Hansen, S. D.	Harper	Hatch	Haverland
Hester	Holveck	Jochum	Johnson
Koenigs	May	McKinney	Metcalf
Mullins	Neuhauser	Norrgard	Ollie
Osterberg	Parper	Pavich	Pellett
Peters	Peterson, M. K.	Poncy	Renaud
Rosenberg	Schrader	Shoultz	Siegrist
Spear	Svoboda	Tabor	Teaford
Wise	Mr. Speaker		

Absent or not voting, 9:

Blanshan	Corey	Jay	Muhlbauer
Petersen, D. F.	Platt	Schnekloth	Swearingen
Tyrrell			

Amendment H—3665D lost.

Hammond of Story offered the following amendment H—3726 filed by her and Rosenberg of Story and moved its adoption:

H—3726

- 1 Amend Senate File 219, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 3, by inserting after line 32 the
- 4 following:
- 5 "8. Research grants focusing on factors
- 6 contributing to adolescent pregnancy and adolescent
- 7 pregnancy prevention."

Amendment H—3726 lost.

Van Camp of Scott asked and received unanimous consent to withdraw amendment H—3488 filed by him on March 31, 1987.

Lundby of Linn called up for consideration the motion to reconsider amendment H—3423 filed by her April 15, 1987 and moved to reconsider the vote by which amendment H—3423 found on page 1446 of the House Journal failed to be adopted by the House on April 15, 1987.

A non-record roll call was requested.

Rule 75 was invoked.

The ayes were 46, nays 47.

The motion to reconsider lost.

Connors of Polk in the chair at 2:50 p.m.

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

On the question "Shall the bill pass?" (S.F. 219)

The ayes were, 71:

Adams	Arnould	Avenson	Beatty
Bisignano	Black	Blanshan	Brammer
Buhr	Carpenter	Chapman	Clark
Cohoon	Connolly	Cooper	Diemer

Doderer	Dvorsky	Fey	Fuller
Groninga	Gruhn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. R.	Harbor
Harper	Hatch	Haverland	Hester
Holveck	Hummel	Jay	Jochum
Johnson	Knapp	Koenigs	May
McKinney	Metcalf	Miller	Mullins
Neuhauser	Norrgard	Ollie	Osterberg
Parker	Pavich	Peters	Peterson, M. K.
Platt	Poney	Renaud	Rosenberg
Running	Schrader	Sherzan	Shoning
Shoultz	Siegrist	Skow	Spear
Stueland	Svoboda	Swartz	Tabor
Teaford	Wise	Mr. Speaker (Connors)	

The nays were, 24:

Beaman	Bennett	Branstad	Corbett
Corey	Daggett	De Groot	Eddie
Fogarty	Garman	Hermann	Kremer
Lageschulte	Lundby	Maulsby	McKean
Paulin	Pellett	Plasier	Renken
Royer	Stromer	Van Camp	Van Maanen

Absent or not voting, 5:

Muhlbauer	Petersen, D. F.	Schnekloth	Swearingen
Tyrrell			

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

### IMMEDIATE MESSAGE (Senate File 219)

Arnould of Scott asked and received unanimous consent that Senate File 219 be immediately messaged to the Senate.

### SENATE FILE 479 DEFERRED

Arnould of Scott asked and received unanimous consent that Senate File 479 be deferred and that the bill retain its place on the unfinished business calendar.

### SENATE AMENDMENT CONSIDERED

Groninga of Cerro Gordo called up for consideration **House File 170**, a bill for an act to authorize the sale of the corporate shell of an insolvent insurance company, amended by the Senate, and moved that the House concur in the following Senate amendment H-3202:

H—3202

- 1 Amend House File 170 as passed by the House as  
 2 follows:  
 3 1. Page 1, by inserting after line 25 the  
 4 following:  
 5 "Sec. \_\_\_\_\_. This Act, being deemed of immediate  
 6 importance, takes effect upon enactment."  
 7 2. Title page, line 2, by inserting after the  
 8 word "company" the words "and providing an effective  
 9 date".

The motion prevailed and the House concurred in the Senate amendment H—3202.

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. 170)

The ayes were, 93:

Adams	Arnould	Avenson	Beaman
Beatty	Black	Blanshan	Brammer
Branstad	Buhr	Carpenter	Chapman
Clark	Cohoon	Connolly	Cooper
Corbett	Corey	Daggett	De Groot
Diemer	Doderer	Dvorsky	Eddie
Fey	Fogarty	Fuller	Garman
Groninga	Gruhn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. R.	Harbor
Harper	Hatch	Haverland	Hermann
Hester	Holveck	Hummel	Jay
Jochum	Johnson	Knapp	Koenigs
Kremer	Lageschulte	Lundby	Maulsby
May	McKean	McKinney	Metcalf
Miller	Mullins	Neuhauser	Norrgard
Ollie	Osterberg	Parker	Paulin
Pavich	Pellett	Peters	Peterson, M. K.
Plasier	Platt	Poncy	Renaud
Renken	Rosenberg	Royer	Running
Schrader	Sherzan	Shoning	Shoultz
Siegrist	Skow	Spear	Stromer
Stueland	Svoboda	Swartz	Tabor
Teaford	Van Camp	Van Maanen	Wise
Mr. Speaker (Connors)			

The nays were, none.

Absent or not voting, 7:

Bennett	Bisignano	Muhlbauer	Petersen, D. F.
Schneklath	Swearingen	Tyrrell	

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

### Unfinished Business Calendar

The House resumed consideration of **Senate File 130**, a bill for an act to provide that moneys deposited in the barrel tax fund and the gallonage tax fund shall not revert to the state general fund without a specific appropriation, and providing for retroactive applicability of the Act, deferred and placed on the unfinished business calendar April 14, 1987.

Van Camp of Scott offered the following amendment H—3681 filed by him:

H—3681

1 Amend Senate File 130 as follows:  
 2 1. Page 1, by inserting before line 1 the  
 3 following:  
 4 "Section 1. Section 123.3, subsection 26, Code  
 5 1987, is amended to read as follows:  
 6 26. "Wholesaler" means any person, other than a  
 7 distiller or rectifier of alcoholic liquor or a  
 8 vintner, brewer or bottler of beer or wine, who shall  
 9 sell, barter, exchange, offer for sale, have in  
 10 possession with intent to sell, deal or traffic in  
 11 alcoholic liquor, wine, or beer. A wholesaler shall  
 12 not sell for consumption upon the premises.  
 13 Sec. 2. Section 123.19, subsections 1 and 4, Code  
 14 1987, are amended to read as follows:  
 15 1. Any manufacturer, distiller or importer of  
 16 alcoholic beverages shipping, selling, or having  
 17 alcoholic beverages brought into this state for resale  
 18 by the state or by a licensed wholesaler shall, as a  
 19 condition precedent to the privilege of so trafficking  
 20 in alcoholic liquors in this state, annually make  
 21 application for and hold a distiller's certificate of  
 22 compliance which shall be issued by the administrator  
 23 for that purpose. No brand of alcoholic liquor shall  
 24 be sold by the division or by a licensed wholesaler in  
 25 this state unless the manufacturer, distiller,  
 26 importer, and all other persons participating in the  
 27 distribution of that brand in this state have obtained  
 28 a certificate. The certificate of compliance shall  
 29 expire at the end of one year from the date of  
 30 issuance and shall be renewed for a like period upon

31 application to the administrator unless otherwise  
32 suspended or revoked for cause. Each application for  
33 a certificate of compliance or renewal shall be made  
34 in a manner and upon forms prescribed by the  
35 administrator and shall be accompanied by a fee of  
36 fifty dollars payable to the division. However, this  
37 subsection need not apply to a manufacturer,  
38 distiller, or importer who ships or sells in this  
39 state no more than eleven gallons or its case  
40 equivalent during any fiscal year as a result of  
41 "special orders" which might be placed, as defined and  
42 allowed by divisional rules adopted under this  
43 chapter.

44 4. Any violation of the requirements of this  
45 section, except subsection 3, shall subject the  
46 violator to the general penalties provided in this  
47 chapter and in addition thereto shall be grounds for  
48 suspension or revocation of the certificate of  
49 compliance or wholesale license, after notice and  
50 hearing before the division hearing board. Willful

**Page 2**

1 failure to comply with requirements which may be  
2 imposed under subsection 3 shall be grounds for  
3 suspension or revocation of the certificate of  
4 compliance only. Decisions of the hearing board  
5 concerning such suspension or revocation shall be  
6 binding upon all parties.

7 Sec. 3. Section 123.19, Code 1987, is amended by  
8 adding the following new subsection:

9 **NEW SUBSECTION. 7.** A holder of a certificate of  
10 compliance shall report monthly to the division on  
11 forms provided for that purpose, with a list of all  
12 alcoholic beverages by package size, kind, and  
13 quantity sold to licensed wholesalers in this state  
14 and a list of the wholesalers and the size, kind, and  
15 quantity of alcoholic liquors which they purchased and  
16 received.

17 Sec. 4. Section 123.30, subsection 3, paragraphs  
18 a, b, c, and e, Code 1987, are amended to read as  
19 follows:

20 a. CLASS "A". A class "A" liquor control license  
21 may be issued to a club and shall authorize the holder  
22 to purchase alcoholic liquors from class "E" liquor  
23 control licensees or licensed wholesalers only, wine  
24 from class "A" wine permittees only, and native wines  
25 from native wine manufacturers, and to sell liquors,  
26 wine, and beer, to bona fide members and their guests  
27 by the individual drink for consumption on the  
28 premises only.

29 b. CLASS "B". A class "B" liquor control license

30 may be issued to a hotel or motel and shall authorize  
31 the holder to purchase alcoholic liquors from class  
32 "E" liquor control licensees or licensed wholesalers  
33 only, wine from class "A" wine permittees only, and  
34 native wines from native wine manufacturers, and to  
35 sell liquors, wine, and beer, to patrons by the  
36 individual drink for consumption on the premises only.  
37 However, beer may also be sold for consumption off the  
38 premises. Each license shall be effective throughout  
39 the premises described in the application.  
40 c. CLASS "C". A class "C" liquor control license  
41 may be issued to a commercial establishment but must  
42 be issued in the name of the individuals who actually  
43 own the entire business and shall authorize the holder  
44 to purchase alcoholic liquors from class "E" liquor  
45 control licensees or licensed wholesalers only, wine  
46 from class "A" wine permittees only, and native wines  
47 from native wine manufacturers, and to sell liquors,  
48 wine, and beer, to patrons by the individual drink for  
49 consumption on the premises only. However, beer may  
50 also be sold for consumption off the premises.

Page 3

1 A special class "C" liquor control license may be  
2 issued and shall authorize the holder to purchase wine  
3 from class "A" wine permittees only, and to sell wine  
4 and beer to patrons by the individual drink for  
5 consumption on the premises only. However, beer may  
6 also be sold for consumption off the premises. The  
7 license issued to holders of a special class "C"  
8 license shall clearly state on its face that the  
9 license is limited.

10 e. CLASS "E". A class "E" liquor control license  
11 may be issued and shall authorize the holder to  
12 purchase alcoholic liquor from the division or  
13 licensed wholesalers only and to sell the alcoholic  
14 liquor to patrons for consumption off the licensed  
15 premises and to other liquor control licensees. A  
16 class "E" license shall not be issued to premises at  
17 which gasoline is sold. A holder of a class "E"  
18 liquor control license may hold other liquor control  
19 licenses or wine or beer permits, but the premises  
20 licensed under a class "E" liquor control license  
21 shall be separate from other licensed premises.  
22 However, the holder of a class "E" liquor control  
23 license may also hold a class "B" wine or class "C"  
24 beer permit or both for the premises licensed under a  
25 class "E" liquor control license.

26 Sec. 5. Section 123.42, Code 1987, is amended to  
27 read as follows:

28 123.42 WHOLESALER'S LICENSE.

29 1. Upon application in the prescribed form and  
30 accompanied by a fee of two thousand five hundred  
31 fifty dollars and subject to the provisions of this  
32 chapter, the administrator may grant a license, valid  
33 for a one-year period after date of issuance, to a  
34 wholesaler which shall allow the wholesaler to  
35 purchase alcoholic liquor from manufacturers either  
36 within or without the state for the purpose of selling  
37 to the division and customers of such wholesaler  
38 engaged in the sale of alcoholic liquor at retail  
39 outside of the state.

40 2. A wholesaler may purchase alcoholic liquor from  
41 the division for resale to class "A", "B", "C", "D",  
42 and "E" liquor control licensees. The division shall  
43 charge a wholesaler the same price for alcoholic  
44 liquor sold to class "E" liquor control licensees  
45 including the markup required in section 123.24,  
46 subsection 3, less a cost computed by the division  
47 which the division would have had to assume if the  
48 alcoholic liquor had been stored and delivered to  
49 class "E" licensees by the division. Wholesalers  
50 shall sell only that alcoholic liquor upon which the

Page 4

1 appropriate markup has been paid to the division.

2 3. A licensed wholesaler shall keep proper books  
3 of account and records showing the amount of liquor  
4 sold by the wholesaler which shall be open to  
5 inspection by the administrator at all times. Liquor  
6 control licensees purchasing alcoholic liquor from  
7 licensed wholesalers shall keep proper books of  
8 account and records showing each purchase of alcoholic  
9 liquor made by the licensee, and the date and the  
10 amount of each purchase and the name of the person  
11 from whom each purchase was made. The books of  
12 account and records shall be open to inspection by the  
13 administrator and agents of the division of beer,  
14 wine, and liquor law enforcement of the department of  
15 public safety during the normal business hours of the  
16 licensee.

17 4. A licensed wholesaler who has more than one  
18 place of business shall have a separate license for  
19 each separate place of business maintained by the  
20 licensee where liquor is stored, warehoused, or sold.  
21 A licensed wholesaler shall not store alcoholic liquor  
22 overnight in premises which are not licensed by the  
23 division. A licensed wholesaler shall deliver liquor  
24 to all classes of retail liquor licensees licensed  
25 under this chapter. Retail liquor licensees shall  
26 accept delivery of liquor at their licensed premises  
27 only from licensed wholesalers. Delivery of alcoholic

28 liquor from an unlicensed premise to a licensed  
 29 premise at retail or from one retail licensed premise  
 30 to another is prohibited, except that a class "E"  
 31 licensee may sell and deliver liquor to a liquor  
 32 control licensee licensed to sell liquor for  
 33 consumption on the premises where licensed only. A  
 34 class "E" liquor licensee shall not sell or deliver  
 35 alcoholic liquor to another class "E" licensee even  
 36 where there is a common ownership of all the premises  
 37 by one class of retail liquor licensee. A retail  
 38 liquor control licensee shall not hold an interest in  
 39 a licensed wholesaler's business either directly or  
 40 indirectly.

41 Sec. 6. Section 123.43, Code 1987, is amended to  
 42 read as follows:

43 123.43 CONDITIONS – BOND.

44 As a condition precedent to the approval and  
 45 granting of any license to a manufacturer or  
 46 wholesaler, there shall be filed with the division a  
 47 statement under oath that the applicant is a bona fide  
 48 manufacturer or wholesaler of alcoholic liquors, and  
 49 that the applicant will faithfully observe and comply  
 50 with all rules and regulations of the division and

Page 5

1 that the applicant will in all respects comply with  
 2 the provisions of this chapter, together with a bond  
 3 in the penal sum of five thousand dollars for a  
 4 manufacturer and ~~one~~ ten thousand dollars for a  
 5 wholesaler with a surety to be approved by the  
 6 administrator; said bond to be in favor of the state  
 7 of Iowa for the benefit of the state in case of any  
 8 violation of this chapter."

9 2. Page 1, line 32, by striking the words "This  
 10 Act is" and inserting the following: "Sections 7 and  
 11 8 of this Act are".

12 3. Title page, line 1, by striking the words "to  
 13 provide" and inserting the following: "relating to  
 14 the wholesale sale of alcoholic beverages by providing  
 15 for private wholesalers of alcoholic liquor and by  
 16 providing".

17 4. By renumbering as required.

Blanshan of Greene rose on a point of order that amendment  
 H-3681 was not germane.

The Speaker ruled the point well taken and amendment H-3681  
 not germane.

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

On the question "Shall the bill pass?" (S.F. 130)

The ayes were, 62:

Adams	Arnould	Avenson	Beatty
Bisignano	Black	Blanshan	Brammer
Buhr	Chapman	Cohoon	Connolly
Cooper	Corbett	Diemer	Dvorsky
Fey	Fogarty	Fuller	Garman
Groninga	Gruhn	Hansen, S. D.	Harper
Hatch	Hester	Jay	Jochum
Johnson	Knapp	Koenigs	Lundby
May	McKinney	Norrgard	Ollie
Osterberg	Parker	Paulin	Pavich
Peters	Peterson, M. K.	Platt	Poncy
Renaud	Rosenberg	Running	Schrader
Sherzan	Shoning	Shultz	Siegrist
Skow	Spear	Stromer	Svoboda
Swartz	Tabor	Teaford	Van Camp
Wise	Mr. Speaker (Connors)		

The nays were, 29:

Beaman	Bennett	Branstad	Carpenter
Clark	Corey	Daggett	De Groot
Eddie	Halvorson, R. A.	Halvorson, R. N.	Hammond
Hanson, D. R.	Holveck	Hummel	Kremer
Lageschulte	Maulsby	McKean	Metcalf
Miller	Mullins	Neuhauser	Pellett
Plasier	Renken	Royer	Stueland
Van Maanen			

Absent or not voting, 9:

Doderer	Harbor	Haverland	Hermann
Muhlbauer	Petersen, D. F.	Schnekloth	Swearingen
Tyrrell			

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

The House resumed consideration of **Senate File 177**, a bill for an act relating to the disposal of dead animals, deferred and placed on the unfinished business calendar April 14, 1987.

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

On the question "Shall the bill pass?" (S.F. 177)

The ayes were, 92:

Adams	Arnould	Avenson	Beaman
Beatty	Bennett	Bisignano	Black

Blanshan	Brammer	Branstad	Buhr
Carpenter	Chapman	Clark	Cohoon
Connolly	Cooper	Corbett	Corey
Daggett	De Groot	Diemer	Dvorsky
Eddie	Fey	Fogarty	Fuller
Garman	Groninga	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. R.
Harbor	Harper	Hatch	Haverland
Hermann	Hester	Holveck	Hummel
Jay	Jochum	Johnson	Knapp
Koenigs	Kremer	Lageschulte	Lundby
Maulsby	May	McKean	McKinney
Metcalf	Miller	Mullins	Neuhauser
Norrgard	Ollie	Osterberg	Parker
Paulin	Pavich	Pellett	Peters
Peterson, M. K.	Plasier	Poncy	Renaud
Renken	Rosenberg	Royer	Running
Schrader	Sherzan	Shoning	Siegrist
Skow	Spear	Stromer	Stueland
Svoboda	Swartz	Tabor	Teaford
Van Camp	Van Maanen	Wise	Mr. Speaker (Connors)

The nays were, 1:

Platt

Absent or not voting, 7:

Doderer	Muhlbauer	Petersen, D. F.	Schnekloth
Shoultz	Swearingen	Tyrrell	

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

The House resumed consideration of **Senate File 139**, a bill for an act relating to economic development, by declaring economic development as a public purpose and by allowing money received from the county government assistance fund or the municipal assistance fund to be used for economic development projects, deferred and placed on the unfinished business calendar April 16, 1987.

Groninga of Cerro Gordo offered the following amendment H-3697 filed by the committee on economic development:

H-3697

- 1 Amend Senate File 139 as amended, passed, and
- 2 reprinted by the Senate as follows:
- 3 1. Page 2, line 33, by inserting before the word
- 4 "Economic" the following: "1."
- 5 2. Page 3, by inserting after line 1 the follow-
- 6 ing:

7 "2. To ensure that financial assistance programs  
8 actually promote economic development, a program  
9 administrator must determine whether assistance is  
10 required for the applicant business to operate in  
11 Iowa. If it is, the administrator must then determine  
12 whether having the business in Iowa generates gains  
13 that warrant the cost of assistance.

14 3. Financial assistance should be directed to  
15 businesses that produce exports or import substitutes.

16 4. Businesses whose products or services must by  
17 their very nature be produced in Iowa should not be  
18 assisted.

19 5. The state shall not allow Iowa localities to  
20 use state funds to compete among themselves for busi-  
21 nesses, except as may specifically be provided by law  
22 or rule for the financial assistance program.

23 Sec. \_\_\_\_\_ NEW SECTION. 15A.2 CONFLICTS OF  
24 INTEREST.

25 If a member of the governing body of a city or  
26 county or an employee of a state, city, or county  
27 board, agency, commission or other governmental entity  
28 of the state, city, or county has an interest, either  
29 direct or indirect, in a private person for which  
30 grants, loans, guarantees, or other financial  
31 assistance may be provided by such governing board or  
32 governmental entity, the interest shall be disclosed  
33 to that governing body or governmental entity in  
34 writing. The member or employee having the interest  
35 shall not participate in the decision-making process  
36 with regard to the providing of such financial  
37 assistance to the private person.

38 A violation of a provision of this section is  
39 misconduct in office under section 721.2. However, a  
40 decision of the governing board or governmental entity  
41 is not invalid because of the participation of the  
42 member or employee in the decision-making process or  
43 because of a vote cast by a member or employee in  
44 violation of this section unless the participation or  
45 vote was decisive in the awarding of the financial  
46 assistance."

47 3. Page 3, by striking lines 2 through 18.

48 4. Title page, by striking lines 1 through 4 and  
49 inserting the following: "An Act relating to the use  
50 of public funds to aid economic development."

Neuhauser of Johnson offered the following amendment  
H—3822, to the committee amendment H—3697, filed by her and  
moved its adoption:

H-3822

1 Amend the Committee amendment, H-3697, to Senate  
2 File 139, as amended, passed and reprinted by the  
3 Senate as follows:

4 1. Page 1, by striking lines 7 through 22 and  
5 inserting the following:

6 "For purposes of this chapter, "economic  
7 development" means private or joint public and private  
8 investment involving the creation of new jobs and  
9 income or the retention of existing jobs and income  
10 that would otherwise be lost.

11 2. Before public funds are used for grants, loans,  
12 or other financial assistance to private persons or on  
13 behalf of private persons for economic development,  
14 the governing body of the state, city, county, or  
15 other public body dispensing those funds or the  
16 governing body's designee, shall determine that a  
17 public purpose will reasonably be accomplished by the  
18 dispensing or use of those funds. In determining  
19 whether the funds should be dispensed, the governing  
20 body or designee of the governing body shall consider  
21 any or all of the following factors:

22 a. Businesses that add diversity to or generate  
23 new opportunities for the Iowa economy should be  
24 favored over those that do not.

25 b. Development policies in the dispensing of the  
26 funds should attract, retain, or expand businesses  
27 that produce exports or import substitutes or which  
28 generate tourism-related activities.

29 c. Development policies in the dispensing or use  
30 of the funds should be targeted toward businesses that  
31 generate public gains and benefits, which gains and  
32 benefits are warranted in comparison to the amount of  
33 the funds dispensed.

34 d. Development policies in dispensing the funds  
35 should not be used to attract a business presently  
36 located within the state to relocate to another  
37 portion of the state unless the business is  
38 considering in good faith to relocate outside the  
39 state or unless the relocation is related to an  
40 expansion which will generate significant new job  
41 creation. Jobs created as a result of other jobs in  
42 similar Iowa businesses being displaced shall not be  
43 considered direct jobs for the purpose of dispensing  
44 funds."

45 2. Page 1, by inserting after line 37 the  
46 following:

47 "Employment by a public body, its agencies, or  
48 institutions or by any other person having such an  
49 interest shall not be deemed an interest by such  
50 employee or of any ownership or control by such

## Page 2

1 employee of interests of the employee's employer.  
 2 The word "participation" shall be deemed not to  
 3 include discussion or debate preliminary to a vote of  
 4 a local governing body or agency upon proposed  
 5 ordinances or resolutions relating to such a project  
 6 or any abstention from such a vote.

7 The designation of a bank or trust company as  
 8 depository, paying agent, or agent for investment of  
 9 funds shall not be deemed a matter of interest or  
 10 personal interest.

11 Stock ownership in a corporation having such an  
 12 interest shall not be deemed an indicia of an interest  
 13 or of ownership or control by the person owning such  
 14 stocks when less than five percent of the outstanding  
 15 stock of the corporation is owned or controlled  
 16 directly or indirectly by such person.

17 The word "action" shall not be deemed to include  
 18 resolutions advisory to the local governing body or  
 19 agency by any citizens group, board, body, or  
 20 commission designated to serve a purely advisory  
 21 approving or recommending function for economic  
 22 development."

Amendment H—3822 was adopted.

On motion by Groninga of Cerro Gordo, the committee amendment H—3697, as amended, was adopted.

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

On the question "Shall the bill pass?" (S.F. 139)

The ayes were, 75:

Adams	Arnould	Avenson	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Buhr	Carpenter
Chapman	Clark	Cohoon	Connolly
Cooper	Daggett	Diemer	Dvorsky
Eddie	Fey	Fogarty	Fuller
Groninga	Gruhn	Halvorson, R. A.	Hammond
Hansen, S. D.	Hanson, D. R.	Harbor	Harper
Hatch	Haverland	Hermann	Hester
Holveck	Jay	Jochum	Johnson
Knapp	Koenigs	Lageschulte	Lundby
May	McKinney	Metcalf	Mullins
Neuhauser	Ollie	Osterberg	Paulin
Pavich	Pellett	Peters	Peterson, M. K.
Platt	Poncy	Renaud	Rosenberg

Running	Schrader	Sherzan	Shoning
Shoultz	Siegrist	Skow	Spear
Stueland	Swartz	Tabor	Teaford
Van Camp	Wise	Mr. Speaker (Connors)	

The nays were, 16:

Branstad	Corbett	Corey	De Groot
Doderer	Garman	Halvorson, R. N.	Hummel
Kremer	Maulsby	McKean	Miller
Parker	Plasier	Renken	Van Maanen

Absent or not voting, 9:

Muhlbauer	Norrgard	Petersen, D. F.	Royer
Schneklath	Stromer	Svoboda	Swearingen
Tyrrell			

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

Speaker Avenson in the chair at 3:37 p.m.

The House resumed consideration of **Senate File 311**, a bill for an act increasing the speed limit to sixty-five miles per hour on fully controlled-access, divided, multilaned highways including the interstate highway system, and providing a conditional effective date, deferred and placed on the unfinished business calendar April 14, 1987.

Koenigs of Mitchell offered the following amendment H—3570 filed by the committee on transportation:

H—3570

- 1 Amend Senate File 311 as amended, passed and
- 2 reprinted by the Senate as follows:
- 3 1. Page 1, by inserting before line 1 the
- 4 following:
- 5 "Sec. 710. Section 321.210, unnumbered paragraph
- 6 10, Code 1987, is amended to read as follows:
- 7 The department shall not consider or assess any
- 8 points for speeding violations of ten miles per hour
- 9 or less over the legal speed limit in speed zones that
- 10 have a legal speed limit equal to or greater than
- 11 thirty-five miles per hour but not greater than fifty-
- 12 five miles per hour in determining a license
- 13 suspension under this section. This paragraph shall
- 14 apply to only the first two such violations which
- 15 occur within any twelve-month period."
- 16 2. Page 1, by inserting after line 26 the
- 17 following:
- 18 "Sec. 711. Section 321.287, Code 1987, is amended

19 to read as follows:

20 321.287 BUS SPEED LIMITS.

21 No A passenger-carrying motor vehicle used as a  
22 common carrier, except school buses, shall not be  
23 driven upon the highways at a greater rate of speed  
24 than fifty-five miles per hour at any time in excess  
25 of the posted maximum speed limit. No A school bus  
26 shall not be operated in a violation of section  
27 321.377."

28 3. Page 1, by inserting after line 26 the fol-  
29 lowing:

30 "Sec. 712. Section 805.8, subsection 2, paragraph  
31 g, Code 1987, is amended to read as follows:

32 g. (1) For excessive speed violations when not  
33 more than five miles per hour in excess of the limit  
34 under sections 111.36, 321.236, subsections 5 and 11,  
35 321.285, 321.286 and 321.287, the scheduled fine is  
36 ten dollars.

37 (2) Excessive speed in conjunction with a  
38 violation of section 321.278 is not a scheduled  
39 violation, whatever the amount of excess speed.

40 (3) For excessive speed violations when in excess  
41 of the limit under those sections 111.36, 321.236,  
42 subsections 5 and 11, 321.285, 321.286, and 321.287 by  
43 five or less miles per hour the fine is ten dollars,  
44 by more than five and not more than ten miles per hour  
45 the fine is twenty dollars, by more than ten and not  
46 more than fifteen miles per hour the fine is thirty  
47 dollars, by more than fifteen and not more than twenty  
48 miles per hour the fine is forty dollars, and by more  
49 than twenty miles per hour the fine is forty dollars  
50 plus two dollars for each mile per hour of excessive

Page 2

1 speed over twenty miles per hour over the limit.

2 (4) Notwithstanding subparagraphs (1) and (3), for  
3 drivers of vehicles traveling in excess of sixty-five  
4 miles per hour when in excess of the limit under  
5 sections 111.36, 321.236, subsections 5 and 11,  
6 321.285, 321.286, and 321.287 by five or less miles  
7 per hour the fine is twenty dollars, by more than five  
8 and not more than ten miles per hour the fine is forty  
9 dollars, by more than ten and not more than fifteen  
10 miles per hour the fine is sixty dollars, by more than  
11 fifteen and not more than twenty miles per hour the  
12 fine is eighty dollars, and by more than twenty miles  
13 per hour the fine is eighty dollars plus four dollars  
14 for each mile per hour of excess speed over twenty  
15 miles per hour over the limit.

16 (5) Excessive speed in whatever amount by a school  
17 bus is not a scheduled violation under any section

18 listed in a subparagraph of this paragraph "g".

19 4. Page 1, line 33, by striking the word "Act"  
20 and inserting the following: "Act, except for  
21 sections 710, 711 and 712."

22 5. Title page, line 1, by inserting after the  
23 word "Act" the following: "relating to speed limits  
24 by limiting the special treatment of speeding  
25 violations of ten miles per hour or less over the  
26 legal speed limit to speed zones equal to or greater  
27 than thirty-five miles per hour but not greater than  
28 fifty-five miles per hour and by".

29 6. Title page, line 3, by inserting after the  
30 word "providing" the words "penalties and".

31 7. Renumber sections and correct internal  
32 references as necessary.

Fey of Scott offered the following amendment H—3650, to the committee amendment H—3570, filed by Fey, et al., and moved its adoption:

H—3650

1 Amend the Committee on Transportation amendment, H—  
2 3570, to Senate File 311, as amended, passed, and  
3 reprinted by the Senate, as follows:

4 1. By striking page 1, line 28 through page 2,  
5 line 18.

6 2. Page 2, line 21, by striking the word and  
7 figures ", 711 and 712" and inserting the following:  
8 "and 711".

9 3. Page 2, by striking lines 29 and 30.

A non-record roll call was requested.

The ayes were 12, nays 42.

Amendment H—3650 lost.

On motion by Koenigs of Mitchell, the committee amendment H—3570 was adopted.

Koenigs of Mitchell asked and received unanimous consent to withdraw amendment H—3730 filed by him on April 13, 1987.

Halvorson of Webster offered the following amendment H—3680 filed by him and moved its adoption:

H—3680

1 Amend Senate File 311, as amended, passed, and re-  
2 printed by the Senate, as follows:

3 1. Page 2, line 1, by inserting after the figure  
4 "154" the following: "and subsequent modifications to  
5 23 U.S.C. § 154".

Amendment H—3680 was adopted.

Halvorson of Webster offered the following amendment H—3490 filed by him and moved its adoption:

H—3490

- 1 Amend Senate File 311 as amended, passed, and
- 2 reprinted by the Senate as follows:
- 3 1. By striking page 1, line 27 through page 2,
- 4 line 1 and inserting the following:
- 5 "Sec. \_\_\_\_ CONDITIONAL EFFECTIVE DATE. This Act
- 6 takes effect from and after the date federal
- 7 legislation which modifies 23 U.S.C. § 154 by
- 8 approving speed limits of at least sixty-five miles
- 9 per hour for certain highways or sections of highways
- 10 becomes law."

Amendment H—3490 lost.

Halvorson of Webster asked and received unanimous consent to withdraw amendment H—3690 filed by him on April 9, 1987.

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. 311)

The ayes were, 86:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Black	Brammer
Branstad	Buhr	Carpenter	Chapman
Clark	Cohon	Connolly	Connors
Cooper	Corbett	Corey	Daggett
De Groot	Diemer	Doderer	Dvorsky
Eddie	Fey	Fogarty	Fuller
Garman	Groninga	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Harbor
Harper	Hatch	Haverland	Hermann
Hester	Hummel	Jay	Jochum
Johnson	Knapp	Koenigs	Kremer
Lageschulte	Lundby	Maulsby	May
McKean	McKinney	Metcalf	Miller
Ollie	Osterberg	Paulin	Pavich
Pellett	Peters	Peterson, M. K.	Plasier
Platt	Poncy	Renaud	Renken
Royer	Running	Schrader	Sherzan
Shoning	Shoultz	Siegrist	Skow
Spear	Stromer	Stueland	Svoboda
Swartz	Taber	Teaford	Van Camp
Van Maanen	Mr. Speaker		

The nays were, 7:

Blanshan	Hanson, D. R.	Holveck	Mullins
Neuhauser	Norrgard	Rosenberg	

Absent or not voting, 7:

Muhlbauer	Parker	Petersen, D. F.	Schneklath
Swearingen	Tyrrell	Wise	

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

### EXPLANATION OF VOTE

I was necessarily absent from the House chamber on April 14, 15, and 16, 1987. Had I been present, I would have voted "aye" on Senate Files 76, 106, 161, 214, 222, 273, 276, 290, 374, 381, 388, 459, 474 and 480; "nay" on Senate File 481 and House File 671.

ROYER of Page

### BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on April 17, 1987, he approved and transmitted to the Secretary of State the following bills:

Senate File 137, an act relating to the pricing of the Code of Iowa and related publications.

Senate File 268, an act relating to the affirmation and reenactment of certain provisions of law concerning public employees, including provisions relating to state employee discipline and grievances, the public employment relations board, reprisals against state employees, and the public employees' retirement system, and providing an effective date.

Senate File 270, an act affirming and reenacting certain provisions affecting the tax laws, and providing an effective date.

Senate File 271, an act affirming and reenacting certain provisions of law concerning the powers and procedures of public bodies and providing an effective date.

Senate File 303, an act relating to the merger and consolidation of cooperative associations, by defining the fair market value of assets held by an association and providing for determining the fair value of an equity interest held by a dissenting member.

Senate File 434, an act relating to issuance of certificates of inspection for boilers used on tourist railroads or tourist trains and providing an effective date.

### COMMUNICATION RECEIVED

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

## DEPARTMENT OF EDUCATION

A Report by the Bureau of Special Education concerning conducted on-site reviews of selected school district spending for special education for the fiscal year 1985-86, pursuant to Chapter 281.9(6), Code of Iowa.

## CERTIFICATE OF RECOGNITION

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

1987-26 Peter W. De Yager, Hull — Being selected the 1987 Iowa Small Business Person of the Year.

**JOSEPH O'HERN**  
Chief Clerk of the House

## AMENDMENTS FILED

H—3870	H.F.	375	Senate Amendment
H—3871	H.F.	655	Senate Amendment
H—3872	S.F.	55	Pavich of Pottawattamie Renaud of Polk
H—3873	H.F.	674	Sherzan of Polk Renaud of Polk
H—3874	H.F.	371	Platt of Muscatine
H—3875	H.F.	468	Fey of Scott Running of Linn Kremer of Buchanan
H—3876	S.F.	162	Carpenter of Polk Blanshan of Greene
H—3877	S.F.	479	Johnson of Winneshiek
H—3878	H.F.	499	Senate Amendment
H—3879	S.F.	496	Pavich of Pottawattamie Platt of Muscatine
H—3880	S.F.	469	Sherzan of Polk
H—3881	S.F.	496	Kremer of Buchanan

On motion by Arnould of Scott, the House adjourned at 4:05 p.m., until 9:00 a.m., Tuesday, April 21, 1987.

# JOURNAL OF THE HOUSE

One Hundredth Calendar Day — Sixty-seventh Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Tuesday, April 21, 1987

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

Prayer was offered by the Reverend Neville Clayton, pastor of the First Christian Church, Osceola.

The Journal of Monday, April 20, 1987, was approved.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Running of Linn on request of Poney of Wapello.

## MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 20, 1987, amended and passed the following bill in which the concurrence of the House is asked:

Senate File 101, a bill for an act relating to mobile home taxes and providing an effective date.

Also: That the Senate has on April 20, 1987, passed the following bill in which the concurrence of the House is asked:

Senate File 499, a bill for an act relating to the federal low-income housing credit allowance.

Also: That the Senate has on April 20, 1987, passed the following bill in which the concurrence of the House is asked:

Senate File 503, a bill for an act relating to the deletion of certain obsolete rules from the Iowa administrative code.

Also: That the Senate has on April 20, 1987, adopted the following concurrent resolution in which the concurrence of the House is asked:

Senate Concurrent Resolution 30, relating to the establishment of occupational therapy programs.

Also: That the Senate has on April 20, 1987, adopted the following concurrent resolution in which the concurrence of the House is asked:

Senate Concurrent Resolution 32, urging the Congress of the United States to amend the Interstate Commerce Act to allow states to collect sales or use taxes from outstate sellers.

JOHN F. DWYER, Secretary

**IMMEDIATE MESSAGE**  
(Senate File 311)

Arnould of Scott asked and received unanimous consent that Senate File 311 be immediately messaged to the Senate.

**HOUSE FILE 468 DEFERRED**

Arnould of Scott asked and received unanimous consent that House File 468 be deferred and that the bill retain its place on the calendar.

**HOUSE INSISTS**  
(Senate File 481)

Osterberg of Linn called up for consideration **Senate File 481**, a bill for an act relating to state tax revenues and expenditures by altering the individual income tax rates, withholding, standard deductions, and personal exemptions and credits; increasing the state sales, services, and use tax and providing for refunds for certain contractors as a result of that increase; adjusting the allowable growth under the school foundation formula; and providing effective dates, and moved that the House insist on its amendment, which motion prevailed.

**CONFERENCE COMMITTEE APPOINTED**  
(Senate File 481)

The Speaker announced the appointment of the conference committee to consider the differences between the House and Senate concerning Senate File 481: Doderer of Johnson, Chair; Brammer of Linn, Carpenter of Polk, Osterberg of Linn and Schnekloth of Scott.

Connors of Polk in the chair at 10:10 a.m.

**Unfinished Business Calendar**

The House resumed consideration of **Senate File 469**, a bill for an act relating to the confinement and treatment of persons convicted of a violation of operating a motor vehicle while intoxicated by requiring counties to provide temporary confinement for offenders under the supervision of the department of corrections who violate the conditions of treatment programs, by providing that a work release program may include out-of-state work or treatment placement, by specifying that an offender committing a third offense shall serve the minimum thirty-day term in the county jail, and may be sentenced to up to one year in the county jail, by providing that a person convicted of a second or subsequent offense shall be ordered to undergo a substance abuse evaluation, by providing that a person convicted

of a third or subsequent offense or an offender whose substance abuse evaluation recommended treatment may be sentenced to the custody of the department of corrections who shall assign the person to a facility pursuant to section 246.513 or to treatment in the community under supervision of the department, by requiring judicial district departments of correctional services to provide programs for offenders under chapter 321J, by providing that a requirement for a mandatory minimum sentence for repeat offenders shall not apply to offenders under chapter 321J, and by providing that an offender under chapter 321J who is under the supervision of the department of corrections shall receive a clothing allowance and expense money allotted to inmates when the offender is assigned to a community-based corrections program, deferred and placed on the unfinished business calendar April 14, 1987.

Sherzan of Polk offered the following amendment H—3880 filed by him and moved its adoption:

H—3880

- 1 Amend Senate File 469 as amended, passed and
- 2 reprinted by the Senate as follows:
- 3 1. Page 1, by inserting before line 1 the
- 4 following:
- 5 "Section 1. Section 246.513, subsection 1,
- 6 unnumbered paragraph 1, Code 1987, is amended by
- 7 striking the paragraph and inserting in lieu thereof
- 8 the following:
- 9 The department of corrections in cooperation with
- 10 judicial district departments of corrections services
- 11 shall establish in each judicial district bed space
- 12 for the confinement and treatment of offenders
- 13 convicted of violating chapter 321J who are sentenced
- 14 to the custody of the director. The offenders shall
- 15 first be assigned to the Iowa medical classification
- 16 facility at Oakdale for classification and after
- 17 classification may be assigned to a residential
- 18 facility operated by any judicial district department
- 19 of corrections services. The facilities established
- 20 shall meet all the following requirements:"
- 21 2. Page 4, line 9, by inserting after the word
- 22 "offenders" the following: "convicted".
- 23 3. Page 4, line 20, by inserting after the word
- 24 "offenders" the following: "convicted".
- 25 4. Page 5, line 2, by inserting after the word
- 26 "is" the following: "on a conviction".
- 27 5. By renumbering as required.

Amendment H—3880 was adopted.

Paulin of Plymouth offered the following amendment H—3766 filed by him and Miller of Cherokee:

H—3766

- 1 Amend Senate File 469 as amended, passed, and  
 2 reprinted by the Senate as follows:  
 3 1. Page 2, by inserting after line 32 the  
 4 following:  
 5 "Sec. 4. Section 321J.2, Code 1987, is amended by  
 6 adding the following new subsection:  
 7 **NEW SUBSECTION 10.** The court may order a  
 8 defendant convicted of or receiving a deferred  
 9 judgment for a violation of this section to publish an  
 10 apology for the offense including a picture of the  
 11 person in a newspaper of local circulation."  
 12 2. Page 4, by striking line 5 and inserting the  
 13 following:  
 14 "Sec. 5. Section 905.7, subsections 1 and 3, Code  
 15 1987, are amended".  
 16 3. Page 4, by inserting after line 10 the  
 17 following:  
 18 "3. Follow practices and procedures which maximize  
 19 the availability of federal funding for the district  
 20 department's community-based correctional program and  
 21 the department of transportation."  
 22 4. Page 4, by inserting before line 11 the  
 23 following:  
 24 "Sec. 6. Section 905.7, Code 1987, is amended by  
 25 adding the following new subsection:  
 26 **NEW SUBSECTION. 8.** Provide guidelines to the  
 27 district court for sentences to offenders under  
 28 section 321J.2, subsection 10."  
 29 5. By renumbering as necessary.

Paulin of Plymouth offered the following amendment H—3780, to amendment H—3766, filed by him and Miller of Cherokee and moved its adoption:

H—3780

- 1 Amend amendment H—3766 to Senate File 469 as  
 2 amended, passed and reprinted by the Senate as  
 3 follows:  
 4 1. Page 1, line 20, by inserting after the word  
 5 "and", the word "assist".  
 6 2. Page 1, line 21, by inserting after the word  
 7 "transportation", the following: "which is authorized  
 8 to follow practices and procedures designed to  
 9 maximize the availability of federal funding for the  
 10 enforcement and implementation of drunk driver  
 11 prevention and other highway safety programs".

Amendment H—3780 was adopted.

Division of amendment H—3766 was requested as follows:

H—3766A, lines 3 through 11 and lines 22 through 29.

H—3766B, lines 12 through 21.

Hansen of Woodbury rose on a point of order that amendment H—3766A was not germane.

The Speaker ruled the point not well taken and amendment H—3766A germane.

On motion by Paulin of Plymouth amendment H—3766A lost.

On motion by Paulin of Plymouth amendment H—3766B, as amended, was adopted.

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

On the question “Shall the bill pass?” (S.F. 469)

The ayes were, 95:

Adams	Arnould	Avenson	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Branstad	Buhr
Carpenter	Chapman	Clark	Cohoon
Cooper	Corbett	Corey	Daggett
De Groot	Diemer	Doderer	Dvorsky
Eddie	Fey	Fogarty	Fuller
Garman	Groninga	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. R.
Harbor	Harper	Hatch	Haverland
Hermann	Hester	Holveck	Hummel
Jay	Jochum	Johnson	Knapp
Koenigs	Kremer	Lageschulte	Lundby
Maulsby	May	McKean	McKinney
Metcalf	Miller	Muhlbauer	Mullins
Neuhauser	Norrgard	Osterberg	Parker
Paulin	Pavich	Pellett	Peters
Petersen, D. F.	Peterson, M. K.	Plasier	Platt
Poncy	Renaud	Renken	Rosenberg
Royer	Schneklloth	Schrader	Sherzan
Shoning	Shoultz	Siegrist	Skow
Spear	Stromer	Stueland	Svoboda
Swartz	Tabor	Teaford	Van Camp
Van Maanen	Wise	Mr. Speaker	
		(Connors)	

The nays were, none.

Absent or not voting, 5:

Connolly Tyrrell	Ollie	Running	Swearingen
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

The House resumed consideration of **Senate File 461**, a bill for an act relating to electronic funds transfers by providing for limiting liability of financial institutions for unauthorized electronic funds transfers involving the customer's account, altering restrictions on the establishment, location, and use of satellite terminals, adding definitions, and requiring that all satellite terminals in this state or their data processing centers be directly connected to a central routing unit, deferred and placed on the unfinished business calendar April 14, 1987.

Schneklath of Scott offered amendment H—3744 filed by him and found on page 1378 of the House Journal and moved its adoption.

A non-record roll call was requested.

The ayes were 29, nays 54.

Amendment H—3744 lost.

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. 461)

The ayes were, 91:

Adams	Arnould	Avenson	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Branstad	Buhr
Carpenter	Chapman	Clark	Cohon
Connolly	Cooper	Corbett	Corey
Daggett	De Groot	Diemer	Doderer
Dvorsky	Fey	Fogarty	Fuller
Garman	Groninga	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. R.
Harbor	Harper	Hatch	Haverland
Hermann	Holveck	Hummel	Jay
Jochum	Johnson	Knapp	Koenigs
Kremer	Lageschulte	Lundby	May
McKinney	Metcalf	Miller	Muhlbauer
Mullins	Neuhauser	Norrgard	Ollie
Osterberg	Parker	Paulin	Pavich
Pellett	Peters	Petersen, D. F.	Peterson, M. K.

Plasier	Platt	Poney	Renaud
Renken	Rosenberg	Royer	Schrader
Shoning	Shoultz	Siegrist	Skow
Spear	Stromer	Stueland	Svoboda
Swartz	Tabor	Teaford	Van Camp
Van Maanen	Wise	Mr. Speaker (Connors)	

The nays were, 4:

Eddie	Maulsby	McKean	Schneklath
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Absent or not voting, 5:

Hester Tyrrell	Running	Sherzan	Swearingen
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

The House resumed consideration of **Senate File 479**, a bill for an act relating to the use and application of pesticides and making penalties applicable, deferred and placed on the unfinished business calendar April 14, 1987.

Johnson of Winneshiek offered the following amendment H—3696 filed by the committee on energy and environmental protection and moved its adoption:

H—3696

- 1 Amend Senate File 479 as amended, passed, and
- 2 reprinted by the Senate as follows:
- 3 1. Page 2, line 35, by striking the word
- 4 "licensed" and inserting the following: "certified".
- 5 2. Page 3, by inserting after line 20, the
- 6 following:
- 7 "Sec. \_\_\_\_ CHLORDANE ADVISORY COMMITTEE CREATED.
- 8 1. A chlordane advisory committee is created. The
- 9 advisory committee shall consist of the chief
- 10 administrator of each of the following organizations
- 11 or the administrator's designee:
- 12 a. The department of agriculture and land
- 13 stewardship.
- 14 b. The environmental protection division of the
- 15 department of natural resources.
- 16 c. The State University of Iowa department of
- 17 preventative medicine and environmental health.
- 18 d. The Iowa department of public health.
- 19 e. The state hygienic laboratory.
- 20 2. The advisory committee shall study the effects
- 21 of chlordane application and shall, by January 1,
- 22 1988, report to the environmental protection and
- 23 energy committees of the general assembly its

- 24 recommendations for the safe use and regulation of  
 25 chlordane.  
 26 3. This section is repealed January 1, 1988."  
 27 3. By renumbering as necessary.

The committee amendment H—3696 was adopted.

Johnson of Winneshiek offered the following amendment H—3877 filed by him and moved its adoption:

H—3877

- 1 Amend Senate File 479 as amended, passed, and  
 2 reprinted by the Senate as follows:  
 3 1. Page 2, line 22, by striking the word  
 4 "qualified" and inserting the following: "certified".

Amendment H—3877 was adopted.

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

On the question "Shall the bill pass?" (S.F. 479)

The ayes were, 95:

Adams	Arnould	Avenson	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Branstad	Buhr
Carpenter	Chapman	Clark	Cohoon
Connolly	Cooper	Corbett	Corey
Daggett	De Groot	Diemer	Doderer
Dvorsky	Eddie	Fey	Fogarty
Fuller	Garman	Groninga	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Hansen, S. D.
Hanson, D. R.	Harbor	Harper	Hatch
Haverland	Hermann	Hester	Holveck
Hummel	Jay	Jochum	Johnson
Knapp	Koenigs	Kremer	Lageschulte
Lundby	Maulsby	May	McKean
McKinney	Metcalf	Miller	Muhlbauer
Mullins	Neuhauser	Norrgard	Ollie
Osterberg	Paulin	Pavich	Pellett
Peters	Petersen, D. F.	Peterson, M. K.	Plasier
Platt	Poncy	Renaud	Renken
Rosenberg	Royer	Schnekloth	Schrader
Shoning	Shoultz	Siegrist	Skow
Spear	Stromer	Stueland	Svoboda
Swartz	Tabor	Teaford	Van Camp
Van Maanen	Wise	Mr. Speaker (Connors)	

The nays were, none.

Absent or not voting, 5:

Parker	Running	Sherzan	Swearingen
Tyrrell			

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

The House resumed consideration of **Senate File 216**, a bill for an act allowing therapeutically certified optometrists to employ and supply certain pharmaceutical agents and to treat certain conditions, deferred and placed on the unfinished business calendar on April 14, 1987.

Hanson of Delaware in the chair at 11:18 a.m.

Connors of Polk in the chair at 11:22 a.m.

Jochum of Dubuque offered the following amendment H-3706 filed by Jochum, et al.:

H-3706

- 1 Amend Senate File 216, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. By striking everything after the enacting
- 4 clause and inserting the following:
- 5 "Section 1. NEW SECTION. 2C.1 LEGISLATIVE
- 6 POLICY.
- 7 The general assembly finds that the right of every
- 8 person to engage in a lawful profession of providing
- 9 personal health care services is a right which should
- 10 not be abridged except as a reasonable exercise of the
- 11 state's police power when it is clearly found to be
- 12 necessary for the preservation of the health, safety,
- 13 and welfare of the public.
- 14 It is declared to be the policy of the state that
- 15 no regulation shall be imposed on these professions
- 16 except for the exclusive purpose of protecting the
- 17 public interest when:
- 18 1. Its unregulated practice can harm or endanger
- 19 the health, safety, and welfare of the public.
- 20 2. Its practice requires specialized skill or
- 21 training and the public needs and will benefit from
- 22 assurances of initial and continuing professional
- 23 ability.
- 24 3. The public is not effectively protected by
- 25 other means.
- 26 Sec. 2. NEW SECTION. 2C.2 COMMISSION
- 27 ESTABLISHED.
- 28 A commission on professional health care practices
- 29 regulation is established. The commission shall be

30 bipartisan and be composed of seventeen members  
31 appointed by the legislative council as follows:

32 1. One member shall be selected from the public  
33 members serving on the dental examining board.

34 2. One member shall be selected from the public  
35 members serving on the medical examining board.

36 3. One member shall be selected from the public  
37 members serving on the nursing examining board.

38 4. One member shall be selected from the public  
39 members serving on the pharmacy examining board.

40 5. One member shall be selected from the public  
41 members serving on the chiropractic examining board.

42 6. One member shall be selected from the public  
43 members serving on the dietetics examining board.

44 7. One member shall be selected from the public  
45 members serving on the optometry examining board.

46 8. One member shall be selected from the public  
47 members serving on the podiatry examining board.

48 9. One member shall be selected from the public  
49 members serving on the physical and occupational  
50 therapy examining board.

**Page 2**

1 10. Six public members.

2 11. One member who is a hospital administrator.

3 12. One member who is knowledgeable in health  
4 insurance.

5 A member of the general assembly shall not serve on  
6 the commission.

7 **Sec. 3. NEW SECTION. 2C.3 TERM OF OFFICE.**

8 A commission member shall be appointed for a term  
9 of four years. However, of the initial appointments,  
10 four shall be for a term of one year, four shall be  
11 for a term of two years, four shall be for a term of  
12 three years, and five shall be for a term of four  
13 years. If a vacancy occurs, the appointment of a  
14 person to fill the vacancy shall be for the remainder  
15 of that term of office. The term of a member  
16 appointed under section 2C.2, subsections 1 through 9,  
17 shall expire upon the expiration of the term of the  
18 member's appointment to the board specified in section  
19 2C.2, subsections 1 through 9.

20 **Sec. 4. NEW SECTION. 2C.4 ORGANIZATION --**  
21 **COMPENSATION.**

22 The commission shall organize annually and elect a  
23 chairperson and vice chairperson.

24 The members of the commission shall be paid a per  
25 diem of forty dollars and actual and necessary  
26 expenses from funds appropriated by section 2.12.

27 **Sec. 5. NEW SECTION. 2C.5 DUTIES.**

28 1. The commission shall review all requests for

29 changes in the professional qualifications, insurance  
30 coverage, direct insurance payment, and scope of  
31 practice in those areas of health care regulations  
32 including but not limited to the practices of  
33 medicine, dentistry, pharmacy, nursing, chiropractics,  
34 dietetics, optometry, podiatry, and occupational and  
35 physical therapy. Any proposed amendments in the law  
36 relating to these professional practices shall be  
37 submitted to the commission for its review. Upon  
38 review of these recommendations by the commission, the  
39 commission shall refer the recommendations to the  
40 general assembly for its consideration.

41 2. In reviewing recommendations relating to these  
42 professional practices, the commission shall consider  
43 the following social impacts:

44 a. To what extent is the treatment or service  
45 related to the individual mandates or direct pay  
46 issues under insurance coverage and whether the  
47 treatment or services are utilized by a significant  
48 portion of the population.

49 b. To what extent is the insurance coverage  
50 presently generally available.

Page 3

1 c. If insurance coverage is not generally  
2 available for the treatment or service, to what extent  
3 does the lack of coverage result in persons avoiding  
4 necessary health care treatments.

5 d. If the insurance coverage is not generally  
6 available, to what extent does the lack of coverage  
7 result in unreasonable financial hardship to the  
8 public.

9 e. What is the level of public demand for the  
10 treatment or service.

11 f. What is the level of public demand for  
12 insurance coverage for the treatment or service.

13 g. What is the level of interest of collective  
14 bargaining agents in negotiating privately for  
15 inclusion of this coverage in group contracts.

16 3. In reviewing recommendations relating to these  
17 professional practices, the commission shall also  
18 consider the following financial impacts:

19 a. To what extent will the coverage increase or  
20 decrease the cost of the treatment or service.

21 b. To what extent will the coverage increase the  
22 appropriate use of the treatment or service.

23 c. To what extent will the mandated treatment or  
24 service be a substitute for more expensive treatment  
25 or service.

26 d. To what extent will the coverage increase or  
27 decrease the administrative expenses of insurance

28 companies and the premium and administrative expenses  
29 of policyholders.

30 e. To what extent will this coverage impact the  
31 total cost of health care.

32 f. To what extent are educational and supervised  
33 clinical opportunities available to teach any  
34 authorized practice or techniques.

35 **Sec. 6. NEW SECTION. 2C.6 RESEARCH AND**  
36 **STATISTICS.**

37 The commission shall develop a data base of the  
38 laws and rules regulating these professions in other  
39 states. The commission shall also monitor the social  
40 and financial impacts of any changes in the law and  
41 rules of other states. The commission may employ a  
42 consultant to assist it in compiling the information  
43 necessary for it to make decisions on issues submitted  
44 to the commission. The commission shall annually  
45 issue a summary of its data to the general assembly  
46 upon the convening of the general assembly.

47 **Sec. 7. NEW SECTION. 2C.7 STAFF SUPPORT.**

48 The legislative service bureau shall provide  
49 administrative and staff assistance to the commission.  
50 The commission may also request the assistance of the

**Page 4**

1 legislative fiscal bureau, the Iowa department of  
2 public health, the health data commission, the  
3 department of human services, and the department of  
4 commerce and upon request, those agencies shall  
5 cooperate with the commission and provide the  
6 assistance required.

7 **Sec. 8. NEW SECTION. 2C.8 PROPOSALS SUBMITTED.**

8 If any of the professional practices have a  
9 proposal to submit relating to the regulation of the  
10 practice, the proposal shall be submitted to the  
11 commission. The commission shall conduct an  
12 investigation of the impact of the proposal as  
13 provided in this chapter and compile a record of its  
14 findings and recommendations to the legislative  
15 council and the general assembly by January 1 of each  
16 year. The commission may file interim reports with  
17 the legislative service bureau when the commission  
18 deems it necessary. In its review of the proposal,  
19 the commission may conduct public hearings, receive  
20 testimony and conduct such additional investigations  
21 as it determines necessary to make its  
22 recommendations."

23 2. Title page, lines 1 through 3, by striking the  
24 words "allowing therapeutically certified optometrists  
25 to employ and supply certain pharmaceutical agents and  
26 to treat certain conditions" and inserting the

27 following: "creating a commission on professional  
 28 health care practices to review the fiscal and social  
 29 impact of changes in certain professional health care  
 30 practices".

Jochum of Dubuque offered the following amendment H—3786,  
 to amendment H—3706, filed by him and moved its adoption:

H—3786

1 Amend the amendment, H—3706, to Senate File 216, as  
 2 amended, passed, and reprinted by the Senate, as  
 3 follows:  
 4 1. Page 1, line 30, by striking the word  
 5 "seventeen" and inserting the following: "nineteen".  
 6 2. Page 1, by inserting after line 50 the  
 7 following:  
 8 "\_\_\_\_\_. One member shall be selected from the public  
 9 members serving on the psychology examining board."  
 10 3. Page 2, line 1, by striking the word "Six" and  
 11 inserting the following: "Seven".  
 12 4. Page 2, line 10, by striking the words "year,  
 13 four" and inserting the following: "year, five".  
 14 5. Page 2, line 11, by striking the word "four"  
 15 and inserting the following: "five".  
 16 6. Page 2, line 34, by inserting after the word  
 17 "podiatry," the following: "psychology,".

Amendment H—3786 was adopted.

Peterson of Carroll rose on a point of order that amendment  
 H—3706 was not germane.

The Speaker ruled the point well taken and amendment H—3706  
 not germane.

Jochum of Dubuque asked and received unanimous consent to sus-  
 pend the rules to consider amendment H—3706, as amended.

Arnould of Scott asked and received unanimous consent that  
 Senate File 216 be temporarily deferred and that the bill retain its  
 place on the calendar.

(Amendment H—3706, as amended, pending.)

#### REMOVED FROM REGULAR CALENDAR

Arnould of Scott asked and received unanimous consent that the  
 following bills be removed from the regular calendar and be rereferred  
 to the committees of last referral as listed:

H.F.	84	Agriculture
H.F.	111	Human Resources

H.F.	264	Small Business and Commerce
H.F.	319	Local Government
H.F.	359	Judiciary and Law Enforcement
H.F.	365	Local Government
H.F.	366	Natural Resources and Outdoor Recreation
H.F.	422	Labor and Industrial Relations
H.F.	434	Judiciary and Law Enforcement
H.F.	484	State Government
H.F.	516	Judiciary and Law Enforcement
H.F.	542	Transportation
H.F.	559	Energy and Environmental Protection
H.F.	561	Transportation
H.F.	566	Education
H.F.	608	State Government
H.F.	611	Small Business and Commerce
H.F.	635	Labor and Industrial Relations
H.F.	643	Judiciary and Law Enforcement
S.F.	56	Local Government
S.F.	312	Transportation
S.F.	327	Agriculture

#### HOUSE FILE 467 WITHDRAWN

Swartz of Marshall asked and received unanimous consent to withdraw House File 467 from further consideration by the House.

On motion by Arnould of Scott, the House was recessed at 12:01 p.m., until 1:15 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 21, 1987, amended and passed the following bill in which the concurrence of the House is asked:

House File 334, a bill for an act relating to cigarette and tobacco tax assessment periods, penalties and appeal periods, offsetting of claims against the state with a person's liabilities to the state, tax return confidentiality, the filing of sales and services tax refund claims, audit periods for sales, services, and use tax returns, use tax penalty, and penalties for interfering with department of revenue and finance employees in the performance of their duties and providing effective dates.

Also: That the Senate has on April 21, 1987, refused to concur in the House amendment to the following bill in which the concurrence of the Senate was asked:

Senate File 290, a bill for an act relating to the requirement for foster parent training, confidentiality requirements for foster care review boards, and incorporating a penalty.

Also: That the Senate has on April 21, 1987, amended the House amendment, concurred in the House amendment as amended, and passed the following bill in which the concurrence of the House is asked:

Senate File 399, a bill for an act establishing a motorcycle rider education fund, increasing fees for certain operator's licenses, crediting moneys to the fund, and appropriating moneys from the fund to the department of education to reimburse sponsors of motorcycle rider education courses for the costs of the courses.

JOHN F. DWYER, Secretary

### Unfinished Business Calendar

The House resumed consideration of **Senate File 216**, a bill for an act allowing therapeutically certified optometrists to employ and supply certain pharmaceutical agents and to treat certain conditions, and amendment H—3706, as amended, found on pages 1553 through 1557 of the House Journal, temporarily deferred.

Chapman of Linn in the chair at 1:32 p.m.

Jochum of Dubuque moved the adoption of amendment H—3706, as amended.

A non-record roll call was requested.

The ayes were 42, nays 48.

Amendment H—3706, as amended, lost.

Peterson of Carroll offered the following amendment H—3733 filed by him and moved its adoption:

H—3733

1 Amend Senate File 216, as amended, passed, and re-  
2 printed by the Senate, as follows:  
3 1. Page 2, by inserting after line 22 the fol-  
4 lowing:  
5 "The board shall adopt rules requiring an  
6 additional twenty hours per biennium of continuing  
7 education in the treatment and management of ocular  
8 disease for all therapeutically certified  
9 optometrists. The department of ophthalmology of the  
10 school of medicine of the State University of Iowa  
11 shall be one of the providers of this continuing  
12 education."

Amendment H—3733 was adopted.

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

## On the question "Shall the bill pass?" (S.F. 216)

The ayes were, 60:

Adams	Arnould	Beaman	Beatty
Black	Blanshan	Branstad	Buhr
Cohon	Connors	Cooper	Corbett
Daggett	De Groot	Diemer	Eddie
Fey	Fogarty	Fuller	Garman
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Harbor
Haverland	Hermann	Hester	Hummel
Jay	Johnson	Knapp	Koenigs
Kremer	Lageschulte	Lundby	Maulsby
McKean	McKinney	Miller	Muhlbauer
Norrgard	Ollie	Pavich	Peters
Peterson, M. K.	Plasier	Platt	Renaud
Renken	Royer	Schrader	Sherzan
Shoultz	Skow	Spear	Stromer
Stueland	Svoboda	Van Camp	Madam Speaker (Chapman)

The nays were, 35:

Bennett	Bisignano	Brammer	Carpenter
Connolly	Corey	Doderer	Dvorsky
Groninga	Hammond	Hansen, S. D.	Hanson, D. R.
Harper	Hatch	Holveck	Jochum
May	Metcalf	Mullins	Neuhauser
Osterberg	Parker	Paulin	Pellett
Petersen, D. F.	Poncy	Rosenberg	Schnekloth
Shoning	Siegrist	Swartz	Tabor
Teaford	Van Maanen	Wise	

Absent or not voting, 5:

Avenson	Clark	Running	Swearingen
Tyrrell			

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

## SENATE FILE 201 DEFERRED

Arnould of Scott asked and received unanimous consent that Senate File 201 be deferred and that the bill retain its place on the calendar.

## Ways and Means Calendar

House File 673, a bill for an act to impose the premium tax on risk retention groups, was taken up for consideration.

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

### On the question "Shall the bill pass?" (H.F. 673)

The ayes were, 93:

Adams	Arnould	Avenson	Beatty
Bennett	Bisignano	Black	Blanshan
Brammer	Branstad	Buhr	Carpenter
Clark	Cohoon	Connolly	Connors
Cooper	Corbett	Corey	Daggett
De Groot	Diemer	Dvorsky	Eddie
Fey	Fogarty	Fuller	Garman
Groninga	Gruhn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. R.	Harbor
Harper	Hatch	Haverland	Hermann
Hester	Holveck	Hummel	Jay
Jochum	Johnson	Knapp	Koenigs
Kremer	Lageschulte	Lundby	May
McKean	McKinney	Metcalf	Miller
Muhlbauer	Mullins	Neuhauser	Norrgard
Ollie	Osterberg	Parker	Paulin
Pavich	Pellett	Peters	Petersen, D. F.
Peterson, M. K.	Plasier	Platt	Poncy
Renaud	Renken	Rosenberg	Royer
Schnekloth	Schrader	Sherzan	Shoning
Shoultz	Siegrist	Skow	Spear
Stromer	Stueland	Svoboda	Swartz
Tabor	Teaford	Van Camp	Wise
Madam Speaker (Chapman)			

The nays were, 2:

Maulsby                      Van Maanen

Absent or not voting, 5:

Beaman	Doderer	Running	Swearingen
Tyrrell			

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

### SENATE AMENDMENTS CONSIDERED

Beatty of Warren called up for consideration **House File 346**, a bill for an act relating to temporary certificates issued by the board of medical examiners, amended by the Senate, and moved that the House concur in the following Senate amendment H—3832:

H—3832

- 1 Amend House File 346, as passed by the House, as
- 2 follows:
- 3 1. Page 2, by inserting after line 7 the

4 following:

5 "Sec. 2. Section 149.7, unnumbered paragraph 1,  
6 Code 1987, is amended to read as follows:

7 The podiatry examiners may issue a temporary  
8 certificate to an ~~academic staff member of a podiatry~~  
9 ~~school in this state authorizing the licensee named in~~  
10 ~~the certificate to practice podiatry if, in the~~  
11 ~~opinion of the podiatry examiners, determine that a~~  
12 ~~need exists and the person possesses the~~  
13 ~~qualifications prescribed by the podiatry examiners~~  
14 ~~for the certificate, which shall be substantially~~  
15 ~~equivalent to those required for regular licensure~~  
16 ~~under this chapter. The podiatry examiners shall~~  
17 ~~determine in each instance the applicant's eligibility~~  
18 ~~for the certificate, whether or not examinations an~~  
19 ~~examination shall be given, and the type of~~  
20 ~~examinations examination. The requirements of the law~~  
21 ~~pertaining to regular permanent licensure shall not be~~  
22 ~~mandatory for this temporary certificate except as~~  
23 ~~specifically designated by the podiatry examiners.~~  
24 The granting of a temporary certificate does not in  
25 any way indicate that the person licensed is  
26 necessarily eligible for regular licensure, and the  
27 podiatry examiners are not obligated to license the  
28 person."

29 2. Title page, line 2, by inserting after the  
30 word "examiners" the following: "and the board of  
31 podiatry examiners".

The motion prevailed and the House concurred in the Senate amendment H—3832.

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

On the question "Shall the bill pass?" (H.F. 346)

The ayes were, 93:

Adams	Arnould	Avenson	Beatty
Bennett	Bisignano	Black	Blanshan
Brammer	Branstad	Buhr	Carpenter
Clark	Cohoon	Connolly	Connors
Cooper	Corbett	Corey	Daggett
De Groot	Diemer	Doderer	Dvorsky
Eddie	Fey	Fogarty	Fuller
Garman	Groninga	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hansen, S. D.	Hanson, D. R.	Harbor
Harper	Hatch	Haverland	Hermann
Hester	Holveck	Hummel	Jay

Jochum	Johnson	Koenigs	Kremer
Lageschulte	Lundby	Maulsby	May
McKean	McKinney	Metcalf	Miller
Muhlbauer	Mullins	Neuhauser	Norrsgard
Ollie	Osterberg	Parker	Paulin
Pavich	Pellett	Peters	Petersen, D. F.
Peterson, M. K.	Plasier	Platt	Poncy
Renaud	Renken	Rosenberg	Royer
Schneklath	Schrader	Sherzan	Shoning
Shoultz	Siegrist	Skow	Spear
Stromer	Stueland	Svoboda	Swartz
Tabor	Van Camp	Van Maanen	Wise
Madam Speaker			
(Chapman)			

The nays were, 2:

Hammond            Teaford

Absent or not voting, 5:

Beaman            Knapp                            Running                        Swearingen  
Tyrrell

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 464**, a bill for an act relating to the receipt and sale of protected game by a nonprofit corporation, amended by the Senate, and moved that the House concur in the following Senate amendment H—3841:

H—3841

- 1 Amend House File 464, as passed by the House, as
- 2 follows:
- 3 1. Page 1, line 4, by inserting after the word
- 4 "species" the following: ", fur-bearing animal
- 5 species, or variety of fish".
- 6 2. Page 1, line 6, by inserting after the word
- 7 "species" the following: "or fur-bearing animal
- 8 species, or a variety of fish".
- 9 3. Page 1, line 8, by inserting after the word
- 10 "species" the following: "or same variety of fish".
- 11 4. Title page, line 1, by inserting after the
- 12 word "game" the following: ", fur-bearing animal, or
- 13 fish".

The motion prevailed and the House concurred in the Senate amendment H—3841.

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

## On the question "Shall the bill pass?" (H.F. 464)

The ayes were, 96:

Adams	Arnould	Avenson	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Branstad	Buhr
Carpenter	Clark	Cohoon	Connolly
Connors	Cooper	Corbett	Corey
Daggett	De Groot	Diemer	Doderer
Dvorsky	Eddie	Fey	Fogarty
Fuller	Garman	Groninga	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Hansen, S. D.
Hanson, D. R.	Harbor	Harper	Hatch
Haverland	Herbmann	Hester	Holveck
Hummel	Jay	Jochum	Johnson
Knapp	Koenigs	Kremer	Lageschulte
Lundby	Maulsby	May	McKean
McKinney	Metcalf	Miller	Muhlbauer
Mullins	Neuhauser	Ollie	Osterberg
Parker	Paulin	Pavich	Pellett
Peters	Petersen, D. F.	Peterson, M. K.	Plasier
Platt	Poncy	Renaud	Renken
Rosenberg	Royer	Schnekloth	Schrader
Sherzan	Shoning	Shoultz	Siegrist
Skow	Spear	Stromer	Stueland
Svoboda	Swartz	Tabor	Teaford
Van Camp	Van Maanen	Wise	Madam Speaker (Chapman)

The nays were, none.

Absent or not voting, 4:

Norrgard                      Running                      Swearingen                      Tyrrell

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

Renaud of Polk called up for consideration **House File 494**, a bill for an act requiring mobile home dealers to apply for a certificate of title for mobile homes received as a trade-in and making penalties applicable, amended by the Senate, and moved that the House concur in the following Senate amendment H—3843:

H—3843

- 1 Amend House File 494 as passed by the House as
- 2 follows:
- 3 1. Page 2, line 12, by striking the words
- 4 "provide for reassignments" and inserting the words
- 5 "be reassigned".
- 6 2. Page 3, by striking lines 4 through 6 and

7 inserting the following: "acquiring a used mobile  
8 home, titled in Iowa, apply for and obtain from the  
9 county treasurer of the dealer's county of residence a  
10 new certificate of title for the mobile home."

11 3. Page 3, line 14, by striking the words "trade-  
12 in mobile home" and inserting the words "used mobile  
13 home, titled in Iowa".

14 4. Page 3, line 24, by inserting after the figure  
15 "321.24." the following: "Mobile homes titled under  
16 chapter 448 that have been subject under section  
17 446.18 to a scavenger sale in a county, shall be  
18 titled in the county's name, with no fee and the  
19 county treasurer shall issue the title."

20 5. Page 3, by striking lines 27 through 31 and  
21 inserting the following:

22 NEW SUBSECTION. 3. A mobile home dealer who  
23 acquires a used mobile home, titled in Iowa, and who  
24 does not apply for and obtain a certificate of title  
25 from the county treasurer of the dealer's county of  
26 residence within fifteen days of the date of  
27 acquisition, as required under section 321.45,  
28 subsection 4, is".

29 6. Page 4, by striking lines 11 and 12 and  
30 inserting the following: "certificate of title for a  
31 used mobile home, titled in Iowa, acquired by the  
32 dealer within fifteen days from the date of  
33 acquisition as required under".

34 7. Page 4, by striking lines 17 and 18 and  
35 inserting the following: "county treasurer a  
36 certificate of title for a used mobile home, titled in  
37 Iowa, acquired by the dealer within fifteen days from  
38 the date of acquisition, as".

39 8. Title page, line 2, by striking the words  
40 "mobile homes received as a trade-in" and inserting  
41 the following: "certain used mobile homes acquired by  
42 the dealers".

The motion prevailed and the House concurred in the Senate amendment H—3843.

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

On the question "Shall the bill pass?" (H.F. 494)

The ayes were, 95:

Adams

Arnould

Avenson

Beaman

Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Branstad	Buhr
Carpenter	Clark	Cohoon	Connolly
Connors	Cooper	Corbett	Corey
Daggett	De Groot	Diemer	Doderer
Dvorsky	Eddie	Fey	Fogarty
Fuller	Garman	Groninga	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Hansen, S. D.
Hanson, D. R.	Harbor	Harper	Hatch
Haverland	Hermann	Hester	Holveck
Hummel	Jay	Jochum	Johnson
Koenigs	Kremer	Lageschulte	Lundby
Maulsby	May	McKean	McKinney
Metcalf	Miller	Muhlbauer	Mullins
Neuhauser	Norrgard	Ollie	Osterberg
Parker	Pavich	Pellett	Peters
Petersen, D. F.	Peterson, M. K.	Plasier	Platt
Poncy	Renaud	Renken	Rosenberg
Royer	Schneklath	Schrader	Sherzan
Shoning	Shoultz	Siegrist	Skow
Spear	Stromer	Stueland	Svoboda
Swartz	Tabor	Teaford	Van Camp
Van Maanen	Wise	Madam Speaker (Chapman)	

The nays were, none.

Absent or not voting, 5:

Knapp	Paulin	Running	Swearingen
Tyrrell			

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

Muhlbauer of Crawford called up for consideration **House File 371**, a bill for an act authorizing the state department of transportation to adopt and administer federal motor carrier safety and hazardous materials transportation regulations, establishing reporting requirements, making technical corrections, providing penalties, and providing an effective date, amended by the Senate amendment H-3360 as follows:

H-3360

- 1 Amend House File 371, as passed by the House, as
- 2 follows:
- 3 1. Page 3, line 8, by striking the words " upon
- 4 conviction," and inserting the following: " upon
- 5 conviction,".
- 6 2. Page 5, line 14, by inserting after the figure
- 7 "390-399" the following: "and adopted under chapter

- 8 17A which rules shall be to a date certain".  
 9 3. By renumbering, relettering, or redesignating  
 10 and correcting internal references as necessary.

Platt of Muscatine offered the following amendment H—3874, to the Senate amendment H—3360, filed by him and moved its adoption:

H—3874

- 1 Amend the Senate amendment, H—3360, to House File  
 2 371, as passed by the House, as follows:  
 3 1. Page 1, by inserting after line 2 the follow-  
 4 ing:  
 5 "\_\_\_\_\_. Page 2, by inserting after line 26 the  
 6 following:  
 7 "Sec. \_\_\_\_\_. Section 321.198, unnumbered paragraph  
 8 2, Code 1987, is amended to read as follows:  
 9 The department is hereby authorized to renew any  
 10 operator's license or chauffeur's license falling  
 11 within the provisions and limitations of the preceding  
 12 paragraph, without examination, upon application and  
 13 payment of fee made within six months following  
 14 separation from the military service." "

Amendment H—3874 was adopted.

Platt of Muscatine asked and received unanimous consent to withdraw amendment H—3667, to the Senate amendment H—3360, filed by Platt, et al., on April 7, 1987.

Platt of Muscatine offered the following amendment H—3688, to the Senate amendment H—3360, filed by Platt, et al., and moved its adoption:

H—3688

- 1 Amend the Senate amendment, H—3360, to House File  
 2 371, as passed by the House, as follows:  
 3 1. Page 1, by inserting after line 8 the  
 4 following:  
 5 "\_\_\_\_\_. Page 5, line 17, by inserting after the  
 6 word "of" the following: "public utility trucks,  
 7 construction trucks and equipment, trucks moving  
 8 implements of husbandry, and".  
 9 \_\_\_\_\_. Page 5, line 18, by inserting after the  
 10 word "intrastate." the following: "However,  
 11 construction trucks shall not be construed to include,  
 12 gravel hauling trucks. Gravel hauling trucks and  
 13 trucks for hire on construction projects are not  
 14 exempt from this section." "

Amendment H—3688 was adopted.

On motion by Muhlbauer of Crawford, the House concurred in the Senate amendment H—3360, as amended.

Muhlbauer of Crawford 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. 371)

The ayes were, 93:

Adams	Arnould	Avenson	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Branstad	Buhr	Carpenter
Clark	Cohoon	Connolly	Connors
Cooper	Corbett	Corey	Daggett
De Groot	Diemer	Dvorsky	Eddie
Fey	Fogarty	Fuller	Garman
Groninga	Gruhn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. R.	Harbor
Harper	Hatch	Haverland	Hermann
Hester	Holveck	Hummel	Jay
Jochum	Johnson	Koenigs	Kremer
Lageschulte	Lundby	Maulsby	May
McKean	McKinney	Metcalf	Miller
Muhlbauer	Mullins	Neuhauser	Norrgard
Ollie	Osterberg	Parker	Paulin
Pavich	Pellett	Peters	Petersen, D. F.
Peterson, M. K.	Plasier	Platt	Poncy
Renaud	Renken	Rosenberg	Royer
Schneklath	Schrader	Shoning	Shoultz
Siegrist	Skow	Spear	Stromer
Stueland	Svoboda	Swartz	Tabor
Teaford	Van Camp	Van Maanen	Wise
Madam Speaker (Chapman)			

The nays were, none.

Absent or not voting, 7:

Brammer	Doderer	Knapp	Running
Sherzan	Swearingen	Tyrrell	

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

Cooper of Lucas, called up for consideration **House File 241**, a bill for an act requiring Iowa state university of science and technology to use resources connected with institutions of the Iowa department of corrections, in order to conduct agricultural research, development,

and testing projects, amended by the Senate, and moved that the House concur in the following Senate amendment H—3833:

H—3833

- 1 Amend House File 241, as passed by the House, as
- 2 follows:
- 3 1. Page 1, line 9, by inserting after the word
- 4 "director." the following: "Before granting approval,
- 5 the director shall require that the university
- 6 compensate the department for the use of the
- 7 resources, on terms specified by the director."

The motion prevailed and the House concurred in the Senate amendment H—3833.

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

On the question "Shall the bill pass?" (H.F. 241)

The ayes were, 93:

Adams	Arnould	Avenson	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Branstad	Buhr	Carpenter
Clark	Cohoon	Connolly	Connors
Cooper	Corbett	Corey	Daggett
De Groot	Diemer	Dvorsky	Eddie
Fey	Fogarty	Fuller	Garman
Groninga	Gruhn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. R.	Harbor
Harper	Haverland	Hermann	Hester
Holveck	Hummel	Jay	Jochum
Johnson	Koenigs	Kremer	Lageschulte
Lundby	Maulsby	May	McKean
McKinney	Metcalf	Miller	Muhlbauer
Mullins	Neuhauser	Norrsgard	Ollie
Osterberg	Parker	Paulin	Pavich
Pellet	Peters	Petersen, D. F.	Peterson, M. K.
Plasier	Platt	Poncy	Renaud
Renken	Rosenberg	Royer	Schneklath
Schrader	Sherzan	Shoning	Shoultz
Siegrist	Skow	Spear	Stromer
Stueland	Svoboda	Swartz	Tabor
Teaford	Van Camp	Van Maanen	Wise
Madam Speaker (Chapman)			

The nays were, none.

Absent or not voting, 7:

Brammer	Doderer	Hatch	Knapp
Running	Swearingen	Tyrrell	

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

Plasier of Sioux called up for consideration **House File 492**, a bill for an act regarding schedule I and schedule IV controlled substances, amended by the Senate, and moved that the House concur in the following Senate amendment H—3772:

H—3772

1 Amend House File 492 as passed by the House as

2 follows:

3 1. Page 1, by inserting after line 5 the

4 following:

5 "Sec. 2. Section 204.206, subsection 3, Code 1987.

6 is amended by adding the following new paragraph and

7 relettering the subsequent paragraphs:

8 **NEW PARAGRAPH. b. Alfentanyl."**

9 2. Title page, line 1, by inserting after the

10 word and figure "schedule I" the following: "

11 schedule II,".

12 3. By renumbering as required.

The motion prevailed and the House concurred in the Senate amendment H—3772.

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

On the question "Shall the bill pass?" (H.F. 492)

The ayes were, 94:

Adams	Arnould	Avenson	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Branstad	Buhr
Carpenter	Clark	Cohoon	Connolly
Connors	Cooper	Corbett	Corey
Daggett	De Groot	Diemer	Dvorsky
Eddie	Fey	Fogarty	Fuller
Garman	Groninga	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. R.
Harbor	Harper	Hatch	Haverland
Hermann	Hester	Holveck	Hummel
Jay	Jochum	Johnson	Knapp
Koenigs	Kremer	Lageschulte	Lundby

Maulsby	May	McKean	McKinney
Metcalf	Miller	Muhlbauer	Mullins
Neuhauser	Norrgard	Ollie	Parker
Paulin	Pavich	Pellett	Peters
Petersen, D. F.	Peterson, M. K.	Plasier	Platt
Poncy	Renaud	Renken	Rosenberg
Royer	Schnekloth	Schrader	Shoning
Shoultz	Siegrist	Skow	Spear
Stromer	Stueland	Svoboda	Swartz
Tabor	Teaford	Van Camp	Van Maanen
Wise	Madam Speaker (Chapman)		

The nays were, none.

Absent or not voting, 6:

Doderer	Osterberg	Running	Sherzan
Swearingen	Tyrrell		

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

#### ADOPTION OF SENATE CONCURRENT RESOLUTION 20

Hansen of Woodbury called up for consideration Senate Concurrent Resolution 20, urging the postmaster general to issue a special commemorative stamp to honor Harry Lloyd Hopkins, and moved its adoption.

The motion prevailed and the resolution was adopted.

#### SENATE MESSAGES CONSIDERED

**Senate File 101**, by Husak, a bill for an act relating to mobile home taxes and providing an effective date.

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

**Senate File 499**, by committee on ways and means, a bill for an act relating to the federal low-income housing credit allowance.

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

#### HOUSE FILE 317 WITHDRAWN

Peterson of Carroll asked and received unanimous consent to withdraw House File 317 from further consideration by the House.

#### MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 21, 1987, amended and passed the following bill in which the concurrence of the House is asked:

House File 310, a bill for an act relating to acquired immune deficiency syndrome including the establishment of a central registry for victims and screening and testing procedures.

Also: That the Senate has on April 21, 1987, amended and passed the following bill in which the concurrence of the House is asked:

House File 580, a bill for an act relating to the granting of leaves of absence to persons disabled by pregnancy, providing for their reinstatement, and providing for an employer's liability.

Also: That the Senate has on April 21, 1987, amended and passed the following bill in which the concurrence of the House is asked:

House File 660, a bill for an act relating to dependent adult abuse, providing penalties, and establishing an effective date.

JOHN F. DWYER, Secretary

### BILL SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on April 21, 1987, he approved and transmitted to the Secretary of State the following bill:

Senate File 298, a bill for an act relating to the sale of alcoholic beverages, by allowing the alcoholic beverages division to assess a split-case charge when alcoholic liquor is sold in quantities which require a case to be split, by lowering the maximum mark-up on liquor sold by the division to class "E" licensees from sixty to fifty percent, by setting the bond for a class "E" license at a maximum of fifteen thousand dollars, by not requiring a bond from class "E" licensees who purchase alcoholic liquor from the division on a cash basis or by means that ensures that the division will receive full payment in advance of delivery, by providing for the issuance of a class "E" liquor control license to a city council in certain circumstances, by further restricting the issuance of a class "E" license to premises on or near which gasoline is sold, by allowing the division to deposit all the license fees collected from class "E" licensees in the beer and liquor control fund, by allowing the advertisement of alcoholic liquor for sale, by repealing the fifty percent goods and services test to qualify for Sunday sales of alcoholic beverages or beer under a liquor control license or class "B" beer permit, by providing that a corporation only placing alcoholic liquor in bailment with the division is not doing business in Iowa for the purpose of determining its tax liability and making the provision retroactive, by requiring class "E" licensees to collect and refund the beverage container deposit on containers of alcoholic liquor, by striking a standing appropriation for the treatment of alcoholics, by allowing the division to sell liquor inventories in state stores to class "E" licensees at reduced prices as state stores are closed, and by allowing the division to continue sales of wine to class "A" and "B" wine permittees until inventories are depleted, 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 21st day of April, 1987: House Files 134, 207, 427, 583, 607, 612, 614, 630 and 641.

**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:

Forty-six fifth grade students from Wayne Community School District, Corydon, accompanied by Dorothy Haines and Wilda Levis. By Cooper of Lucas.

Thirty-five fifth and sixth grade students from Messerly-Thornton Elementary School, Thornton, accompanied by Nancy Larglitz. By May of Worth.

Sixty-one second grade students from Waukee Elementary School, Waukee, accompanied by Sally Boman, Tammy Brose, Kay Coppock-Groe and Sue McRae. By McKinney of Dallas.

Forty-five eighth grade students from Neil McGowen Junior High School, Knoxville, accompanied by Elaine Farner. By Schrader of Marion.

### COMMUNICATIONS RECEIVED

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

#### DEPARTMENT OF MANAGEMENT

The Annual Report of the Energy Disbursement Council, pursuant to Chapter 93.11(3), Code of Iowa.

#### DEPARTMENT OF NATURAL RESOURCES

The biennial report "Water Quality in Iowa During 1984 and 1985" prepared by the Surface and Groundwater Protection Bureau of the Environmental Protection Division, pursuant to Chapter 305(b), Code of Iowa.

### RESOLUTIONS FILED

**HCR 31**, by Hammond, Harper, Hermann, Buhr, Gruhn, Ollie, Plasier and Royer, a concurrent resolution relating to an interim study committee to review services for the elderly.

Laid over under **Rule 25**.

**HCR 32**, by Swartz and Parker, a concurrent resolution to provide an interim study concerning the gaps in the availability of capital in Iowa and the feasibility of various credit enhancement mechanisms and other legislation with the potential to increase the availability and affordability of capital in Iowa.

Laid over under **Rule 25**.

**SCR 30**, by Miller of Des Moines, Holden, Gettings, Deluhery, Fraise, Coleman, Hannon and Soorholtz, a concurrent resolution relating to the establishment of occupational therapy programs.

Laid over under **Rule 25**.

**SCR 32**, by committee on ways and means, a concurrent resolution urging the Congress of the United States to amend the Interstate Commerce Act to allow states to collect sales or use taxes from outstate sellers.

Laid over under **Rule 25**.

#### AMENDMENTS FILED

H-3883	H.F.	334	Senate Amendment
H-3884	S.F.	399	Senate Amendment
H-3885	H.F.	411	Koenigs of Mitchell
H-3886	S.F.	496	McKean of Jones Spear of Lee
H-3887	H.F.	660	Senate Amendment
H-3888	H.F.	310	Senate Amendment
H-3889	H.F.	580	Senate Amendment

On motion by Arnould of Scott, the House adjourned at 3:53 p.m., until 9:00 a.m., Wednesday, April 22, 1987.

# JOURNAL OF THE HOUSE

One Hundred First Calendar Day — Sixty-eighth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Wednesday, April 22, 1987

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

Prayer was offered by the Honorable Donald Avenson, state representative from Fayette County.

The Journal of Tuesday, April 21, 1987 was approved.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Bisignano of Polk, until his arrival, on request of Wise of Lee.

## MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 20, 1987, amended and passed the following bill in which the concurrence of the House is asked:

House File 167, a bill for an act relating to fees for and duration of motor vehicle licenses and requiring motor vehicle licenses and nonoperator's identification cards issued to persons under twenty-one years of age to contain a profile photograph and providing an effective date and conditional repeal and reenactment.

Also: That the Senate has on April 20, 1987, passed the following bill in which the concurrence of the Senate was asked:

House File 266, a bill for an act relating to the exemption from the state sales, services and use tax of the gross receipts from the sale of foods purchased with federal food stamps and providing an effective date.

Also: That the Senate has on April 20, 1987, passed the following bill in which the concurrence of the Senate was asked:

House File 374, a bill for an act relating to eligibility for a mobile home reduced tax rate, a military service property tax exemption, the filing of late claims for a homestead tax credit and military service property tax exemption, an exemption from the real estate transfer tax, continuing education for assessors and deputy assessors, the length of board of review sessions, and appeal rights.

Also: That the Senate has on April 21, 1987, amended and passed the following bill in which the concurrence of the House is asked:

House File 395, a bill for an act relating to the taking of animals and subjecting violators to penalties.

Also: That the Senate has on April 20, 1987, amended and passed the following bill in which the concurrence of the House is asked:

House File 412, a bill for an act relating to child abuse.

Also: That the Senate has on April 20, 1987, amended and passed the following bill in which the concurrence of the House is asked:

House File 488, a bill for an act relating to the time period for a hearing on the revocation of a person's license for operating a motor vehicle while under the influence of alcohol or a drug.

Also: That the Senate has on April 20, 1987, amended and passed the following bill in which the concurrence of the House is asked:

House File 594, a bill for an act relating to the regulation of pharmacists and pharmacies and to administration, dispensing, and distribution of certain drugs, and providing penalties.

Also: That the Senate has on April 20, 1987, amended and passed the following bill in which the concurrence of the House is asked:

House File 595, a bill for an act to establish a system of certificates of title for vessels.

Also: That the Senate has on April 21, 1987, amended and passed the following bill in which the concurrence of the House is asked:

House File 600, a bill for an act relating to elections and political activity and subjecting violators to a penalty.

Also: That the Senate has on April 20, 1987, passed the following bill in which the concurrence of the Senate was asked:

House File 602, a bill for an act providing for the appointment of a person to administer the inspection of meat and poultry under chapter 189A.

Also: That the Senate has on April 20, 1987, amended and passed the following bill in which the concurrence of the House is asked:

House File 654, a bill for an act relating to the funding of the energy bank program.

Also: That the Senate has on February 2, 1987, passed the following bill in which the concurrence of the House is asked:

Senate File 28, a bill for an act relating to animal wastewater pollution by providing for an animal waste grant program, and requiring certain earthen manure storage facilities to meet technical standards.

JOHN F. DWYER, Secretary

### SENATE AMENDMENT CONSIDERED

Groninga of Cerro Gordo called up for consideration **House File 506**, a bill for an act relating to the regulation of the insurance business conducted in the state by the insurance division of the department of commerce, amended by the Senate, and moved that the House concur in the following Senate amendment H-3770:

H-3770

1 Amend House File 506, as amended, passed, and re-  
2 printed by the House, as follows:

3 1. Page 3, by inserting after line 15 the fol-  
4 lowing:

5 "5. This section applies to all forms of property  
6 and casualty insurance written pursuant to this  
7 chapter."

8 2. Page 4, line 6, by inserting after the word  
9 "section" the following: "applies to all forms of  
10 property and casualty insurance written pursuant to  
11 this chapter. It".

The motion prevailed and the House concurred in the Senate amendment H-3770.

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. 506)

The ayes were, 96:

Adams	Arnould	Beaman	Beatty
Bennett	Black	Blanshan	Brammer
Branstad	Buhr	Carpenter	Chapman
Clark	Cohoon	Connolly	Connors
Cooper	Corbett	Corey	Daggett
De Groot	Diemer	Doderer	Dvorsky
Eddie	Fey	Fogarty	Fuller
Garman	Groninga	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. R.
Harbor	Harper	Hatch	Haverland
Hermann	Hester	Holveck	Hummel
Jay	Jochum	Johnson	Knapp
Koenigs	Kremer	Lageschulte	Lundby
Maulsby	May	McKean	McKinney
Metcalf	Miller	Muhlbauer	Mullins
Neuhauser	Norrgard	Ollie	Osterberg
Parker	Paulin	Pavich	Pellett
Peters	Petersen, D. F.	Peterson, M. K.	Plasier
Platt	Poncy	Renaud	Renken
Rosenberg	Royer	Running	Schneklath
Schrader	Sherzan	Shoning	Siegrist
Skow	Spear	Stromer	Stueland
Svoboda	Swartz	Tabor	Teaford
Van Camp	Van Maanen	Wise	Mr. Speaker

The nays were, none.

Absent or not voting, 4:

Bisignano

Shoultz

Swearingen

Tyrrell

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

**MOTIONS TO RECONSIDER WITHDRAWN**  
(Senate File 341)

Sherzan of Polk asked and received unanimous consent to withdraw the motion to reconsider Senate File 341, a bill for an act relating to the standard of proof required under forfeiture of property law, filed by him on April 13, 1987.

(Senate File 276)

Groninga of Cerro Gordo asked and received unanimous consent to withdraw the motion to reconsider Senate File 276, a bill for an act relating to the regulation of long-term care insurance, filed by him on April 15, 1987.

The House stood at ease at 9:37 a.m., until the fall of the gavel.

The House resumed session at 11:05 a.m., Speaker Avenson in the chair.

**SENATE MESSAGE CONSIDERED**

**Senate File 28**, by Priebe, a bill for an act relating to animal wastewater pollution by providing for an animal waste grant program, and requiring certain earthen manure storage facilities to meet technical standards.

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

**LEAVE OF ABSENCE**

Leave of absence was granted as follows:

Metcalf of Polk, until her return, on request of Carpenter of Polk.

**CONSIDERATION OF BILLS**  
Ways and Means Calendar

**House File 468**, a bill for an act authorizing limited gambling on excursion gambling boats, by specifying additional powers and duties of the state racing and gaming commission, by imposing a tax on adjusted gross receipts from gambling, by authorizing and imposing taxes on admissions, by requiring licenses and imposing fees, by allocating revenue received, by making corresponding amendments to the

Code, and by providing penalties for violations, previously deferred, was taken up for consideration.

Schrader of Marion offered the following amendment H—3547 filed by Schrader, et al., and moved its adoption:

H—3547

- 1 Amend House File 468 as follows:
- 2 1. Page 1, line 18, by striking the words
- 3 "pinball machine,".

Amendment H—3547 was adopted.

Black of Jasper asked and received unanimous consent to withdraw amendment H—3664 filed by him on April 7, 1987.

Fey of Scott offered the following amendment H—3875 filed by Fey, et al., and moved its adoption:

H—3875

- 1 Amend House File 468 as follows:
- 2 1. Page 6, by striking lines 26 through 28 and
- 3 inserting the following: "Mississippi river; not more
- 4 than five excursion gambling boats shall be licensed
- 5 for operation on lakes and reservoirs within the
- 6 state; and not more than two excursion gambling boats
- 7 shall be licensed for operation on rivers other than
- 8 the Mississippi river and the Missouri river. The
- 9 license shall set forth the name of the".

Amendment H—3875 was adopted.

Hermann of Scott offered amendment H—3502 filed by him and requested division as follows:

H—3502

- 1 Amend House File 468 as follows:

H—3502A

- 2 1. Page 9, line 21, by striking the word
- 3 "eighteen" and inserting the following: "twenty-one".

H—3502B

- 4 2. Page 10, by striking line 30.
- 5 3. Page 11, by striking line 2.

H—3502C

- 6 4. Page 13, by inserting after line 28 the fol-
- 7 lowing:
- 8 "d. Employing a person who is otherwise employed

H—3502C

9 as a public law enforcement or peace officer to  
10 provide security services for a gambling game  
11 operation or an excursion gambling boat operation  
12 under this chapter.”

H—3502A

13 5. Page 13, line 30, by striking the word  
14 “eighteen” and inserting the following: “twenty-one”.  
15 6. By renumbering as necessary.

Hermann of Scott moved the adoption of amendment H—3502A.

A non-record roll call was requested.

The ayes were 36, nays 45.

Amendment H—3502A lost.

Hermann of Scott moved the adoption of amendment H—3502B.

A non-record roll call was requested.

The ayes were 33, nays 41.

Amendment H—3502B lost.

On motion by Hermann of Scott, amendment H—3502C lost.

Hermann of Scott offered the following amendment H—3571 filed by him and moved its adoption:

H—3571

1 Amend House File 468 as follows:  
2 1. Page 18, by inserting after line 10 the  
3 following:  
4 “Sec. \_\_\_\_\_. Section 99D.5, subsection 5, paragraph  
5 c, Code 1987, is amended to read as follows:  
6 c. Place a wager on an entry in a race or on a  
7 gambling game operated on an excursion gambling boat.”  
8 2. By renumbering sections as necessary.

Amendment H—3571 was adopted.

(House File 468 pending at recess.)

On motion by Arnould of Scott, the House was recessed at 12:30 p.m., until 1:15 p.m.

#### AFTERNOON SESSION

The House reconvened, Speaker Avenson in the chair.

## COMMITTEE TO NOTIFY THE SENATE

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

The motion prevailed and the Speaker appointed as such committee Ollie of Clinton, chair; Poncy of Wapello and Pellett of Cass.

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

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

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

### JOINT CONVENTION PIONEER LAWMAKERS (House Chamber — 1:30 p.m.)

In accordance with House Concurrent Resolution 6, duly adopted, the joint convention was called to order, President Zimmerman presiding.

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

Senator Hutchins of Audubon moved that a committee of four be appointed to escort the Pioneer Lawmakers into the House chamber.

The motion prevailed and the President appointed as such committee Senators Coleman of Webster and Holt of Clay and Representatives Pavich of Pottawattamie and Halvorson of Clayton.

The committee escorted the Pioneer Lawmakers into the House chamber.

President Zimmerman presented Senator George R. Kinley of Polk, President pro tempore of the Senate, who welcomed the Pioneer Lawmakers on behalf of the Senate.

President Zimmerman presented Representative John Connors, Speaker pro tempore of the House of Representatives, who welcomed the Pioneer Lawmakers on behalf of the House of Representatives.

President Zimmerman presented the Honorable Eugene Hill who responded to the welcome. Senator Hill presented honorary membership in the Pioneer Lawmakers Association to George A. Wilson, lobbyist from Des Moines and Kenneth Sullivan, reporter for The Cedar Rapids Gazette, Cedar Rapids.

President Zimmerman then presented the Honorable Edward A. Wearin from Red Oak, former member of the Senate, who addressed the joint convention as follows:

Madam President, my esteemed colleagues, distinguished members, friends and guests.

I'm most pleased to be here. I would like to identify myself a little bit.

I was a Mills County boy for thirty years and I've been a Montgomery County man for thirty-nine years. I represented those two counties in the Iowa Senate for four years. I am now represented by two rather substantial people. The ex-speaker, ex-speaker, ex-speaker Harbor. I heard that down home one time, Bill asked one of his friends if he was stuttering. He said, "No, I thought you'd hold up your hand and stop me when I found out how many times you'd been Speaker". Bill Harbor represents Mills and Montgomery County in this body and Cal Hultman represents those two counties plus others in the Senate. They certainly are, indeed, the perennial leader type, as you well know, so we are most well represented.

I would like to state the intent of this visit with you today. In the first place, as former legislators, we come with pride in Iowa's political system and full appreciation of the General Assembly, and a devotion to Iowa and I'm sure to the United States and I guess that all of us have a devotion to the entire world. We're here to support and affirm your work, those of you who are current legislators, and we are here to share some of that glad, good humor. I told my colleagues among the distinguished group whenever I pause — laugh or clap — whatever fits, and we do hope that you will understand the difference between the humor and when we're trying to be reasonably serious. There's one thing for certain, please remember, loud and clear, we did not come to advise the current General Assembly. Again, we did not come to advise. We are pleased to be here, I'm sure that all of us, without regard to station, age, position, share the hope of making Iowa the best place possible for those who live here.

Madam President, I'm a bit confused and concerned. I understood we were meeting in the other chamber so I sent my set speech over to the Secretary of the Senate. I thought it would be put on the teleprompter over there and I would get along much better. Apparently, that sixty minute formal talk is lost and I have only informal remarks here to offer you, and I apologize for being so brief.

I would like to do something here that is sort of fun. I would invite the current legislators of both chambers to look around among yourselves. Take a good look. Each General Assembly produces some very special people. For example, these are the examples in my four years here of special members. We started out with a young man then, who is a distinguished judge now, William C. Stuart. My friend and four-year Senate colleague, and the man who told Dubuque they couldn't play bingo in church, Richard C. Turner, and we miss him deeply. He is one of our examples of special people from my generation. Bob Rigler, member of the Senate for sixteen years, and a leader or the boss, for sixteen years, of whatever we call highways here in Iowa, came from this

generation. In 1961 when I got here, there was a young man in this chamber who was twenty-seven and is now in the United States Senate, Chuck Grassley, who started here. He'd been here two years before that.

These are just a few that I can name and I'm embarrassed that I can't pull all of the names out of the net — there are seventy-three of you. We are, in our own minds, most valid people. These are some of the examples. I will name one other Senator, Eugene Hill. Until I got here in 1961, his left shoulder was low from bearing the medals he got as a Marine major in the Pacific. He straightened up and he was the conscience of the Senate in my four years. He reminded us very much of a mother taking you by the scruff of the neck, and saying, look here, Eddie boy, shape up, for which we were most appreciative. ♣

I encourage all of you to know that this is the breeding and preparation ground for a great deal of a fine future. Some of you were not boys or girls when you got here and most of us later become full-time citizens again, which is not a bad circumstance either. Others of you go on to more service, and we must have some of each of us in these categories.

During my service here, I was most interested in education. I've always been interested in it, I've had quite a bit of it. I worked in higher education as a trustee for some twenty years after leaving here. I chaired the Senate education committee, during my service here, in 1963 and 1964 which was a great joy to me. That was everything from kindergarten through the Regents in one committee. We had the most bills in the committee in each of the two years we had it. We had the most bills, I believe, of any committee in the Senate at that time. It was an exhilarating experience.

In this short time I want to talk about the continuing adult education, because I was forty-two when I came here as a member of the Iowa Senate. My major was in psychology. I've had almost everything else, but nothing in psychology until I got to the General Assembly. In 1961 I was outpsyched on everything that was done here. I was a standard freshman, an enthusiast and sometimes I spoke a bit too often, perhaps out of turn. I didn't know that I was anything but a confirmed conservative until I got here and I found out that I was at least a moderate, about which I am not the least abashed.

My dear friend of 1961, Senator J. Kendall Lynes, better known to all of us as "Buster" was a consummate teacher. He ground my nose, and most all of the other freshmen noses, into the ground regularly and he taught us a great many things. Unfortunately, "Buster" didn't return for the second half of my period here. "Buster" died with me owing him a vote. There was nothing improper about it. He simply bailed me out of an embarrassing circumstance. I had voted on some totally illogical thing. I was the only one who did but when the record was printed the next day, the President pro tempore, "Buster" as the majority leader and a former majority leader, and I, full Republicans, staunch and true, had voted wrong. I thought it was a pretty good kick. I got the hint. "Buster" didn't say anything about that vote, but wherever he is, if we go the same way, I'll be there and I know that he'll be waiting and expecting that vote. He taught all of us a great deal about psychology.

It was interesting then. Of the fifty senators, there were twenty-four regulars, eleven independents, and the minority party had fifteen members. So we had three groups. The twenty-four nominated and elected "Buster". There were one hundred eight representatives and we always had fifty-five votes over here. Because I was a freshman, I sat down in the corner. When I saw him charging out across and to this chamber, I knew there was something that "Buster" was going over to spread the word that shouldn't pass over here. Nothing happened in 1961 that "Buster" didn't know about.

We had a lot of other things about which psychology came up and we learned a great deal. The Reapportionment Plan which we first passed in 1961. I was told by a very old hand that it may be like a runaway freight train, don't get in its way. That was the Shaff plan. I read all the bills and that didn't pay. I got in its way and I spent four years in the Iowa Senate. I learned a great deal and I met Dave Shaff. I still disagree with him but he was a superb man and I was on the wrong side of the bill.

We had another bit of fun with liquor by the drink in 1963. I got my cue on psychology about liquor by the drink. I was one of the twenty-six votes. I was a very moderate man. When I retired a member of the Methodist Church, who was a retired schoolteacher, wrote me and said, "Senator, the present law is no good, you vote for that change".

The master psychologist of them all, and there's no one that I know like him, is Senator Joe Coleman. If you can get statewide coverage, all of which is free, on the front page of the biggest newspaper this state has, and almost anytime you want it, you have to have at least a Master's in psychology. All that Joe has to do is say something about speeding, belts, or smoking, anything that simple. Don't undersell this man. Has anybody else been here thirty-two years? In the mid-60's the two of us had coffee with Rich Turner one night. It was the first night of the state convention. We suggested that he run for attorney general. He said okay, signed the papers that night, got them signed the next day at the state convention, and filed them on Monday and he won. Pretty simple. You have to be at the right spot at the right time.

The last things in this psychology discussion, "Buster" had a very bright Senator friend, who happened to have a bill that "Buster" wanted passed. "Buster" put it on the calendar. I don't know about the rules now, but that bill just hung there day after day after day. "Buster" never called it up. One night he called the Senate File up, his pal got up, gave no explanation, just said one sentence, "We have given this bill all the time it deserves." We moved it be read for the third and last time and placed on its passage, and it passed on a voice vote.

To paraphrase what Winston Churchill said, in his lucid, flowing British English, "Democracy is a rather ridiculous system, until compared to any other form of government".

I would suggest to those of you who may have missed or not yet seen on public TV, the Bill Moyers series on the Constitution about what happened two hundred years ago in Philadelphia. Every one of you here will learn and appreciate and know that they were talking about that fascinating thing which is a system called governing. It's not always what we're taught in civics. It's a problem of getting what needs to be done handled and taken care of. As you recall, the Confederacy called the Constitutional Convention, and they far exceeded their power. They did many things that weren't called for and thank heaven they did. I recommend this program to you very much.

I want to close with just one thing. I came home after eleven years in the service and at school. I was either in or near San Francisco, Boston, San Juan and New Orleans for eleven years in the service and the various schools that I attended before I came home to Iowa. I'm most grateful that I found out what a tremendous place Iowa is, by comparison to other fine places. We have no monopoly, but we have an exceptional place — we're clean, we're bright, we're honest. We're here to do all that's necessary for Iowa. We support and respect and know that you gentlemen and ladies in these two chambers are doing the same thing.

I thank you for your time. You have given us plenty of time. Thank you.

Connors of Polk moved that the joint convention be now dissolved at 2:16 p.m., which motion prevailed.

The House reconvened at 2:37 p.m., Speaker Avenson in the chair.

### BUSINESS PENDING AT RECESS Ways and Means Calendar

The House resumed consideration of **House File 468**, a bill for an act authorizing limited gambling on excursion gambling boats, by specifying additional powers and duties of the state racing and gaming commission, by imposing a tax on adjusted gross receipts from gambling, by authorizing and imposing taxes on admissions, by requiring licenses and imposing fees, by allocating revenue received, by making corresponding amendments to the Code, and by providing penalties for violations, pending at recess.

Arnould of Scott asked and received unanimous consent that House File 468 be deferred and that the bill retain its place on the unfinished business calendar.

### Unfinished Business Calendar

The House resumed consideration of **Senate File 201**, a bill for an act related to the senate's review and confirmation of gubernatorial appointments, and providing an effective date, deferred and placed on the unfinished business calendar April 14, 1987.

Running of Linn offered the following amendment H-3686 filed by the committee on state government:

H-3686

- 1 Amend Senate File 201 as amended, passed and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, line 11, by striking the word
- 4 "records" and inserting the following: "complaints
- 5 and statements of charges, settlement agreements,
- 6 findings of fact, orders, exhibits, and transcripts".
- 7 2. Page 1, line 13, by inserting after the word
- 8 "body" the following: "in a contested case".
- 9 3. Page 1, by striking lines 20 through 22 and
- 10 inserting the following: "committee which relate to
- 11 appointee tax filings or complaints and statements of
- 12 charges, settlement agreements, findings of fact,
- 13 orders, exhibits, and transcripts from any past
- 14 disciplinary action in a contested case against the
- 15 appointee are privileged and confidential and they are
- 16 not subject to discovery."

- 17 4. Page 1, line 24, by inserting after the word  
 18 "appointee" the following: "unless otherwise provided  
 19 by law".  
 20 5. Page 1, line 29, by inserting after the word  
 21 "disciplined" the following: "in a contested case".  
 22 6. Page 1, line 30, by striking the word  
 23 "records" and inserting the following: "complaints  
 24 and statements of charges, settlement agreements,  
 25 findings of fact, orders, exhibits, and transcripts".

Running of Linn offered the following amendment H—3779, to the committee amendment H—3686, filed by him and moved its adoption:

H—3779

- 1 Amend the Committee on State Government amendment,  
 2 H—3686, to Senate File 201, as amended, passed, and  
 3 reprinted by the Senate, as follows:  
 4 1. Page 1, by striking line 6 and inserting the  
 5 following: "findings of fact, and orders".  
 6 2. Page 1, by striking line 13 and inserting the  
 7 following: "and orders from any past".  
 8 3. Page 1, by striking line 25 and inserting the  
 9 following: "findings of fact, and orders".

Amendment H—3779 was adopted.

On motion by Running of Linn the committee amendment H—3686, as amended, was adopted.

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

On the question "Shall the bill pass?" (S.F. 201)

The ayes were, 60:

Adams	Arnould	Beatty	Bisignano
Black	Blanshan	Brammer	Buhr
Chapman	Cohon	Connors	Cooper
Diemer	Dvorsky	Fey	Fogarty
Fuller	Groninga	Gruhn	Halvorson, R. N.
Hammond	Hansen, S. D.	Harper	Hatch
Haverland	Holveck	Jay	Jochum
Johnson	Knapp	Koenigs	Lundby
May	McKinney	Muhlbauer	Neuhauser
Norrgard	Ollie	Osterberg	Parker
Pavich	Peters	Peterson, M. K.	Platt
Poncy	Renaud	Rosenberg	Running
Schrader	Sherzan	Shoultz	Siegrist
Skow	Spear	Swartz	Tabor
Teaford	Van Camp	Wise	Mr. Speaker

The nays were, 33:

Beaman	Bennett	Branstad	Carpenter
Clark	Corbett	Corey	Daggett
De Groot	Doderer	Halvorson, R. A.	Hanson, D. R.
Harbor	Hermann	Hester	Hummel
Kremer	Lageschulte	Maulsby	McKean
Metcalf	Miller	Paulin	Pellett
Petersen, D. F.	Renken	Royer	Schneklath
Shoning	Stromer	Stueland	Svoboda
Van Maanen			

Absent or not voting, 7:

Connolly	Eddie	Garman	Mullins
Plasier	Swearingen	Tyrrell	

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

**MOTION TO RECONSIDER PREVAILED**  
(Senate File 458)

Hummel of Benton called up for consideration the motion to reconsider Senate File 458, filed on April 14, 1987, and moved to reconsider the vote by which Senate File 458, a bill for an act relating to the abatement of taxes by the county, passed the House and was placed on its last reading on April 14, 1987.

A non-record roll call was requested.

The ayes were 78, nays none.

The motion prevailed and the House reconsidered Senate File 458.

Hummel of Benton offered the following amendment H—3855 filed by him and moved its adoption:

H—3855

- 1 Amend Senate File 458 as passed by the Senate as
- 2 follows:
- 3 1. Page 1, by striking line 4 and inserting the
- 4 following: "claimed by the state or a political
- 5 subdivision of this state and the taxes or special
- 6 assessments are owing before the property is acquired
- 7 by the state or a political subdivision of this state,
- 8 the county".
- 9 2. Page 1, line 9, by striking the word "shall"
- 10 and inserting the following: "may".

Amendment H—3855 was adopted.

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

On the question "Shall the bill pass?" (S.F. 458)

The ayes were, 95:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Black	Blanshan
Brammer	Branstad	Buhr	Carpenter
Chapman	Clark	Cohoon	Connolly
Connors	Cooper	Corbett	Corey
Daggett	De Groot	Diemer	Doderer
Dvorsky	Eddie	Fey	Fogarty
Fuller	Groninga	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. R.
Harbor	Harper	Hatch	Haverland
Hermann	Hester	Holveck	Hummel
Jay	Jochum	Johnson	Knapp
Koenigs	Kremer	Lageschulte	Lundby
Maulsby	May	McKean	McKinney
Metcalf	Miller	Muhlbauer	Neuhauser
Norrsgard	Ollie	Osterberg	Parker
Paulin	Pavich	Pellet	Peters
Petersen, D. F.	Peterson, M. K.	Platt	Poncy
Renaud	Renken	Rosenberg	Royer
Running	Schneklloth	Schrader	Sherzan
Shoning	Shoultz	Siegrist	Skow
Spear	Stromer	Stueland	Svoboda
Swartz	Tabor	Teaford	Van Camp
Van Maanen	Wise	Mr. Speaker	

The nays were, 1:

Garman

Absent or not voting, 4:

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

### SENATE AMENDMENT CONSIDERED

Muhlbauer of Crawford called up for consideration **House File 398**, a bill for an act relating to water districts, by providing for water service within two miles of a city and by providing for the determination and apportionment of cost attributed to the annexation of land, amended by the Senate, and moved that the House concur in the following Senate amendment H—3773:

H—3773

- 1 Amend House File 398, as amended, passed and
- 2 reprinted by the House, as follows:
- 3 1. Page 1, line 4, by striking the word "January"
- 4 and inserting the following: "April".
- 5 2. Page 1, line 12, by striking the word
- 6 "January" and inserting the following: "April".

The motion prevailed and the House concurred in the Senate amendment H—3773.

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. 398)

The ayes were, 93:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Black	Blanshan
Brammer	Branstad	Buhr	Carpenter
Chapman	Clark	Cohoon	Connolly
Cooper	Corbett	Corey	Daggett
De Groot	Diemer	Doderer	Dvorsky
Eddie	Fey	Fogarty	Fuller
Garman	Groninga	Halvorson, R. A.	Hammond
Hansen, S. D.	Hanson, D. R.	Harbor	Harper
Hatch	Haverland	Hermann	Hester
Holveck	Hummel	Jay	Jochum
Johnson	Knapp	Koenigs	Kremer
Lageschulte	Lundby	Maulsby	May
McKean	McKinney	Metcalf	Miller
Muhlbauer	Neuhauser	Norrgard	Ollie
Osterberg	Parker	Paulin	Pavich
Pellett	Peters	Petersen, D. F.	Peterson, M. K.
Platt	Poney	Renaud	Renken
Rosenberg	Royer	Running	Schnekloth
Schrader	Sherzan	Shoning	Shoultz
Siegrist	Skow	Spear	Stromer
Stueland	Svoboda	Swartz	Tabor
Teaford	Van Camp	Van Maanen	Wise
Mr. Speaker			

The nays were, none.

Absent or not voting, 7:

Connors	Gruhn	Halvorson, R. N.	Mullins
Plasier	Swearingen	Tyrrell	

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 3:04 p.m., until the fall of the gavel.

The House resumed session at 4:11 p.m., Speaker Avenson in the chair.

### MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 22, 1987, passed the following bill in which the concurrence of the Senate was asked:

House File 380, a bill for an act relating to the contracting of indebtedness for county conservation purposes.

Also: That the Senate has on April 22, 1987, passed the following bill in which the concurrence of the Senate was asked:

House File 621, a bill for an act requiring the state vehicle dispatcher and other state agencies to solicit bids for ethanol-blended gasoline when advertising for bids for gasoline.

Also: That the Senate has on April 22, 1987, passed the following bill in which the concurrence of the Senate was asked:

House File 634, a bill for an act relating to county moneys which may be allocated to the secondary road fund.

Also: That the Senate has on April 22, 1987, amended and passed the following bill in which the concurrence of the House is asked:

House File 636, a bill for an act relating to international trade by establishing the Iowa export business finance program, directing the department of economic development, to the extent funds are available, to provide for certain economic development activities and services, and suggesting the legislative council study the feasibility of establishing a world trade institute and its programs and activities.

Also: That the Senate has on April 22, 1987, amended and passed the following bill in which the concurrence of the House is asked:

House File 646, a bill for an act relating to the exchange of information regarding underground facilities and excavations affecting underground facilities.

Also: That the Senate has on April 22, 1987, amended the House amendment, concurred in the House amendment as amended, and passed the following bill in which the concurrence of the House is asked:

Senate File 373, a bill for an act relating to statutory corrections which adjust language to reflect current practices, insert earlier omissions, delete redundancies and inaccuracies, delete temporary language, resolve inconsistencies and conflicts, update ongoing provisions, and remove ambiguities.

JOHN F. DWYER, Secretary

**IMMEDIATE MESSAGE**  
(Senate File 216)

Arnould of Scott asked and received unanimous consent that Senate File 216 be immediately messaged to the Senate.

**MOTION TO RECONSIDER PREVAILED**  
(House File 327)

Brammer of Linn called up for consideration the motion to reconsider House File 327, filed on February 25, 1987, and moved to reconsider the vote by which House File 327, a bill for an act increasing the tax on tobacco products and on cigarettes and little cigars and imposing an inventory tax on cigarettes and little cigars, unused tax stamps and metered imprints and providing an effective date, failed to pass the House and was placed on its last reading on February 25, 1987.

Roll call was requested by Harbor of Mills and Van Maanen of Mahaska.

On the question "Shall House File 327 be reconsidered?"

The ayes were, 60:

Adams	Arnould	Bisignano	Black
Brammer	Buhr	Cohoon	Connolly
Connors	Cooper	Diemer	Doderer
Dvorsky	Fey	Fogarty	Fuller
Groninga	Gruhn	Halvorson, R. N.	Hammond
Hansen, S. D.	Harper	Hatch	Haverland
Hester	Holveck	Jay	Jochum
Johnson	Knapp	Koenigs	May
McKinney	Muhlbauer	Neuhauser	Norrgard
Ollie	Osterberg	Parker	Pavich
Peters	Peterson, M. K.	Plasier	Poncy
Renaud	Rosenberg	Running	Schrader
Sherzan	Shoultz	Siegrist	Skow
Spear	Svoboda	Swartz	Tabor
Teaford	Van Camp	Wise	Mr. Speaker

The nays were, 35:

Beaman	Bennett	Branstad	Carpenter
Clark	Corbett	Corey	Daggett
De Groot	Eddie	Garman	Halvorson, R. A.
Hanson, D. R.	Harbor	Hermann	Hummel
Kremer	Lageschulte	Lundby	Maulsby
McKean	Metcalf	Miller	Mullins
Paulin	Pellet	Petersen, D. F.	Platt
Renken	Royer	Schnekloth	Shoning
Stromer	Stueland	Van Maanen	

Absent or not voting, 5:

Beatty	Blanshan	Chapman	Swearingen
Tyrrell			

The motion prevailed and the House reconsidered House File 327.

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

On the question "Shall the bill pass?" (H.F. 327)

The ayes were, 65:

Adams	Arnould	Beatty	Bisignano
Blanshan	Brammer	Buhr	Carpenter
Chapman	Clark	Cohoon	Connolly
Connors	Cooper	Diemer	Doderer
Dvorsky	Eddie	Fey	Fogarty
Groninga	Gruhn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. R.	Harper
Hatch	Haverland	Hermann	Hester
Holveck	Jay	Jochum	Johnson
Koenigs	Lundby	May	McKinney
Metcalf	Miller	Muhlbauer	Mullins
Neuhauser	Norrgard	Ollie	Osterberg
Parker	Paulin	Pavich	Peters
Plasier	Rosenberg	Sherzan	Shoning
Shoultz	Siegrist	Skow	Spear
Stromer	Swartz	Teaford	Wise
Mr. Speaker			

The nays were, 33:

Beaman	Bennett	Black	Branstad
Corbett	Corey	Daggett	De Groot
Fuller	Garman	Harbor	Hummel
Knapp	Kremer	Lageschulte	Maulsby
McKean	Pellett	Petersen, D. F.	Peterson, M. K.
Platt	Poncy	Renaud	Renken
Royer	Running	Schneklath	Schrader
Stueland	Svoboda	Tabor	Van Camp
Van Maanen			

Absent or not voting, 2:

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

**IMMEDIATE MESSAGE**  
(House File 327)

Arnould of Scott asked and received unanimous consent that House File 327 be immediately messaged to the Senate.

**MOTION TO RECONSIDER**  
(Senate File 201)

I move to reconsider the vote by which Senate File 201 passed the House on April 22, 1987.

**RUNNING of Linn**

**EXPLANATION OF VOTE**

I was necessarily absent from the House chamber on April 22, 1987. Had I been present, I would have voted "nay" on Senate File 201.

**GARMAN of Story**

**BILLS SIGNED BY THE GOVERNOR**

A communication was received from the Governor announcing that on April 21, 1987, he approved and transmitted to the Secretary of State the following bills:

Senate File 209, an act exempting gas public utilities having less than two thousand customers from the rate regulation authority of the utilities board and defining the areas in which such utilities remain subject to regulation and providing an effective date.

Senate File 382, an act relating to soil conservation districts, by changing the name to soil and water conservation districts.

Also: On April 22, 1987, he approved and transmitted to the Secretary of State the following bills:

House File 427, an act relating to reprisals and orders with respect to certain disclosures of information by state employees, and providing a penalty.

House File 607, an act relating to the maximum age for participation in an organized amateur boxing contest.

House File 612, an act relating to appeal of a magistrate's decision.

House File 630, an act relating to state liability for torts committed by juveniles while performing community service assignments pursuant to an order of the juvenile court.

Senate File 272, an act repealing a pilot program regarding second opinions on elective surgery for medical assistance recipients.

## COMMUNICATION FROM THE STATE APPEAL BOARD

The following communication was received from the State Appeal Board on April 21, 1987 and is on file in the office of the Chief Clerk:

April 15, 1987

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

Dear Mr. O'Hern:

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

These include 22 claims of a general nature. This supplements our filing of December 29, 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

### DEPARTMENT OF MANAGEMENT STATE APPEAL BOARD

<u>Claim Number</u>	<u>Name of Claimant Nature of Claim</u>	<u>Amount of Claim</u>	<u>Amount Approved</u>
G86-0694	David Reece Alleman, Iowa (Homestead Tax Refund)	\$ 302.35	DENIED
G86-1217	City of Grinnell Grinnell, Iowa (Indemnification)	Undetermined	DENIED
G86-1303	Lori J. Jones Dunlap, Iowa (License Fee Refund)	26.00	DENIED
G86-1387	Elizabeth Hagerty Des Moines, Iowa (Attorney Fees & Back Pay)	75.00	DENIED
G87-0057	Montgomery County Red Oak, Iowa (Outdated Invoice)	39,714.80	DENIED
G87-0062	B. F. Schuller Cedar Rapids, Iowa (License Fee Refund)	Undetermined	DENIED

<u>Claim Number</u>	<u>Name of Claimant Nature of Claim</u>	<u>Amount of Claim</u>	<u>Amount Approved</u>
G87-0102	Kenneth L. Aaa Bella Vista, Arkansas (License Fee Refund)	48.00	DENIED
G87-0111	Tracy M. Leinen Boise, Idaho (License Fee Refund)	71.00	DENIED
G87-0124	ENT Service PC Omaha, Nebraska (Outdated Invoice)	100.00	DENIED
G87-0126	Diedra K. VanArnam Spencer, Iowa (License Fee Refund)	105.00	DENIED
G87-0142	Dew Ann Elkin Tulsa, Oklahoma (License Fee Refund)	51.00	DENIED
G87-0149	Midwest Express Company Des Moines, Iowa (License Fee Refund)	885.00	DENIED
G87-0152	David L. McMurray Burlington, Iowa (Tax Refund)	1,290.22	DENIED
G87-0156	Art Pape Transfer Dubuque, Iowa (License Fee Refund)	110.00	DENIED
G87-0157	Roger E. Eggenburg Grandview, Iowa (License Fee Refund)	109.00	DENIED
G87-0187	Steve Anstey Fairbank, Iowa (License Fee Refund)	32.50	DENIED
G87-0215	Arthur L. Kenley Galesburg, Illinois (License Fee Refund)	36.50	DENIED
G87-0232	Hyman Freightways St. Paul, Minnesota (License Fee Refund)	755.00	DENIED
G87-0243	Garvin Oil Company Remsen, Iowa (License Fee Refund)	320.00	DENIED
G87-0244	Filling Station c/o Steve Garvin Remsen, Iowa (License Fee Refund)	45.00	DENIED
G87-0248	Graham Flying Service Sioux City, Iowa (MVF Refund)	2,213.19	DENIED
G87-0292	Gary D. Maatsch Pomeroy, Iowa (Sales Tax Refund)	1,579.52	DENIED

**COMMUNICATION RECEIVED**

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

**DEPARTMENT OF HUMAN SERVICES**

A report entitled, "Report on the Bill of Rights for Persons with Mental Retardation, Developmental Disabilities or Chronic Mental Illness", pursuant to Chapter 249.7, Acts of the 71st General Assembly, 1985 Session.

**PRESENTATION OF VISITORS**

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

Forty ninth grade students from Oelwein Junior High School, Oelwein, accompanied by Bruce Willemsen, Mitch Murphy and Carl Heller. By Avenson of Fayette.

Fifty third grade students from Monroe Elementary School, Monroe, accompanied by Donna Gildersleeve. By Schrader of Marion.

Forty-five senior students from Adair-Casey High School, Adair, accompanied by Steve Kitzman. By Skow of Guthrie.

Ten students from Peoria Christian School, Pella, accompanied by Mr. Robinson. By Van Maanen of Mahaska.

**COMMITTEE RECOMMENDATIONS**

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

**JOSEPH O'HERN**  
Chief Clerk of the House

**COMMITTEE ON HUMAN RESOURCES**

**House File 669**, a bill for an act relating to intermediate care facilities for the mentally ill.

Fiscal Note is not required.

Recommended **Do Pass** April 21, 1987.

**Committee Resolution** (Formerly House Study Bill 320), relating to the reform of the welfare system.

Fiscal Note is not required.

Recommended **Do Pass** April 21, 1987.

## RESOLUTIONS FILED

**HCR 33**, by committee on human resources, a concurrent resolution relating to the reform of the welfare system.

Laid over under **Rule 25**.

**HCR 34**, by Connors, a concurrent resolution concerning the Mid-western Legislative Conference of the Council of State Governments.

Laid over under **Rule 25**.

## AMENDMENTS FILED

H-3890	S.F.	55	Jochum of Dubuque
H-3891	H.F.	488	Senate Amendment
H-3892	H.F.	412	Senate Amendment
H-3893	H.F.	654	Senate Amendment
H-3894	H.F.	595	Senate Amendment
H-3895	H.F.	594	Senate Amendment
H-3896	H.F.	167	Senate Amendment
H-3897	H.F.	674	Brammer of Linn
H-3898	H.F.	646	Senate Amendment
H-3899	H.F.	636	Senate Amendment
H-3900	S.F.	373	Senate Amendment
H-3901	H.F.	395	Senate Amendment
H-3902	H.F.	669	Bisignano of Polk Mullins of Kossuth
H-3903	S.F.	187	Renaud of Polk
H-3904	H.F.	600	Senate Amendment
H-3905	S.F.	484	Groninga of Cerro Gordo Harbor of Mills
			Running of Linn
			Skow of Guthrie
			Ollie of Clinton
			Shultz of Black Hawk
			Royer of Page
			Schneklath of Scott
			Chapman of Linn

On motion by Arnould of Scott, the House adjourned at 4:23 p.m., until 9:30 a.m., Thursday, April 23, 1987.

**JOINT MEMORIAL SERVICE**

**SEVENTY—SECOND GENERAL ASSEMBLY**

Senate Chamber

7:30 P.M.

**PROGRAM**

SENATOR C. JOSEPH COLEMAN, PRESIDING

“The Lord’s Prayer” ..... Albert Hay Malotte  
Senator Jack Hester, accompanied by Clarretta De Groot

**MEMORIALS—SENATE**

Reading: Senator Beverly Hannon

**MEMORIALS—HOUSE**

Reading: Representative Janet Adams

**MEMORIALS—SENATE**

Reading: Senator Jim Lind

**MEMORIALS—HOUSE**

Reading: Representative Dennis M. Cohoon

“Joy Comes In The Morning” ..... Bill Gaither  
Harriet Vande Hoef

**MEMORIALS—HOUSE AND SENATE**

Reading: Senator Lee Holt

**MEMORIALS—HOUSE**

Reading: Representative Russell J. Eddie

**MEMORIALS—SENATE**

Reading: Senator William Dieleman

“Day By Day” ..... Lina Sandell Berg  
Senator and Mrs. Ray Taylor, accompanied by Gerry Rydell

**MEMORIALS—HOUSE**

Reading: Representative Josephine Gruhn

**MEMORIALS—SENATE**

Reading: Senator Hurley Hall

**IN MEMORIAM**

SERVED IN THE HOUSE OF REPRESENTATIVES AND SENATE

Honorable Thomas Lind (Black Hawk County) House—67th (2nd), 68th, 69th, 69x  
and 69xx. (Black Hawk County) Senate—70th and 71st (1st).

**SERVED IN THE HOUSE OF REPRESENTATIVES**

Honorable Albert H. Detje (Tama County) 61st.

Honorable Keith H. Dunton (Keokuk County) 58th, 59th, 60th, 60x, 61st, 62nd, 63rd, 64th, 65th, 66th, 67th and 67x.

Honorable William M. Fandel (Palo Alto County) 53rd.

Honorable Harry R. Gittins (Pottawattamie County) 59th, 60th, 60x and 62nd.

Honorable Roscoe E. Greenwood (Mills County) 57th and 58th.

Honorable Millard F. Hicklin (Louisa County) 50th, 50x, 51st, 52nd, 52x and 53rd.

Honorable Frank T. McGill (Sioux County) 46th and 46x.

Honorable Fred Mohrfeld (Tama County) 62nd and 63rd.

Honorable Andrew J. Nielsen (Pottawattamie County) 49th, 50th, 50x, 51st, 52nd and 52x.

Honorable James E. Patton (Delaware County) 58th, 59th, 60th, 60x, 61st and 62nd.

Honorable George L. Paul (Poweshiek County) 52nd, 52x, 53rd, 54th, 55th, 56th, 57th, 58th, 59th, 60th and 60x.

Honorable Amos Peterson (Chickasaw County) 55th and 56th.

Honorable Jack A. Rooney (Pottawattamie County) 58th.

Honorable Hillman H. Sersland (Winneshiak County) 55th, 56th, 57th, 58th, 59th, 60th and 60x.

Honorable Walden T. Smith (Des Moines County) 52nd and 52x.

Honorable Nathan F. Sorg (Linn County) 62nd, 63rd and 64th.

Honorable Lyle R. Stephens (Plymouth County) 65th, 66th, 67th and 67x.

Honorable Charles F. Strothman (Henry County) 60th, 60x, 61st, 62nd, 63rd, 64th and 65th.

Honorable Henry W. Wormley (Plymouth County) 50th, 50x and 51st.

**SERVED IN THE SENATE**

Honorable G. D. "Don" Bellman (Warren County) 55th and 56th.

Honorable Louis P. Culver (Crawford County) 66th, 67th and 68th.

Honorable Elvie L. Dreezen (Ida County) 69th.

Honorable Arthur H. Jacobson (Allamakee County) 51st, 52nd, 52x, 53rd and 54th.

Honorable Eli C. Myrland (Monona County) 55th, 56th, 57th and 58th.

Honorable John A. Neighbour (Lucas County) 71st (1st).

Honorable Carroll L. Price (Marion County) 58th and 59th.

Honorable Don A. Risk (Buchanan County) 53rd, 54th, 55th and 56th.

Honorable Richard Turner (Pottawattamie County) 59th, 60th and 60x.

Honorable Loyd H. Van Patten (Warren County) 53rd and 54th.

Candlelighters: Representative Ron J. Corbett, Cedar Rapids  
Representative Mary A. Lundby, Marion  
Senator Joy Corning, Cedar Falls  
Senator Eugene Fraise, Fort Madison

\* \* \* \* \*

Hosts: Representative Jack Beaman, Osceola  
Representative Kenneth De Groot, Doon  
Representative Teresa Garman, Ames  
Senator Leonard L. Boswell, Davis City  
Senator Donald Doyle, Sioux City  
Senator Dale Tieden, Elkader

\* \* \* \* \*

#### HOUSE MEMORIAL COMMITTEE

Honorable Mark A. Haverland, Chair  
Honorable Betty Jean Clark  
Honorable Kenneth De Groot  
Honorable Josephine Gruhn

\* \* \* \* \*

#### SENATE MEMORIAL COMMITTEE

Honorable C. Joseph Coleman, Chair  
Honorable Donald V. Doyle  
Honorable Lee Holt  
Honorable Forrest V. Schwengels

# JOURNAL OF THE HOUSE

One Hundred Second Calendar Day — Sixty-ninth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Thursday, April 23, 1987

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

Prayer was offered by the Honorable Darrell Hanson, state representative from Delaware County.

The Journal of Wednesday, April 22, 1987, 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 22, 1987, amended and passed the following bill in which the concurrence of the House is asked:

House File 658, a bill for an act relating to the allocation of the state ceiling on private activity bonds for tax-exempt purposes and providing an effective date.

Also: That the Senate has on April 21, 1987, passed the following bill in which the concurrence of the Senate was asked:

House File 661, a bill for an act creating an Iowa life and health insurance guaranty association, protecting persons, within limits, against the failure of certain life, health, and annuity contracts because of impairment or insolvency, specifying the powers and duties of the association, and providing administrative procedures and methods for the operation and financing of the association, including but not limited to the assessment of member insurers and the provision of a partial premium tax liability credit.

JOHN F. DWYER, Secretary

## HOUSE FILES DEFERRED

Arnould of Scott asked and received unanimous consent that the following bills be deferred and that the bills retain their place on the calendar: House File 468 and Senate Files 55, 471, 274 and 179.

## CONSIDERATION OF BILLS Unfinished Business Calendar

The House resumed consideration of **Senate File 455**, a bill for an act relating to physical therapy by providing that physical therapy evaluation and treatment may be rendered without a prescription or referral, deferred and placed on the unfinished business calendar April 14, 1987.

Jochum of Dubuque offered the following amendment H—3752 filed by Jochum, et al.:

H—3752

1 Amend Senate File 455, as passed by the Senate, as  
2 follows:

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

5 "Section 1. NEW SECTION. 2C.1 LEGISLATIVE  
6 POLICY.

7 The general assembly finds that the right of every  
8 person to engage in a lawful profession of providing  
9 personal health care services is a right which should  
10 not be abridged except as a reasonable exercise of the  
11 state's police power when it is clearly found to be  
12 necessary for the preservation of the health, safety,  
13 and welfare of the public.

14 It is declared to be the policy of the state that  
15 no regulation shall be imposed on these professions  
16 except for the exclusive purpose of protecting the  
17 public interest when:

18 1. Its unregulated practice can harm or endanger  
19 the health, safety, and welfare of the public.

20 2. Its practice requires specialized skill or  
21 training and the public needs and will benefit from  
22 assurances of initial and continuing professional  
23 ability.

24 3. The public is not effectively protected by  
25 other means.

26 Sec. 2. NEW SECTION. 2C.2 COMMISSION  
27 ESTABLISHED.

28 A commission on professional health care practices  
29 regulation is established. The commission shall be  
30 bipartisan and be composed of seventeen members  
31 appointed by the legislative council as follows:

32 1. One member shall be selected from the public  
33 members serving on the dental examining board.

34 2. One member shall be selected from the public  
35 members serving on the medical examining board.

36 3. One member shall be selected from the public  
37 members serving on the nursing examining board.

38 4. One member shall be selected from the public  
39 members serving on the pharmacy examining board.

40 5. One member shall be selected from the public  
41 members serving on the chiropractic examining board.

42 6. One member shall be selected from the public  
43 members serving on the dietetics examining board.

44 7. One member shall be selected from the public  
45 members serving on the optometry examining board.

46 8. One member shall be selected from the public  
47 members serving on the podiatry examining board.

48 9. One member shall be selected from the public  
49 members serving on the physical and occupational  
50 therapy examining board.

Page 2

1 10. Six public members.

2 11. One member who is a hospital administrator.

3 12. One member who is knowledgeable in health  
4 insurance.

5 A member of the general assembly shall not serve on  
6 the commission.

7 Sec. 3. NEW SECTION. 2C.3 TERM OF OFFICE.

8 A commission member shall be appointed for a term  
9 of four years. However, of the initial appointments,  
10 four shall be for a term of one year, four shall be  
11 for a term of two years, four shall be for a term of  
12 three years, and five shall be for a term of four  
13 years. If a vacancy occurs, the appointment of a  
14 person to fill the vacancy shall be for the remainder  
15 of that term of office. The term of a member  
16 appointed under section 2C.2, subsections 1 through 9,  
17 shall expire upon the expiration of the term of the  
18 member's appointment to the board specified in section  
19 2C.2, subsections 1 through 9.

20 Sec. 4. NEW SECTION. 2C.4 ORGANIZATION —  
21 COMPENSATION.

22 The commission shall organize annually and elect a  
23 chairperson and vice chairperson.

24 The members of the commission shall be paid a per  
25 diem of forty dollars and actual and necessary  
26 expenses from funds appropriated by section 2.12.

27 Sec. 5. NEW SECTION. 2C.5 DUTIES.

28 1. The commission shall review all requests for  
29 changes in the professional qualifications, insurance  
30 coverage, direct insurance payment, and scope of  
31 practice in those areas of health care regulations  
32 including but not limited to the practices of  
33 medicine, dentistry, pharmacy, nursing, chiropractics,  
34 dietetics, optometry, podiatry, and occupational and  
35 physical therapy. Any proposed amendments in the law  
36 relating to these professional practices shall be  
37 submitted to the commission for its review. Upon  
38 review of these recommendations by the commission, the  
39 commission shall refer the recommendations to the  
40 general assembly for its consideration.

41 2. In reviewing recommendations relating to these  
42 professional practices, the commission shall consider  
43 the following social impacts:

44 a. To what extent is the treatment or service  
45 related to the individual mandates or direct pay  
46 issues under insurance coverage and whether the  
47 treatment or services are utilized by a significant  
48 portion of the population.

49 b. To what extent is the insurance coverage  
50 presently generally available.

## Page 3

1 c. If insurance coverage is not generally  
2 available for the treatment or service, to what extent  
3 does the lack of coverage result in persons avoiding  
4 necessary health care treatments.

5 d. If the insurance coverage is not generally  
6 available, to what extent does the lack of coverage  
7 result in unreasonable financial hardship to the  
8 public.

9 e. What is the level of public demand for the  
10 treatment or service.

11 f. What is the level of public demand for  
12 insurance coverage for the treatment or service.

13 g. What is the level of interest of collective  
14 bargaining agents in negotiating privately for  
15 inclusion of this coverage in group contracts.

16 3. In reviewing recommendations relating to these  
17 professional practices, the commission shall also  
18 consider the following financial impacts:

19 a. To what extent will the coverage increase or  
20 decrease the cost of the treatment or service.

21 b. To what extent will the coverage increase the  
22 appropriate use of the treatment or service.

23 c. To what extent will the mandated treatment or  
24 service be a substitute for more expensive treatment  
25 or service.

26 d. To what extent will the coverage increase or  
27 decrease the administrative expenses of insurance  
28 companies and the premium and administrative expenses  
29 of policyholders.

30 e. To what extent will this coverage impact the  
31 total cost of health care.

32 f. To what extent are educational and supervised  
33 clinical opportunities available to teach any  
34 authorized practice or techniques.

35 Sec. 6. NEW SECTION. 2C.6 RESEARCH AND  
36 STATISTICS.

37 The commission shall develop a data base of the  
38 laws and rules regulating these professions in other  
39 states. The commission shall also monitor the social  
40 and financial impacts of any changes in the law and  
41 rules of other states. The commission may employ a  
42 consultant to assist it in compiling the information  
43 necessary for it to make decisions on issues submitted  
44 to the commission. The commission shall annually  
45 issue a summary of its data to the general assembly  
46 upon the convening of the general assembly.

47 Sec. 7. NEW SECTION. 2C.7 STAFF SUPPORT.

48 The legislative service bureau shall provide  
49 administrative and staff assistance to the commission.  
50 The commission may also request the assistance of the

## Page 4

1 legislative fiscal bureau, the Iowa department of  
2 public health, the health data commission, the  
3 department of human services, and the department of  
4 commerce and upon request, those agencies shall  
5 cooperate with the commission and provide the  
6 assistance required.

7 Sec. 8. NEW SECTION. 2C.8 PROPOSALS SUBMITTED.

8 If any of the professional practices have a  
9 proposal to submit relating to the regulation of the  
10 practice, the proposal shall be submitted to the  
11 commission. The commission shall conduct an  
12 investigation of the impact of the proposal as  
13 provided in this chapter and compile a record of its  
14 findings and recommendations to the legislative  
15 council and the general assembly by January 1 of each  
16 year. The commission may file interim reports with  
17 the legislative service bureau when the commission  
18 deems it necessary. In its review of the proposal,  
19 the commission may conduct public hearings, receive  
20 testimony and conduct such additional investigations  
21 as it determines necessary to make its  
22 recommendations."

23 2. Title page, lines 1 through 3, by striking the  
24 words "relating to physical therapy by providing that  
25 physical therapy evaluation and treatment may be  
26 rendered without a prescription or referral" and  
27 inserting the following: "creating a commission on  
28 professional health care practices to review the  
29 fiscal and social impact of changes in certain  
30 professional health care practices".

Beatty of Warren rose on a point of order that amendment H-3752 was not germane.

The Speaker ruled the point well taken and amendment H-3752 not germane.

Hanson of Delaware asked for unanimous consent to suspend the rules to consider amendment H-3752.

Objection was raised.

Hanson of Delaware moved that the rules be suspended to consider amendment H-3752.

A non-record roll call was requested.

The ayes were 23, nays 57.

The motion lost, placing out of order amendment H-3787, to amendment H-3752, filed by Jochum of Dubuque on April 15, 1987.

**LEAVE OF ABSENCE**

Leave of absence was granted as follows:

Connors of Polk on request of Arnould of Scott; Norrgard of Des Moines on request of McKinney of Dallas.

Blanshan of Greene offered the following amendment H—3740 filed by Blanshan, et al.:

H—3740

- 1 Amend Senate File 455, as passed by the Senate, as
- 2 follows:
- 3 1. Page 1, by inserting after line 23 the
- 4 following:
- 5 "Sec. 2. NEW SECTION. 148A.5 LIMITATIONS.
- 6 A license to practice physical therapy does not
- 7 authorize the licensee to practice operative surgery
- 8 or osteopathic or chiropractic manipulation, or to
- 9 administer or prescribe any drug or medicine included
- 10 in materia medica."
- 11 2. Title page, line 3, by inserting after the
- 12 word "referral" the following: "and specifying
- 13 limitations on the practice of physical therapy".

Spear of Lee in the chair at 10:21 a.m.

Doderer of Johnson rose on a point of order that amendment H—3740 was not germane.

The Speaker ruled the point not well taken and amendment H—3740 germane.

Blanshan of Greene moved the adoption of amendment H—3740.

A non-record roll call was requested.

The ayes were 21, nays 50.

Amendment H—3740 lost.

Arnould of Scott asked and received unanimous consent that Senate File 455 be deferred and that the bill retain its place on the unfinished business calendar.

The House resumed consideration of **Senate File 471**, a bill for an act relating to indemnification and limitation on liability of directors and officers and to liability of persons who volunteer services to the state or a municipality or a nonprofit organization, deferred and placed on the unfinished business calendar April 14, 1987.

Halvorson of Clayton offered the following amendment H—3701 filed by the committee on judiciary and law enforcement and moved its adoption:

H—3701

- 1 Amend Senate File 471, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. By striking page 7, line 35 through page 8,
- 4 line 13.

The committee amendment H—3701 was adopted.

Jay of Appanoose offered the following amendment H—3908 filed by him and Halvorson of Clayton from the floor and moved its adoption:

H—3908

- 1 Amend Senate File 471 as amended, passed and
- 2 reprinted by the Senate as follows:
- 3 1. Page 1, line 7, by striking the words “, gross
- 4 negligence,”.
- 5 2. Page 3, line 14, by striking the words “,
- 6 gross negligence,”.
- 7 3. Page 3, line 26, by striking the words “gross
- 8 negligence or”.
- 9 4. Page 4, line 3, by striking the words “gross
- 10 negligence or”.
- 11 5. Page 4, line 15, by striking the words “gross
- 12 negligence or”.
- 13 6. Page 4, line 30, by striking the words “gross
- 14 negligence or”.
- 15 7. Page 7, line 15, by striking the words “,
- 16 gross negligence,”.
- 17 8. Page 7, line 30, by striking the words “,
- 18 gross negligence,”.

Amendment H—3908 was adopted.

Rosenberg of Story asked and received unanimous consent to withdraw amendment H—3909 filed by him from the floor.

Dvorsky of Johnson offered the following amendment H—3907 filed by him from the floor and moved its adoption:

H—3907

- 1 Amend Senate File 471 as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, line 11, by inserting after the word
- 4 “expenses” the following: “or payments of two
- 5 thousand dollars or less in the aggregate in the
- 6 calendar year for services as an elected or appointed
- 7 official”.

8 2. Page 7, line 34, by inserting after the word  
 9 "expenses" the following: "or payments of two  
 10 thousand dollars or less in the aggregate in the  
 11 calendar year for services as an elected or appointed  
 12 official".

Amendment H—3907 lost.

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Clark of Cerro Gordo, until her return, on request of Schnekloth of Scott.

Neuhauser of Johnson offered amendment H—3785 filed by her and requested division as follows:

H—3785

1 Amend Senate File 471 as amended, passed, and  
 2 reprinted by the Senate, as follows:

H—3785A

3 1. Page 1, line 21, by inserting after the word  
 4 "misconduct" the following: "or gross negligence".

H—3785B

5 2. Page 2, by striking lines 12 through 14 and  
 6 inserting the following: "a provision in the articles  
 7 of incorporation, both as to action in a person's  
 8 official".

H—3785A

9 3. Page 2, line 20, by inserting after the word  
 10 "misconduct" the following: "or gross negligence".  
 11 4. Page 2, line 33, by inserting after the word  
 12 "misconduct" the following: "or gross negligence".

On motion by Neuhauser of Johnson, amendment H—3785A lost.

Neuhauser of Johnson moved the adoption of amendment H—3785B.

A non-record roll call was requested.

Rule 75 was invoked.

The ayes were 32, nays 60.

Amendment H—3785B lost.

(Senate File 471 pending at recess.)

On motion by Arnould of Scott, the House was recessed at 11:59 a.m., until 1:15 p.m.

### AFTERNOON SESSION

The House reconvened, Doderer of Johnson in the chair.

### BUSINESS PENDING AT RECESS

#### Unfinished Business Calendar

The House resumed consideration of **Senate File 471**, a bill for an act relating to indemnification and limitation on liability of directors and officers and to liability of persons who volunteer services to the state or a municipality or a nonprofit organization, pending at recess.

Halvorson of Clayton offered the following amendment H—3910 filed by Jay of Appanoose and him from the floor, and moved its adoption:

H—3910

- 1 Amend Senate File 471 as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 4, by inserting after line 17 the
- 4 following:
- 5 "Sec. \_\_\_\_\_. Section 504A.4, subsection 14, is
- 6 amended by striking the subsection and inserting in
- 7 lieu thereof the following:
- 8 14. A corporation operating under this chapter may
- 9 indemnify any present or former director, officer,
- 10 employee, member, or volunteer in the manner and in
- 11 the instances authorized in section 496A.4A."
- 12 2. By renumbering as necessary.

Amendment H—3910 was adopted.

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Holveck of Polk, until his return, on request of Hammond of Story.

Stueland of Clinton asked and received unanimous consent to withdraw amendment H—3738 filed by him on April 14, 1987.

Buhr of Polk in the chair at 3:02 p.m.

Fuller of Hardin called up for consideration the motion to reconsider amendment H—3908 filed by him from the floor and moved to reconsider the vote by which amendment H—3908 (found on pages 1607 and 1608 of the House Journal) was adopted by the House on April 23, 1987.

A non-record roll call was requested.

The ayes were 29, nays 46.

The motion to reconsider lost.

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

On the question "Shall the bill pass?" (S.F. 471)

The ayes were, 79:

Adams	Arnould	Avenson	Beaman
Bennett	Black	Blanshan	Brammer
Branstad	Carpenter	Clark	Cohoon
Connolly	Cooper	Corbett	Corey
Daggett	De Groot	Diemer	Dvorsky
Eddie	Fey	Fogarty	Fuller
Garman	Groninga	Gruhn	Halvorson, R. A.
Hansen, S. D.	Hanson, D. R.	Harbor	Harper
Hermann	Hester	Hummel	Jay
Knapp	Koenigs	Kremer	Lageschulte
Lundby	Maulsby	May	McKean
McKinney	Metcalf	Miller	Muhlbauer
Mullins	Ollie	Osterberg	Parker
Paulin	Pellett	Peters	Petersen, D. F.
Peterson, M. K.	Plasier	Platt	Poncy
Renaud	Renken	Royer	Running
Schnekloth	Schrader	Shoning	Shoultz
Siegrist	Skow	Spear	Stromer
Stueland	Swartz	Tabor	Teaford
Van Camp	Van Maanen	Wise	

The nays were, 15:

Beatty	Bisignano	Doderer	Halvorson, R. N.
Hammond	Hatch	Haverland	Jochum
Johnson	Neuhauser	Pavich	Rosenberg
Sherzan	Svoboda	Madam Speaker (Buhr)	

Absent or not voting, 6:

Chapman	Connors	Holveck	Norrgard
Swearingen	Tyrrell		

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

The House resumed consideration of **Senate File 274**, a bill for an act relating to the exporting of Iowa grain, by providing for the establishment of an Iowa agricultural export trading company; establishing a certified Iowa grain program; a new division of agricultural inspection within the department of agriculture and land stewardship; a state

grain terminal and shippers program; a foreign sale facilitation system; and a sealed carrier receptacle program; and imposing penalties, deferred and placed on the unfinished business calendar April 15, 1987.

May of Worth offered the following amendment H—3735 filed by the committee on agriculture:

H—3735

1 Amend Senate File 274, as passed by the Senate, as  
2 follows:

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

5 "Section 1. NEW SECTION. 159.31 INTENT.

6 It is the intent of sections 159.32 through 159.36  
7 to create a board within the department of agriculture  
8 and land stewardship, known as the Iowa export trading  
9 board, to service suppliers, shippers, and private  
10 export companies within the state, and with members of  
11 the interstate grain compact outside of the state to  
12 give state assistance to private producers and  
13 exporters, to enhance sales of Iowa agricultural  
14 products through the establishment of a marketing  
15 system that will be responsive to individual buyer  
16 specifications, both foreign and domestic, and to  
17 encourage diversification and upgrade the quality of  
18 agricultural products within the state.

19 The board shall be organized in such a manner to  
20 take advantage of the federal Export Trading Company  
21 Act of 1982, Pub. L. No. 97-290. Upon enactment of  
22 this Act, the secretary shall apply to the United  
23 State department of commerce for issuance of a  
24 certificate of review.

25 Sec. 2. NEW SECTION. 159.32 IOWA EXPORT TRADING  
26 BOARD.

27 1. The Iowa export trading board is created within  
28 the department of agriculture and land stewardship.

29 The board shall consist of the following members:

30 a. The secretary.

31 b. The director of the agricultural marketing  
32 division.

33 c. The director of the Iowa department of economic  
34 development.

35 d. The secretary shall appoint four additional  
36 nonvoting advisory members from the private sector.  
37 The board shall reflect, to the maximum extent  
38 practicable, a gender balance.

39 2. The board shall meet monthly or more often as  
40 directed by the secretary. The export trading board  
41 shall begin its function immediately upon formation.

42 3. A review committee shall be established August  
43 1, 1990, consisting of two members each from the

44 export trading board and the research and  
45 standardization board, to be appointed by the  
46 secretary, and two members each from the senate and  
47 the house of representatives. An additional member  
48 shall be appointed by the governor. The committee  
49 shall file a final report no later than December 1,  
50 1990 with the secretary containing a summary of the

Page 2

1 division's marketing activity and a recommendation to  
2 either terminate the export trading board, replace the  
3 board with a publicly held corporation, or extend  
4 state funding of the division.

5 4. The review committee members from the senate  
6 and house of representatives shall be appointed as  
7 follows:

8 a. One senator appointed by the senate majority  
9 leader.

10 b. One senator appointed by the senate minority  
11 leader.

12 c. One representative appointed by the house  
13 majority leader.

14 d. One representative appointed by the house  
15 minority leader.

16 All appointments to the review committee shall  
17 otherwise comply with all applicable requirements of  
18 the Code.

19 5. The export trading board shall submit an annual  
20 report to the agriculture committees of the senate and  
21 house of representatives on or before January 31. The  
22 report shall contain at least the following  
23 information:

24 a. A summary of trading activity in the past year.

25 b. An evaluation of the performance and  
26 achievement of goals in the past year of operations.

27 c. A summary of plans for the coming year.

28 d. Proposed legislative changes to assist the  
29 board in the accomplishment of its stated goals.

30 e. Any other information requested by the  
31 committees or a committee chair.

32 Sec. 3. NEW SECTION. 159.33 PURPOSES AND POWERS.

33 1. The purposes of the Iowa export trading board  
34 are to assist agricultural product suppliers and  
35 export companies in the state of Iowa, and to further  
36 the goals and purposes of the interstate grain  
37 compact, by expanding existing markets, by developing  
38 new markets, and by upgrading the quality of  
39 agricultural products.

40 2. In addition to other powers, the Iowa export  
41 trading board may execute direct contracts with  
42 suppliers, shippers, exporters, and buyers. Sales

43 activities shall include both foreign and domestic  
44 buyers. The board shall explore and develop  
45 specialty-type deliveries and may act as an agent in  
46 counter trade options. The Iowa export trading board  
47 has the powers necessary to fulfill the purposes of  
48 this directive and those provided in the federal  
49 Export Trading Company Act of 1982, Pub. L. No. 97-  
50 290, which are not inconsistent with or limited by

Page 3

1 this directive. The Iowa export trading board has the  
2 powers and shall be organized to compliment and  
3 further the goals and purposes of the interstate grain  
4 compact.

5 3. The state of Iowa, its employees and agents,  
6 including, but not limited to members of the export  
7 marketing board and employees of the board or the  
8 division of agricultural marketing, are not liable for  
9 any civil causes of action, including but not limited  
10 to actions related to contracts, arising out of the  
11 operations of the export trading board.

12 Sec. 4. NEW SECTION. 159.34 INSPECTION.

13 1. The agricultural marketing division may  
14 contract for inspection services both in and outside  
15 of this state. A contract shall include terms to  
16 assure the submission of the contractor to the  
17 jurisdiction of this state and to provide liquidated  
18 damages parallel to administrative penalties adopted  
19 by rule. The division shall establish a certification  
20 program for inspection program participants.

21 2. A person who conducts an inspection, or who  
22 certifies a program participant or shipment in a  
23 fraudulent fashion, or who accepts a bribe commits an  
24 aggravated misdemeanor.

25 3. The division shall adopt rules to implement and  
26 administer this section.

27 4. The secretary shall appoint a research and  
28 standardization board to report to the agricultural  
29 marketing division. The research and standardization  
30 board shall consist of the following members:

31 a. The director of the agricultural marketing  
32 division.

33 b. The directors of Iowa's agricultural products  
34 promotion boards.

35 c. State university representatives in the areas  
36 of grain quality, seed development, test equipment,  
37 agricultural machinery, and transportation.

38 The research and standardization board shall make  
39 recommendations for upgrading agricultural products  
40 standards and shall serve the division in the  
41 development of administrative rules.

42 The board shall meet monthly or more often as  
43 directed by the secretary.

44 5. The division shall employ the following  
45 specialists to assist the export trading board, the  
46 research and standardization board, and the  
47 agricultural products data collection bank:

- 48 a. A marketing finance specialist.
- 49 b. A data collection specialist.
- 50 c. An inspection specialist.

Page 4

1 d. A transportation specialist.

2 The secretary shall comply with chapter 19B and  
3 other applicable equal opportunity and affirmative  
4 action standards in hiring these specialists.

5 Sec. 5. NEW SECTION. 159.35 CERTIFIED IOWA  
6 AGRICULTURAL PRODUCTS PROGRAM.

7 1. Standards for agricultural products marketed by  
8 the Iowa export trading board shall be established by  
9 the division with the advice and guidance of the  
10 research and standardization board. The "Iowa Seal"  
11 may be used on qualifying agricultural products. A  
12 premium quality grade must at minimum prohibit any  
13 intentional blending of lower grades of grain, or the  
14 addition of foreign matter, moisture, or grain dust.

15 2. All agricultural products are to be warranted  
16 by the supplier to be accurate in grade and standard.  
17 The secretary shall use the "Iowa Seal" to certify the  
18 grade and standard warranted by the supplier at the  
19 point of the requested inspection.

20 3. Service fees shall be assessed for direct costs  
21 on behalf of the company being represented.

22 4. Suppliers, shippers, exporters, and terminals  
23 shall make application to the secretary for a  
24 certificate of participation. The secretary shall  
25 adopt rules for participation. Violation of the grade  
26 and standards regulations shall result in the  
27 revocation of certification.

28 Sec. 6. NEW SECTION. 159.36 ESTABLISHMENT OF  
29 AGRICULTURAL PRODUCTS DATA COLLECTION BANK.

30 The secretary shall establish a data collection  
31 bank. Certified participants shall supply pertinent  
32 data to the secretary. Administrative rules shall be  
33 established by the secretary to implement this  
34 section."

Kremer of Buchanan asked and received unanimous consent to defer action on amendment H—3741.

May of Worth asked and received unanimous consent to withdraw amendment H—3750, to the committee amendment H—3735, filed by him on April 14, 1987.

Bennett of Ida offered the following amendment H—3914, to the committee amendment H—3735, filed by him from the floor and moved its adoption:

H—3914

- 1 Amend the amendment, H—3735, to Senate File 274 as
- 2 passed by the Senate, as follows:
- 3 1. By striking page 3, line 44 through page 4,
- 4 line 1 and inserting the following:
- 5 "5. The department shall use existing authorized
- 6 staff positions to assist the export trading board,
- 7 the research and standardization board, and the
- 8 agricultural products data collection bank."

A non-record roll call was requested.

The ayes were 36, nays 41.

Amendment H—3914 lost.

May of Worth offered the following amendment H—3911, to the committee amendment H—3735, filed by May, Koenigs, Cooper, Fogarty, Gruhn, Osterberg, Johnson and Muhlbauer from the floor:

H—3911

- 1 Amend the amendment, H—3735, to Senate File 274 as
- 2 passed by the Senate, as follows:
- 3 1. By striking page 1, line 5 through page 4,
- 4 line 34 and inserting the following:
- 5 "Section 1. NEW SECTION. 159.31 INTENT.
- 6 This division is intended to create a state-
- 7 assisted Iowa agricultural export trading company to
- 8 assist private enterprise in the sale and export of
- 9 Iowa agricultural products and commodities. A public-
- 10 private partnership, the company shall act as an
- 11 intermediary for suppliers, shippers, private export
- 12 trading companies, and other persons within the state,
- 13 and for members of the interstate compact on
- 14 agricultural grain marketing. The department of
- 15 agriculture and land stewardship and other state
- 16 departments and agencies shall assist the company in
- 17 dealings with foreign governments and other
- 18 purchasers. The company's services shall include, but
- 19 are not limited to, marketing and negotiation,
- 20 information and coordination, and other sale
- 21 facilitation services.
- 22 This division will further uniquely identify Iowa

23 quality agricultural products and commodities through  
24 an inspection and certification program intended to be  
25 responsive to individual buyers' specifications. The  
26 bureau of agriquality inspection will assure delivery  
27 to the buyer with quality undiminished.

28 An agrimarketing data bank is established. The  
29 data bank will provide information on the  
30 availability, kind, quality, and price of agricultural  
31 products, commodities, and storage and transportation  
32 facilities. The information is designed to enhance  
33 sales of the export trading company and other sellers.

34 This division is intended to take advantage of the  
35 federal Export Trading Company Act of 1982, Pub. L.  
36 No. 97-290.

37 Sec. 2. NEW SECTION. 159.32 AUTHORIZED  
38 CORPORATION.

39 1. INCORPORATION. The secretary may incorporate  
40 under chapter 496A a corporation which shall be known  
41 as the Iowa agricultural export trading company. If  
42 incorporated, the secretary shall be the incorporator  
43 of the company. The initial board of directors shall  
44 consist of the following persons:

45 a. The secretary.

46 b. The director of the agricultural marketing  
47 division.

48 c. The director of the Iowa department of economic  
49 development.

50 d. Six additional members appointed by the

Page 2

1 secretary, who shall be knowledgeable in the area of  
2 farming, exporting, agricultural product or commodity  
3 storage, transportation, marketing, or finance.

4 2. INITIAL ORGANIZATION AND CAPITALIZATION. The

5 secretary shall prepare a detailed marketing study to  
6 serve as the basis for the company's work plan and the  
7 company prospectus. The state shall retain at least  
8 majority ownership of the company for a period of five  
9 years from the date of incorporation. Initial  
10 capitalization shall be from state contributions of  
11 capital and services, and from the company's public  
12 offering of stock to residents of this state.

13 3. PUBLIC STOCK OFFERING. The public sale of  
14 stock in the Iowa agricultural export trading company  
15 is exempt from the requirements of chapter 502. After  
16 the sale of stock to the public, provision shall be  
17 made for the election of a board of directors by the  
18 stockholders to replace the initial board of  
19 directors. The state shall cause its shares to be  
20 voted to assure the election of the following persons  
21 to the board of directors, listed in order of

22 priority:

23 a. The secretary.

24 b. The director of the agricultural marketing  
25 division.

26 c. The director of the Iowa department of economic  
27 development.

28 d. Such additional persons as satisfy the  
29 requirements of subsection 1, paragraph d, as possible  
30 given the state's ownership interest in the  
31 corporation.

32 If the state ceases to retain an ownership interest  
33 in the corporation sufficient to assure the election  
34 of the secretary and the director of the agricultural  
35 marketing division, they shall be ex officio members  
36 of the board representing the state of Iowa and the  
37 public purposes for which the corporation is created.

38 4. ARTICLES OF INCORPORATION. The articles of  
39 incorporation, and the prospectus in the event of a  
40 public offering, may include such limitations on the  
41 ownership and transfer of shares as otherwise  
42 permitted by law and as deemed reasonable by the  
43 incorporator, or subsequently by the board of  
44 directors.

45 5. REVIEW COMMITTEE. A review committee shall be  
46 established August 1 during the fourth year after  
47 incorporation of the Iowa agricultural export trading  
48 company. The committee shall consist of the following  
49 members:

50 a. Two directors of the Iowa agricultural export

**Page 3**

1 trading company to be appointed by the chairperson of  
2 the board of directors.

3 b. Two persons from the division of agricultural  
4 marketing to be appointed by the secretary.

5 c. One senator appointed by the senate majority  
6 leader.

7 d. One senator appointed by the senate minority  
8 leader.

9 e. One representative appointed by the speaker of  
10 the house.

11 f. One representative appointed by the house  
12 minority leader.

13 g. One member appointed by the governor.

14 Appointments to the review committee shall comply  
15 with all applicable requirements of the Code.

16 The review committee shall file a final report with  
17 the secretary and the agricultural committees of the  
18 senate and house of representatives no later than  
19 December 1, during the fifth year after incorporation  
20 of the company. The final report shall contain a

21 summary of the company's marketing activity to date,  
 22 and a recommendation to dissolve the corporation,  
 23 divest any remaining state-owned shares by a public  
 24 offering or other sale, expand or continue state  
 25 ownership and investment, or other legislative action  
 26 or corporate action deemed appropriate by the review  
 27 committee to further the purposes of this chapter in  
 28 light of the success or prospects for success of the  
 29 company.

30 **6. ANNUAL LEGISLATIVE REPORT.** The Iowa  
 31 agricultural export trading company shall submit an  
 32 annual report to the agriculture committees of the  
 33 senate and house of representatives on or before  
 34 January 31. The report shall contain at least the  
 35 following information:

36 a. A summary of trading activity in the past year.

37 b. An evaluation of the performance and  
 38 achievement of goals in the past year of operations.

39 c. A summary of plans and goals for the coming  
 40 year of operations.

41 d. Proposed legislative action to assist the  
 42 company in the accomplishment of its stated goals.

43 e. Any other information requested by one or more  
 44 of the committees, a committee chair, or a ranking  
 45 member of an agriculture committee.

46 **7. SECRETARY AS AGENT.** The secretary, or the  
 47 secretary's designee, shall also serve as an agent for  
 48 the company. The Iowa department of economic  
 49 development, and other departments and agencies of the  
 50 state, including the state board of regents and its

**Page 4**

1 institutions, shall cooperate with and assist the  
 2 company upon the secretary's request.

3 **Sec. 3. NEW SECTION. 159.33 PURPOSES AND POWERS.**

4 **1. GENERAL.** The purposes of the Iowa agricultural  
 5 export trading company are to assist producers,  
 6 shippers, and exporters of Iowa agricultural products  
 7 and commodities; to further the goals and purposes of  
 8 the interstate compact on agricultural grain  
 9 marketing; to expand existing markets; and to develop  
 10 new markets through, but not limited to, the  
 11 following:

12 a. Direct negotiation or contracts with, or  
 13 acceptance of orders from, foreign governments or  
 14 their agencies.

15 b. Specialty-type deliveries which include small  
 16 deliveries of grains or other agricultural products  
 17 and commodities to countries with inadequate storage  
 18 capacities or high quality grain deliveries through  
 19 reduced blending or under the certified Iowa grain

20 program.

21 c. Counter, trade or barter options.

22 2. FEDERAL EXPORT TRADING COMPANY ACT. The Iowa  
23 agricultural export trading company has the powers  
24 necessary to fulfill the purposes of this division and  
25 those provided in chapter 496A and the federal Export  
26 Trading Company Act of 1982, Pub. L. No. 97-290, which  
27 are not further limited by this division. The  
28 secretary shall apply to the United States department  
29 of commerce for issuance of a certificate of review  
30 for the company.

31 3. INTERSTATE GRAIN COMPACT. The Iowa  
32 agricultural export trading company has the powers and  
33 shall be organized to complement and further the goals  
34 and purposes of the interstate compact on agricultural  
35 grain marketing. However, the company shall not  
36 exercise any powers described in chapter 183, unless  
37 acting pursuant to an agreement entered into by the  
38 company and the agricultural grain marketing  
39 commission.

40 4. SOVEREIGN IMMUNITY. The state of Iowa, and its  
41 employees and agents, are not liable for any civil  
42 causes of action, including but not limited to actions  
43 related to contracts, arising out of the operations of  
44 the Iowa agricultural export trading company,  
45 including actions in which the state, and its  
46 employees and agents, act as an agent of the company  
47 or act to assist the company. The company shall be  
48 liable to the same extent as other chapter 496A  
49 corporations unless otherwise limited by law or  
50 contract.

Page 5

1 Sec. 4. NEW SECTION. 159.34 CERTIFIED IOWA  
2 COMMODITY PROGRAM — PENALTIES.

3 1. PROGRAM. The secretary shall establish a  
4 certified Iowa commodity program, to facilitate sales  
5 of quality Iowa agricultural products and commodities,  
6 and delivery of Iowa agricultural products and  
7 commodities to the final purchaser with their quality  
8 undiminished. The secretary, or the secretary's  
9 designee, shall administer this section, and establish  
10 policies, guidelines, and rules by which to administer  
11 this section. The secretary may investigate the  
12 handling, weighing, grading, and transportation of  
13 grain, and other agricultural products and  
14 commodities, and adopt rules, including administrative  
15 penalties, for the following:

16 a. Standards of kind, class, quality, and  
17 condition for corn and soybeans, and other  
18 agricultural products and commodities for which, in

19 the secretary's judgment, the prospects for out-of-  
20 state sales warrant the adoption of standards. A  
21 premium quality grade for grain must at minimum  
22 prohibit any intentional blending of lower grades of  
23 grain, or addition of foreign matter, moisture, or  
24 grain dust. All grades certified to be Iowa quality  
25 must be grown, raised, or marketed in this state.

26 b. Standards or procedures for accurate weighing  
27 and weight certification and controls, and other  
28 quality and health standards, including safeguards  
29 over equipment calibration and maintenance, for  
30 products and commodities certified as Iowa quality.

31 c. Administrative procedures to consider requests  
32 to adopt, amend, or revoke standards or procedures  
33 when the necessities of the export trade require.

34 2. NOTICE. Notwithstanding chapter 17A, the  
35 secretary shall publish notice of proposed rules or  
36 rule changes in the Iowa administrative bulletin to  
37 give interested persons an opportunity to submit  
38 evidence in an informal manner. Standards become  
39 effective ninety days after final publication. All  
40 other rules and procedures shall conform with chapter  
41 17A.

42 3. PENALTY. It is an aggravated misdemeanor for a  
43 person to sell or export an agricultural product or  
44 commodity purported to be certified Iowa quality, if  
45 the product or commodity is not certified Iowa  
46 quality.

47 4. WARRANTY. A person who sells or exports an  
48 agricultural product or commodity purported to be  
49 certified Iowa quality warrants the product or  
50 commodity to be accurate in grade and standard. The

**Page 6**

1 secretary may adopt rules defining the terms and  
2 extent of this warranty, and procedures for enforcing  
3 the warranty, in addition to normal contractual  
4 remedies.

5 5. ENFORCEMENT. The secretary may, in addition to  
6 the adoption of administrative rules, enter into  
7 contracts with elevators, terminals, shippers, and any  
8 other persons responsible for handling or  
9 transportation of grain or other agricultural products  
10 or commodities in the supply chain to the final  
11 purchaser, to assure delivery to the final purchaser  
12 of certified Iowa quality agricultural products and  
13 commodities with quality undiminished. The secretary  
14 may condition participation in programs under this  
15 division upon entry into a contract with the secretary  
16 under this subsection. The contract may include  
17 agreements regarding participation in the

18 agrimarketing data bank.

19 6. IOWA SEAL. The "Iowa Seal" may be used on  
20 qualifying Iowa certified agricultural products and  
21 commodities. The secretary shall adopt rules to  
22 coordinate the "Iowa Seal" program and the certified  
23 Iowa commodity program.

24 Sec. 5. NEW SECTION. 159.35 BUREAU OF  
25 AGRIQUALITY INSPECTION.

26 1. PROGRAMS. A bureau of agriquality inspection  
27 is created within the regulatory division of the  
28 department. The bureau is responsible for inspections  
29 and enforcement under the following programs:

30 a. Certified Iowa commodity program, section  
31 159.34.

32 b. Iowa terminal and shippers program, section  
33 159.36.

34 c. Sealed carrier receptacle program, chapter  
35 542B.

36 2. INSPECTORS. The bureau may employ inspectors  
37 or contract for inspection services both in and  
38 outside of this state. A contract shall include terms  
39 to assure submission of the contractor to Iowa  
40 jurisdiction and liquidated damages provisions  
41 parallel to administrative penalties adopted by rule.

42 3. PENALTY. A person who conducts an inspection,  
43 or who certifies a program participant or shipment in  
44 a fraudulent fashion, or who accepts a bribe commits  
45 an aggravated misdemeanor.

46 4. RULES. The department shall adopt rules to  
47 implement and administer this section.

48 Sec. 6. NEW SECTION. 159.36 IOWA TERMINAL AND  
49 SHIPPERS PROGRAM.

50 The secretary shall establish an Iowa terminal and

Page 7

1 shippers program to facilitate the export of certified  
2 Iowa quality agricultural products and commodities.  
3 The secretary shall adopt rules which a qualified  
4 terminal or shipper must meet to be eligible for  
5 participation in the Iowa terminal and shippers  
6 program. The rules may provide for different  
7 standards for different agricultural products or  
8 commodities. Only qualified terminals may sell or  
9 export certified Iowa quality agricultural products or  
10 commodities, except grain transported under sections  
11 542B.2 through 542B.4. Only qualified shippers may  
12 transport certified Iowa quality agricultural products  
13 or commodities outside of the state, except grain  
14 transported under sections 542B.2 through 542B.4. The  
15 secretary shall adopt rules to assure that a qualified  
16 terminal or shipper maintains facilities, equipment,

17 and business practices capable of assuring adherence  
18 to certified Iowa quality standards for the  
19 agricultural product or commodity for which the  
20 terminal or shipper is qualified. The secretary may  
21 enter into contracts with a qualified terminal or  
22 shipper with terms to assure delivery of certified  
23 Iowa quality agricultural products or commodities of  
24 undiminished quality to the next qualified terminal or  
25 shipper, or the final purchaser. A contract between  
26 the secretary and a qualified terminal or shipper may  
27 provide for reasonable liquidated damages for  
28 violation of a term or condition of the contract or  
29 for violation of a rule adopted by the department. A  
30 qualified terminal or shipper may be located outside  
31 of this state. A qualified terminal or shipper shall  
32 agree to permit regular and surprise inspections by an  
33 Iowa agriquality inspector. Refusal to permit an  
34 inspection shall result in revocation of qualified  
35 status and imposition of either administrative  
36 penalties or liquidated damages.

37 **Sec. 7. NEW SECTION. 159.37 AGRIMARKETING DATA**  
38 **BANK.**

39 1. The secretary shall establish an agrimarketing  
40 data bank. Participation in the data bank is a  
41 condition to certification and participation under the  
42 Iowa terminal and shippers program under section  
43 159.36. Participants shall supply pertinent data as  
44 required by rule by the secretary. Rules shall  
45 provide for data collection of at least the following  
46 information:

- 47 a. Commodity availability classified by kind,  
48 price, and quality.
- 49 b. Storage availability and price.
- 50 c. Transportation capacity, schedule, and price.

**Page 8**

1 2. Information shall be updated at a minimum on a  
2 monthly basis, with a goal of providing real time  
3 information through the data bank. The secretary  
4 shall adopt administrative rules to implement this  
5 section.

6 **Sec. 8. NEW SECTION. 542B1 DEFINITIONS.**

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

9 1. "Carrier" means a vehicle or vessel, including,  
10 but not limited to, a wagon, truck, trailer, train,  
11 and barge, that is used or usable for transporting  
12 agricultural products.

13 2. "Carrier receptacle" means a protected  
14 enclosure used or usable for the storage of  
15 agricultural products that is part of a carrier or

16 connected to a carrier when it is in motion.

17 3. "Department" means the department of  
18 agriculture and land stewardship.

19 4. "Division" means the division of agriquality  
20 inspection of the department of agriculture and land  
21 stewardship.

22 Sec. 9. NEW SECTION. 542B.2 INSPECTION.

23 Carrier receptacles, used to transport from the  
24 state grain produced in the state, must be free of  
25 contaminants according to standards established by the  
26 department and the United States department of  
27 agriculture. The division may inspect any carrier  
28 receptacle to ensure compliance with this section.  
29 The division shall make periodic inspections of sealed  
30 receptacles at times and in a manner the department  
31 determines, but not less frequently than at ninety-day  
32 intervals.

33 Sec. 10. NEW SECTION. 542B.3 SEAL — PENALTIES.

34 Before leaving the state, a carrier receptacle that  
35 contains grain produced in the state shall be sealed  
36 in a manner provided by the department to ensure that  
37 the quality of the grain is preserved during its  
38 transport. The division shall mark each carrier  
39 receptacle that has been sealed in a manner that will  
40 show if the seal has been broken. The mark shall  
41 contain the following language:

42 "Sealed by authority of the State of Iowa,  
43 Department of Agriculture and Land Stewardship.

44 A person who tampers with this seal or removes any  
45 grain in this receptacle before it reaches its  
46 destination is guilty of an aggravated misdemeanor and  
47 subject to fine and imprisonment as provided by law."

48 Sec. 11. NEW SECTION. 542B.4 VIOLATIONS —  
49 PENALTIES.

50 1. A person who acts, without direction by the

Page 9

1 department, to break or in any manner interfere or  
2 tamper with a seal preserving the contents of a  
3 carrier receptacle before it reaches its destination  
4 is guilty of an aggravated misdemeanor.

5 2. An owner of grain produced in the state who  
6 knowingly authorizes the transportation of grain from  
7 the state not in compliance with either one or both of  
8 sections 159.34 through 159.36 and sections 542B.2  
9 through 542B.4, is guilty of an aggravated  
10 misdemeanor.

11 Sec. 12. The Code editor shall codify new sections  
12 159.31 through 159.37 as a new division of chapter  
13 159.

14 Sec. 13. This Act, being deemed of immediate

- 15 importance, takes effect upon enactment.”  
 16 2. Title page, line 1 by striking the word  
 17 “grain” and inserting the following: “agricultural  
 18 products and commodities”.  
 19 3. Title page, line 3 by striking the word  
 20 “grain” and inserting the following: “commodity”.  
 21 4. Title page, line 4 by striking the word  
 22 “division” and inserting the following: “bureau”.  
 23 5. Title page, line 5 by striking the word  
 24 “grain”.  
 25 6. Title page, line 6 by striking the words “a  
 26 foreign sale facilitation system” and inserting the  
 27 following: “an agrimarketing data bank”.  
 28 7. Title page, line 7 by striking the words “and  
 29 imposing penalties” and inserting the following:  
 30 “imposing penalties; and providing an effective date”.

Stromer of Hancock rose on a point of order and invoked Joint Rule 17 on amendment H—3911, pertaining to the filing of a fiscal note.

The Speaker ruled the point not well taken.

Arnould of Scott asked and received unanimous consent that Senate File 274 be deferred and that the bill retain its place on the unfinished business calendar.

(Amendment H—3911, to amendment H—3735, pending.)

#### IMMEDIATE MESSAGE

(Senate File 471)

Arnould of Scott asked and received unanimous consent that Senate File 471 be immediately messaged to the Senate.

#### MOTIONS TO RECONSIDER

(Amendment H—3740 to Senate File 455)

I move to reconsider the vote by which amendment H—3740 to Senate File 455 failed to be adopted by the House on April 23, 1987.

GRUHN of Dickinson

(Amendment H—3740 to Senate File 455)

I move to reconsider the vote by which amendment H—3740 to Senate File 455 failed to be adopted by the House on April 23, 1987.

VAN CAMP of Scott

**EXPLANATION OF VOTE**

I was necessarily absent from the House chamber on Tuesday, April 21, 1987. Had I been present, I would have voted "aye" on Senate File 469.

**OLLIE of Clinton**

**BILLS ENROLLED, SIGNED AND SENT TO GOVERNOR**

The Chief Clerk of the House submitted the following report:

Mr. Speaker: The Chief Clerk of the House respectfully reports that the following bills have been examined and found correctly enrolled, signed by the Speaker of the House and the President of the Senate, and presented to the Governor for his approval on this 23rd day of April, 1987: House Files 132, 169, 176, 251, 373, 378, 394, 409, 513, 610 and 639.

**JOSEPH O'HERN**

Chief Clerk of the House

Report adopted.

**PRESENTATION OF VISITORS**

Koenigs of Mitchell presented to the House the Honorable Randy Hughes, former member of the House representing Union County.

Pellett of Cass presented to the House the Honorable Maurice Hennessey, former member of the House representing Delaware County.

Doderer of Johnson presented to the House the Honorable Virginia Poffenberger, former member of the House representing Dallas County.

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

Twenty-six fifth and sixth grade students from St. Thomas Aquinas School, Webster City. By Adams of Hamilton.

Also: Twenty-six twelfth grade students from Central Webster Schools, Burnside, accompanied by Jim Ainslie.

Twenty senior students from North Kossuth Schools, Swea City, accompanied by Mike Hanna and John Larson. By Branstad of Winnebago.

Nineteen senior students from Nesco High School, Zearing, accompanied by Jack Roberts. By Garman of Story.

Forty sixth grade students from Armstrong-Ringsted Middle School, Ringsted, accompanied by Paula Cecil. By Gruhn of Dickinson.

Ninety-five American Government students from Johnston High School, Johnston, accompanied by David Pitz, Larry Strickler and Pat Kinsey. By Haverland of Polk.

Twenty-eight eighth grade students from West Harrison High School, Mondamin, accompanied by Darlene Hime, Daniel Penkert and LeRoy Clark. By Hester of Pottawattamie.

Sixty-two senior students from Belle Plaine Senior High School, Belle Plaine, accompanied by Larry Lawler. By Hummel of Benton.

Also: Twenty-four senior students from Urbana High School, Urbana, accompanied by Sharyl Stulken and Harlan Bell.

Fifty-five ninth grade students from Lake Mills High School, Lake Mills, accompanied by Bill Byrns and Char Hanson. By May of Worth.

Twenty-five fifth grade students from Manilla Elementary School, Manilla, accompanied by Karen Hansen. By Muhlbauer of Crawford.

Thirty-six eighth grade students from Pella Christian School, Pella, accompanied by Jim DeBoef and Dave Lyon. By Schrader of Marion.

#### HOUSE STUDY BILL COMMITTEE ASSIGNMENT

##### H.S.B. 318 (Revised, 2) Ways and Means

Relating to transportation funding to support business, industrial, and agricultural development by the establishment of a commercial network of highways funded by an increase in the rate of excise taxes on motor fuel and special fuel, by the creation of a comprehensive transportation development fund consolidating the funding for railroads, aeronautics, bikeways, recreational trails, commercial navigation, and intermodal projects, by establishing an excise tax on transportation fuels used by rail, air, and water transportation, by establishing an excise tax on rail freight transportation, by providing for the registration of aircraft, and providing effective dates.

#### RESOLUTION FILED

HCR 35, by Arnould and Stromer, a concurrent resolution suggesting that "Quality and Productivity" be made a theme for the marketing of the state.

Laid over under Rule 25.

## AMENDMENTS FILED

H-3906	H.F.	658	Senate Amendment
H-3912	H.F.	499	Daggett of Adams
H-3913	H.F.	499	Daggett of Adams
H-3915	H.F.	499	Corbett of Linn
			Harbor of Mills
H-3916	H.F.	499	Harbor of Mills
			Halvorson of Clayton
H-3917	S.F.	484	Jay of Appanoose
H-3918	S.F.	484	Brammer of Linn
H-3919	S.F.	484	McKinney of Dallas
H-3920	S.F.	484	Rosenberg of Story
H-3921	S.F.	484	Jay of Appanoose
H-3922	S.F.	274	Stueland of Clinton
H-3923	H.F.	411	Koenigs of Mitchell
H-3924	S.F.	162	Blanshan of Greene
H-3925	S.F.	55	Jochum of Dubuque
H-3926	H.F.	130	McKinney of Dallas
H-3927	S.F.	484	Jay of Appanoose
H-3928	S.F.	484	Jay of Appanoose
H-3929	S.F.	484	Jay of Appanoose
H-3930	S.F.	484	Jay of Appanoose
H-3931	H.F.	167	Fogarty of Palo Alto
			Lageschulte of Bremer
			Platt of Muscatine
H-3932	S.F.	484	Jay of Appanoose
H-3933	S.F.	484	Jay of Appanoose
H-3934	S.F.	484	Jay of Appanoose
H-3935	S.F.	484	Jay of Appanoose
H-3936	S.F.	484	Jay of Appanoose
H-3937	S.F.	484	Jay of Appanoose
H-3938	S.F.	484	Jay of Appanoose
H-3939	S.F.	484	Jay of Appanoose
H-3940	S.F.	484	Jay of Appanoose
H-3941	S.F.	484	Jay of Appanoose
H-3942	S.F.	484	Jay of Appanoose
H-3943	S.F.	484	Jay of Appanoose
H-3944	S.F.	484	Jay of Appanoose
H-3945	S.F.	484	Jay of Appanoose
H-3946	S.F.	484	Jay of Appanoose
H-3947	S.F.	484	Jay of Appanoose
H-3948	S.F.	484	Jay of Appanoose

H-3949	S.F.	484	Jay of Appanoose
H-3950	S.F.	482	Metcalf of Polk
H-3951	S.F.	482	Metcalf of Polk

On motion by Arnould of Scott, the House adjourned at 3:48 p.m., until 9:00 a.m., Friday, April 24, 1987.

# JOURNAL OF THE HOUSE

One Hundred Third Calendar Day — Seventieth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Friday, April 24, 1987

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

Prayer was offered by the Honorable Tom Swartz, state representative from Marshall County.

The Journal of Thursday, April 23, 1987 was approved.

## PETITION FILED

The following petition was received and placed on file:

By Svoboda of Tama, from five hundred thirty-six constituents favoring renovative funding for Union Grove State Park, Gladbrook, Iowa.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Tabor of Jackson on request of Parker of Jasper; Fuller of Hardin on request of Bisignano 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 22, 1987, amended and passed the following bill in which the concurrence of the House is asked:

House File 472, a bill for an act to authorize the funding of state park and institutional road projects and county conservation parkway projects from RISE funds.

Also: That the Senate has on April 20, 1987, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 138, a bill for an act relating to the extension of the foreclosure moratorium as provided in the governor's declaration of economic emergency made on October 1, 1985 and providing for the retroactive applicability of the Act and an effective date.

Also: That the Senate has on April 20, 1987, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 266, a bill for an act relating to the affirmation and reenactment of certain provisions of law concerning judicial procedures and court enforced orders, and providing an effective date.

Also: That the Senate has on April 23, 1987, refused to concur in the House amendment to the following bill in which the concurrence of the Senate was asked:

Senate File 311, a bill for an act increasing the speed limit to sixty-five miles per hour on fully controlled-access, divided, multilaned highways including the interstate highway system, and providing a conditional effective date.

Also: That the Senate has on April 23, 1987, passed the following bill in which the concurrence of the House is asked:

Senate File 504, a bill for an act relating to the compensation and benefits for public officials and employees by specifying salary rates and ranges, by providing adjustments for salaries, by providing coverage and adjustments for health, life, disability and dental insurance, by changing retirement benefits received by certain members of the Iowa public employees' retirement system, by creating a county compensation board and specifying its duties, by making coordinating amendments to the Code, and by providing effective dates.

Also: That the Senate has on April 23, 1987, adopted the following concurrent resolution in which the concurrence of the House is asked:

Senate Concurrent Resolution 35, a concurrent resolution relating to the board of regents ten-year building program.

JOHN F. DWYER, Secretary

## CONSIDERATION OF BILLS Unfinished Business Calendar

The House resumed consideration of **Senate File 179**, a bill for an act to provide that a single person may claim a homestead exempt from judicial sale, deferred and retained on the unfinished business calendar April 23, 1987.

Platt of Muscatine in the chair at 9:23 a.m.

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

On the question "Shall the bill pass?" (S.F. 179)

The ayes were, 91:

Adams	Arnould	Avennson	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Branstad	Buhr
Carpenter	Chapman	Clark	Cohoon
Connolly	Cooper	Corbett	Corey
Daggett	De Groot	Diemer	Dvorsky
Eddie	Fey	Fogarty	Garman
Groninga	Gruhn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. R.	Harbor
Harper	Hatch	Haverland	Hermann

Hester	Holveck	Hummel	Jochum
Johnson	Knapp	Koenigs	Kremer
Lageschulte	Lundby	Maulsby	May
McKean	McKinney	Metcalf	Miller
Muhlbauer	Neuhauser	Norrgard	Ollie
Osterberg	Parker	Paulin	Pavich
Pellett	Peters	Petersen, D. F.	Peterson, M. K.
Plasier	Poncy	Renaud	Renken
Rosenberg	Royer	Schnekloth	Schrader
Sherzan	Shoning	Shoultz	Siegrist
Skow	Spear	Stromer	Stueland
Svoboda	Swartz	Teaford	Van Camp
Van Maanen	Wise	Mr. Speaker (Platt)	

The nays were, none.

Absent or not voting, 9:

Connors	Doderer	Fuller	Jay
Mullins	Running	Swearingen	Tabor
Tyrrell			

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

### SENATE FILES 274 AND 455 DEFERRED

Arnould of Scott asked and received unanimous consent that Senate Files 274 and 455 be deferred and that the bills retain their place on the unfinished business calendar.

The House resumed consideration of **Senate File 333**, a bill for an act relating to the use of telecommunications systems and services for educational instructional purposes and providing an effective date, deferred and placed on the unfinished business calendar on April 14, 1987.

Ollie of Clinton offered the following amendment H—3679 filed by the committee on education:

H—3679

- 1 Amend Senate File 333, as amended, passed and
- 2 reprinted by the Senate as follows:
- 3 1. Page 1, line 5, by inserting after the word
- 4 "students" the following: "enrolled in kindergarten
- 5 through grade twelve and".
- 6 2. Page 1, line 6, by striking the word "and".
- 7 3. Page 1, line 7, by inserting after the word
- 8 "schools" the following: ", institutions of higher
- 9 education under the state board of regents, and
- 10 independent colleges and universities".

- 11 4. Page 1, by striking lines 27 through 32 and  
 12 inserting the following:  
 13 "The rules shall provide that telecommunications  
 14 shall not be used by school districts as the exclusive  
 15 means to provide curriculum which is required by the  
 16 minimum educational standards for approval or  
 17 accreditation."  
 18 5. Page 2, by striking lines 16 and 17 and  
 19 inserting the following:  
 20 "NEW SUBSECTION. 9. Develop evaluation procedures  
 21 that will measure the effects of instruction".  
 22 6. Page 2, by striking line 27 and inserting the  
 23 following: "developing these procedures."  
 24 7. Page 2, by striking lines 28 and 29 and  
 25 inserting the following:  
 26 "Sec. \_\_\_\_\_. NEW SECTION. 279.46 PARTICIPATION BY  
 27 SCHOOL DISTRICTS IN DATA BASE DEVELOPMENT."  
 28 8. By striking page 2, line 32, through page 3,  
 29 line 3, and inserting the following: "in procedures  
 30 adopted by the state board of education under section  
 31 256.7, subsection 9."  
 32 9. Page 3, line 34, by inserting after the word  
 33 "plans." the following: "The department shall give  
 34 priority in awarding grants under this section to  
 35 applications submitted jointly by eligible recipients  
 36 of grants."  
 37 10. Page 4, line 2, by striking the words "rules  
 38 under chapter 17A" and inserting the following:  
 39 "policies and procedures".  
 40 11. Page 4, line 4, by striking the word "rules"  
 41 and inserting the following: "policies and  
 42 procedures".  
 43 12. Page 4, line 5, by striking the word "rules"  
 44 and inserting the following: "policies and  
 45 procedures".  
 46 13. Page 4, by inserting after line 7 the  
 47 following:  
 48 "Sec. \_\_\_\_\_. Section 280A.23, Code 1987, is amended  
 49 by adding the following new subsection:  
 50 NEW SUBSECTION. 13. Adopt policies and procedures

**Page 2**

- 1 for the use of telecommunications as an instructional  
 2 tool at the area school. The policies and procedures  
 3 shall include but not be limited to policies and  
 4 procedures relating to programs, educational policy,  
 5 practices, staff development, use of pilot projects,  
 6 and the instructional application of the technology."  
 7 14. By numbering and renumbering sections as  
 8 necessary.

Ollie of Clinton offered the following amendment H—3952, to the committee amendment H—3679, filed by him from the floor and moved its adoption:

H—3952

- 1 Amend the amendment, H—3679, to Senate File 333, as
- 2 amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 1, line 10, by inserting after the word
- 5 "universities" the following: "in elementary and
- 6 secondary school classes and courses".
- 7 2. Page 1, by inserting after line 17 the fol-
- 8 lowing:
- 9 "\_\_\_\_\_ Page 2, by striking line 14 and inserting
- 10 the following: "and includes"."

Amendment H—3952 was adopted.

Division of the committee amendment H—3679 was requested as follows:

H—3679A, page 1, lines 3 through 10 and lines 18 through 50; page 2, lines 1 through 8.

H—3679B, page 1, lines 11 through 17.

On motion by Ollie of Clinton, the committee amendment H—3679A, as amended, was adopted.

Speaker Avenson in the chair at 10:33 a.m.

Ollie of Clinton moved the adoption of the committee amendment H—3679B.

Roll call was requested by Ollie of Clinton and Daggett of Adams.

On the question "Shall the committee amendment H—3679B be adopted?" (S.F. 333)

The ayes were, 54:

Adams	Arnould	Beatty	Bisignano
Black	Blanshan	Brammer	Buhr
Chapman	Cohoon	Connolly	Cooper
Corey	Diemer	Doderer	Dvorsky
Groninga	Halvorson, R. N.	Hammond	Hansen, S. D.
Harper	Hatch	Haverland	Holveck
Jay	Jochum	Johnson	Knapp
Lundby	May	McKinney	Metcalf
Muhlbauer	Neuhauser	Norrgard	Ollie
Parker	Pavich	Peters	Platt
Poncy	Renaud	Rosenberg	Running
Schrader	Sherzan	Shoning	Shultz

Siegrist	Svoboda	Swartz	Teaford
Wise	Mr. Speaker		

The nays were, 40:

Beaman	Bennett	Branstad	Carpenter
Clark	Corbett	Daggett	De Groot
Eddie	Fogarty	Garman	Gruhn
Halvorson, R. A.	Hanson, D. R.	Harbor	Hermann
Hester	Hummel	Koenigs	Kremer
Lageschulte	Maulsby	McKean	Miller
Mullins	Osterberg	Paulin	Pellett
Petersen, D. F.	Peterson, M. K.	Plasier	Renken
Royer	Schnekloth	Skow	Spear
Stromer	Stueland	Van Camp	Van Maanen

Absent or not voting, 6:

Connors	Fey	Fuller	Swearingen
Tabor	Tyrrell		

The committee amendment H—3679B was adopted.

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

On the question "Shall the bill pass?" (S.F. 333)

The ayes were, 87:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Black	Blanshan
Brammer	Buhr	Carpenter	Chapman
Clark	Cohon	Connolly	Cooper
Corbett	Coley	De Groot	Diemer
Doderer	Dvorsky	Eddie	Fey
Fogarty	Garman	Groninga	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Hansen, S. D.
Hanson, D. R.	Harbor	Harper	Hatch
Haverland	Hermann	Hester	Holveck
Jay	Jochum	Johnson	Knapp
Koenigs	Lageschulte	Lundby	May
McKean	McKinney	Metcalf	Miller
Muhlbauer	Mullins	Neuhauser	Norrgard
Ollie	Osterberg	Parker	Paulin
Pavich	Pellett	Peters	Petersen, D. F.
Peterson, M. K.	Plasier	Platt	Poney
Renaud	Rosenberg	Running	Schnekloth
Schrader	Sherzan	Shoning	Shoultz
Siegrist	Skow	Spear	Stromer
Stueland	Svoboda	Swartz	Teaford
Van Camp	Wise	Mr. Speaker	

The nays were, 8:

Branstad	Daggett	Hummel	Kremer
Maulsby	Renken	Royer	Van Maanen

Absent or not voting, 5:

Connors	Fuller	Swearingen	Tabor
Tyrrell			

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

### SENATE FILE 162 DEFERRED

Arnould of Scott asked and received unanimous consent that Senate File 162 be deferred and that the bill retain its place on the unfinished business calendar.

### ADOPTION OF HOUSE CONCURRENT RESOLUTION 35

Arnould of Scott asked and received unanimous consent to suspend Rule 25 for the immediate consideration of House Concurrent Resolution 35, a concurrent resolution suggesting that "Quality and Productivity" be made a theme for the marketing of the state.

On motion by Arnould of Scott, the resolution was adopted.

### IMMEDIATE MESSAGES

(House Concurrent Resolution 35 and Senate File 333)

Arnould of Scott asked and received unanimous consent that House Concurrent Resolution 35 and Senate File 333 be immediately messaged to the Senate.

The House resumed consideration of **Senate File 359**, a bill for an act relating to movement of vehicles of excess size, weight, and load, deferred and placed on the unfinished business calendar April 10, 1987.

Koenigs of Mitchell offered the following amendment H-3684 filed by him and moved its adoption:

H-3684

- 1 Amend Senate File 359 as passed by the Senate as
- 2 follows:
- 3 1. Page 1, by striking lines 1 through 14 and
- 4 inserting the following:
- 5 "Sec. \_\_\_\_\_. Section 321.1, subsection 16, paragraph
- 6 b, Code 1987, is amended to read as follows:
- 7 b. Any vehicle which is principally designed for
- 8 agricultural purposes and which is moved during
- 9 daylight hours for a distance not to exceed one

10 hundred miles by a person either:

11 (1) From a place at which the vehicles are  
12 manufactured, fabricated, repaired, or sold to a farm  
13 site or a retail seller or from a retail seller to a  
14 farm site;

15 (2) To a place at which the vehicles are  
16 manufactured, fabricated, repaired, or sold ~~to~~ from a  
17 farm site or a retail seller or ~~from~~ to a retail  
18 seller from a farm site; or

19 (3) From one farm site to another farm site.

20 PARAGRAPH DIVIDED. For the purpose of this  
21 subsection the term and sections 321.383 and 321.453,  
22 "farm site" means a place or location at which  
23 vehicles principally designed for agricultural  
24 purposes are used or intended to be used in  
25 agricultural operations or for the purpose of  
26 exhibiting, demonstrating, testing, or experimenting  
27 with the same, provided, however, that said place or  
28 location shall not be deemed a "farm site" if the  
29 movement of said vehicle, from or to the place at  
30 which vehicles principally designed for agricultural  
31 purposes are manufactured, fabricated, repaired, or  
32 sold at retail, exceeds a distance of fifty miles the  
33 vehicles."

34 2. Page 1, by inserting before line 15 the  
35 following:

36 "Sec. 711. Section 321.1, subsection 69, Code  
37 1987, is amended to read as follows:

38 69. "Tandem axle" means any two or more  
39 consecutive axles whose centers are more than forty  
40 inches but not more than eighty-four ninety-six inches  
41 apart."

42 3. Page 2, by inserting after line 14 the  
43 following:

44 "Sec. \_\_\_\_\_. Section 321.454, subsection 2, Code  
45 1987, is amended to read as follows:

46 2. The total outside width of any vehicle and load  
47 shall not exceed eight feet six inches, exclusive of  
48 safety equipment determined necessary for safe and  
49 efficient operation by the secretary of the United  
50 States department of transportation, on highways

**Page 2**

1 designated by the transportation commission. The  
2 department commission shall adopt rules to designate  
3 the highways, in compliance with the highways  
4 designated by the secretary of the United States  
5 department of transportation as a part of the national  
6 system of interstate and defense highways and any  
7 other qualifying highways. The rules adopted under  
8 this subsection are exempt from chapter 17A.

9 Sec. \_\_\_\_\_. Section 321.457, subsection 2, paragraph  
10 c, Code 1987, is amended to read as follows:

11 c. Except for combinations of vehicles, provisions  
12 for which are otherwise made in this chapter, no  
13 combination of a truck tractor and a semitrailer  
14 coupled together or a motor truck and a trailer or  
15 semitrailer coupled together unladen or with load,  
16 shall have an overall length, inclusive of front and  
17 rear bumpers, in excess of sixty feet.

18 Sec. \_\_\_\_\_. Section 321.457, subsection 2, paragraph  
19 e, Code 1987, is amended to read as follows:

20 e. Combinations of vehicles coupled together which  
21 are used exclusively for the transportation of  
22 passenger vehicles, light delivery trucks, panel  
23 delivery trucks, pickup trucks, recreational vehicle  
24 chassis, and boats shall not exceed sixty-five feet in  
25 overall length. However, the load carried on a truck-  
26 semitrailer combination may extend up to ~~two~~ three  
27 feet beyond the front bumper and up to ~~three~~ four feet  
28 beyond the rear bumper.

29 Sec. \_\_\_\_\_. Section 321.457, subsection 3,  
30 unnumbered paragraph 1, Code 1987, is amended to read  
31 as follows:

32 The maximum length of any motor vehicle or  
33 combination of vehicles operated on the highways of  
34 this state which are designated by the secretary of  
35 the United States department of transportation and the  
36 transportation commission as a part of the national  
37 system of interstate and defense highways and the  
38 federal-aid primary system shall be as follows:

39 Sec. \_\_\_\_\_. Section 321.457, subsection 3, paragraph  
40 d, Code 1987, is amended to read as follows:

41 d. The ~~department~~ commission shall adopt rules to  
42 designate ~~those~~ the highways designated by the  
43 secretary of the United States department of  
44 transportation as a part of the national system of  
45 interstate and defense highways and the federal-aid  
46 primary system. The rules adopted by the department  
47 under this paragraph are exempt from chapter 17A.

48 Sec. \_\_\_\_\_. Section 321.457, subsection 5, Code  
49 1987, is amended by striking the subsection."

50 4. Page 2, by inserting after line 19 the

### Page 3

1 following:

2 "Sec. \_\_\_\_\_. This Act, being deemed of immediate  
3 importance, takes effect upon its enactment. Section  
4 711 of this Act applies to motor vehicles registered  
5 on or after the effective date of this Act."

6 5. Title page, line 2, by inserting after the  
7 word "load" the following: "and providing an  
8 effective date".

Amendment H—3684 was adopted.

Keonigs of Mitchell asked and received unanimous consent to withdraw amendments H—3462 and H—3473 filed by him on March 30, 1987.

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

On the question "Shall the bill pass?" (S.F. 359)

The ayes were, 83:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Black	Blanshan
Brammer	Branstad	Buhr	Chapman
Clark	Cohon	Connolly	Cooper
Corey	Daggett	De Groot	Diemer
Dvorsky	Eddie	Fey	Fogarty
Garman	Groninga	Gruhn	Halvorson, R. A.
Hansen, S. D.	Hanson, D. R.	Harbor	Harper
Hatch	Haverland	Hermann	Hester
Jay	Jochum	Johnson	Knapp
Koenigs	Kremer	Lageschulte	Lundby
Maulsby	May	McKean	McKinney
Metcalf	Miller	Muhlbauer	Mullins
Norrgard	Ollie	Osterberg	Parker
Paulin	Pavich	Pellett	Peters
Petersen, D. F.	Peterson, M. K.	Plasier	Platt
Renaud	Renken	Rosenberg	Royer
Schnekloth	Schrader	Sherzan	Shoning
Shoultz	Siegrist	Skow	Spear
Stromer	Stueland	Svoboda	Swartz
Van Camp	Van Maanen	Mr. Speaker	

The nays were, 11:

Carpenter	Corbett	Halvorson, R. N.	Hammond
Holveck	Hummel	Neuhauser	Poncy
Running	Teaford	Wise	

Absent or not voting, 6:

Connors	Doderer	Fuller	Swearingen
Tabor	Tyrrell		

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

The House resumed consideration of **Senate File 482**, a bill for an act relating to the civil process and procedure for awarding interest

on civil judgments and decrees, determining whether a sufficient burden of proof has been met for the awarding of punitive damages, and for allowing the consideration for previous payments for medical damages, and providing an effective date, deferred and placed on the unfinished business calendar April 14, 1987.

(Senate File 482 pending at recess.)

On motion by Arnould of Scott, the House was recessed at 11:22 a.m., until 1:15 p.m.

### AFTERNOON SESSION

The House reconvened, Halvorson of Webster in the chair.

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Stromer of Hancock and McKean of Jones, for the remainder of the day, on request of Bennett of Ida; Connors of Polk on request of Arnould of Scott.

### MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 22, 1987, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 222, a bill for an act to prohibit the sale or gift of smokeless tobacco to a minor and providing for application of a penalty.

Also: That the Senate has on April 22, 1987, concurred in the House amendment and adopted the following concurrent resolution in which the concurrence of the Senate was asked:

Senate Concurrent Resolution 11, a concurrent resolution to petition the Federal Communications Commission to increase the wattage of KWDM.

JOHN F. DWYER, Secretary

### CONSIDERATION OF BILLS Unfinished Business Calendar

The House resumed consideration of **Senate File 482**, a bill for an act relating to the civil process and procedure for awarding interest on civil judgments and decrees, determining whether a sufficient burden of proof has been met for the awarding of punitive damages, and for allowing the consideration for previous payments for medical damages, and providing an effective date, pending at recess.

Hummel of Benton offered the following amendment H—3816 filed by Stromer of Hancock:

H-3816

1 Amend Senate File 482 as amended, passed, and  
2 reprinted by the Senate, as follows:

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

5 "Section 1. Section 535.3, Code 1987, is amended  
6 by adding the following new unnumbered paragraph:  
7 NEW UNNUMBERED PARAGRAPH. This section does not  
8 apply to the award of interest for judgments and  
9 decrees subject to section 668.13.

10 Sec. 2. Section 602.1209, Code 1987, is amended by  
11 adding the following new subsection 15 and renumbering  
12 the following existing subsection 15:

13 NEW SUBSECTION. 15. Distribute notices of  
14 interest rates and changes to interest rates as  
15 required by section 668.13, subsection 3.

16 Sec. 3. Section 602.8102, subsection 100, Code  
17 1987, is amended to read as follows:

18 100. When Except for an action brought pursuant to  
19 chapter 668, when the judgment is for recovery of  
20 money, compute the interest from the date of verdict  
21 to the date of payment of the judgment as provided in  
22 section 625.21.

23 Sec. 4. Section 613A.4, Code 1987, is amended by  
24 adding the following new unnumbered paragraph:

25 NEW UNNUMBERED PARAGRAPH. This section shall not  
26 be construed to create a claim not recognized by  
27 common law and shall not be construed to amplify or  
28 extend any common law theory of tort recovery.

29 Sec. 5. Section 614.1, Code 1987, is amended by  
30 adding the following new subsections:

31 NEW SUBSECTION. 12. AGAINST REGULATED  
32 PROFESSIONAL PRACTITIONERS. In addition to  
33 limitations contained elsewhere in this section, an  
34 action arising out of the performance or  
35 nonperformance of a professional service which is  
36 subject to regulation by certification or licensure of  
37 an agency, board, or court of this state against a  
38 person holding a license or certificate entitling the  
39 person to engage in the regulated activity or an agent  
40 or employee of the person and founded on injury to  
41 property, real or personal, or injury to the person or  
42 wrongful death, shall not be brought more than ten  
43 years after the date on which occurred the act or  
44 omission of the defendant alleged in the action to  
45 have been the cause of the injury or death.

46 This subsection does not apply if any of the  
47 following are true:

48 a. The person engaged in the regulated activity  
49 expressly warrants the activity for a period longer  
50 than ten years, in which case the period of limitation

## Page 2

1 is deemed to be that period expressly warranted.

2 b. The person engaged in the regulated activity  
3 intentionally misrepresents or fraudulently conceals  
4 facts or information concerning the service, and that  
5 conduct is a proximate cause of the injury or death  
6 upon which the claimant's action is based.

7 c. The nature of the injury or cause of death by  
8 its nature does not naturally manifest itself within  
9 ten years.

10 **NEW SUBSECTION. 13. PRODUCTS.** Those founded on  
11 injuries to the person or wrongful death against an  
12 assembler, designer, supplier of specifications,  
13 distributor, manufacturer, or seller for damages  
14 arising from an alleged defect in the design, testing,  
15 manufacturing, formulation, packaging, warning, or  
16 labeling of a product, within two years after the date  
17 on which the claimant knew, or through the use of  
18 reasonable diligence should have known, of the injury  
19 or death for which damages are sought in the action,  
20 whichever date occurs first, but in no event shall an  
21 action be brought more than ten years after the date  
22 that the product that is alleged to have caused the  
23 injury or death was first purchased for use or  
24 consumption unless one of the following is true:

25 a. The assembler, designer, supplier of  
26 specifications, distributor, manufacturer, or seller  
27 expressly warranted that the product could be used  
28 safely for a period longer than ten years, in which  
29 case the period of limitation is deemed to be that  
30 period expressly warranted.

31 b. The assembler, designer, supplier of  
32 specifications, distributor, manufacturer, or seller  
33 intentionally misrepresents facts about the product,  
34 or fraudulently conceals information about the  
35 product, and that conduct was a proximate cause of the  
36 injury or death upon which the claimant's action is  
37 based.

38 c. The injury or death was caused by prolonged  
39 exposure to a defective product for a period exceeding  
40 ten years.

41 d. The nature of the injury or cause of death was  
42 such that it would not naturally manifest itself  
43 within ten years.

44 Sec. 6. Section 625.21, Code 1987, is amended to  
45 read as follows:

46 625.21 INTEREST.

47 When Except for an action brought pursuant to  
48 chapter 668, when the judgment is for the recovery of  
49 money, interest from the time of the verdict or report  
50 until judgment is finally entered shall be computed by

## Page 3

1 the clerk and added to the costs of the party entitled  
2 thereto.

3 Sec. 7. Section 668.3, subsection 7, is amended to  
4 read as follows:

5 7. When a final judgment or award is entered, any  
6 party may petition the court for a determination of  
7 the appropriate payment method of such judgment or  
8 award. If so petitioned the court may order that the  
9 payment method for all or part of the judgment or  
10 award be by structured, periodic, or other nonlump-sum  
11 payments. ~~Structured, periodic, or other nonlump-sum~~  
12 ~~payments may include appropriate interest if such~~  
13 ~~interest was not included in the determination of the~~  
14 ~~initial judgment or award.~~ However, the court shall  
15 not order a structured, periodic, or other nonlump-sum  
16 payment method if it finds that any of the following  
17 are true:

18 a. The payment method would be inequitable.  
19 b. The payment method provides insufficient  
20 guarantees of future collectibility of the judgment or  
21 award.  
22 c. Payments made under the payment method could be  
23 subject to other claims, past or future, against the  
24 defendant or the defendant's insurer.

25 Sec. 8. Section 668.3, Code 1987, is amended by  
26 adding the following new subsection:

27 NEW SUBSECTION. 8. In an action brought pursuant  
28 to this chapter the court shall instruct the jury to  
29 answer special interrogatories or, if there is no  
30 jury, shall make findings on each specific item of  
31 requested or awarded damages indicating that portion  
32 of the judgment or decree awarded for past damages and  
33 that portion of the judgment or decree awarded for  
34 future damages.

35 Sec. 9. Section 668.5, Code 1987, is amended by  
36 adding the following new subsections:

37 NEW SUBSECTION. 3. Contractual or statutory  
38 rights of persons not enumerated in section 668.2 for  
39 subrogation for losses recovered in proceedings  
40 pursuant to this chapter shall not exceed that portion  
41 of the judgment or verdict specifically related to  
42 such losses, as shown by the itemization of the  
43 judgment or verdict returned under section 668.3,  
44 subsection 8, and according to the findings made  
45 pursuant to section 668.14, subsection 3, and such  
46 contractual or statutory subrogated persons shall be  
47 responsible for a pro rata share of the legal and  
48 administrative expenses incurred in obtaining the  
49 judgment or verdict.

50 NEW SUBSECTION. 4. Subrogation payment

Page 4

1 restrictions imposed pursuant to subsection 3 apply to  
2 settlement recoveries, but only to the extent that the  
3 settlement was reasonable.

4 Sec. 10. NEW SECTION. 668.13 INTEREST ON  
5 JUDGMENTS.

6 Interest shall be allowed on all money due on  
7 judgments and decrees on actions brought pursuant to  
8 this chapter, subject to the following:

9 1. Interest, except interest awarded for future  
10 damages, shall accrue from the date of the  
11 commencement of the action.

12 2. If the interest rate is fixed by a contract on  
13 which the judgment or decree is rendered, the interest  
14 allowed shall be at the rate expressed in the  
15 contract, not exceeding the maximum rate permitted  
16 under section 535.2.

17 3. Interest shall be calculated as of the date of  
18 judgment at a rate equal to the coupon issue yield  
19 equivalent, as determined by the United States  
20 secretary of the treasury, of the average accepted  
21 auction price for the last auction of fifty-two week  
22 United States treasury bills settled immediately prior  
23 to the date of the judgment. The state court  
24 administrator shall distribute notice of that rate and  
25 any changes to that rate to all district courts.

26 4. Interest awarded for future damages shall not  
27 begin to accrue until the date of the entry of the  
28 judgment.

29 5. Interest shall be computed daily to the date of  
30 the payment, except as may otherwise be ordered by the  
31 court pursuant to a structured judgment under section  
32 668.3, subsection 7.

33 6. Structured, periodic, or other nonlump-sum  
34 payments ordered pursuant to section 668.3, subsection  
35 7, shall reflect interest in accordance with annuity  
36 principles.

37 Sec. 11. NEW SECTION. 668.14 EVIDENCE OF  
38 PREVIOUS PAYMENT OR FUTURE RIGHT OF PAYMENT.

39 1. In an action brought pursuant to this chapter  
40 seeking damages for personal injury, the court shall  
41 permit evidence and argument as to the previous  
42 payment or future right of payment of actual economic  
43 losses incurred or to be incurred as a result of the  
44 personal injury for necessary medical care,  
45 rehabilitation services, and custodial care except to  
46 the extent that the previous payment or future right  
47 of payment is pursuant to a state or federal program  
48 or from assets of the claimant or the members of the  
49 claimant's immediate family.

50 2. If evidence and argument regarding previous

Page 5

1 payments or future rights of payment is permitted  
 2 pursuant to subsection 1, the court shall also permit  
 3 evidence and argument as to the costs to the claimant  
 4 of procuring the previous payments or future rights of  
 5 payment and as to any existing rights of in-  
 6 demnification or subrogation relating to the previous  
 7 payments or future rights of payment.

8 3. If evidence or argument is permitted pursuant  
 9 to subsection 1 or 2, the court shall, unless  
 10 otherwise agreed to by all parties, instruct the jury  
 11 to answer special interrogatories or, if there is no  
 12 jury, shall make findings indicating the effect of  
 13 such evidence or argument on the verdict.

14 4. This section does not apply to actions governed  
 15 by section 147.136.

16 Sec. 12. Section 668A.1, subsection 1, paragraph  
 17 a, Code 1987, is amended by striking the paragraph and  
 18 inserting in lieu thereof the following:

19 a. Whether, by a preponderance of clear,  
 20 convincing, and satisfactory evidence, the conduct of  
 21 the defendant from which the claim arose constituted  
 22 willful and wanton disregard for the rights or safety  
 23 of another.

24 Sec. 13. This Act takes effect July 1, 1987 and  
 25 applies to:

26 1. All causes of action accruing on or after July  
 27 1, 1987.

28 2. All causes of action accruing before July 1,  
 29 1987 and filed on or after September 15, 1987."

Hansen of Woodbury rose on a point of order that amendment H—3816 was not germane.

The Speaker ruled the point well taken and amendment H—3816 not germane.

Bennett of Ida asked for unanimous consent to consider amendment H—3816.

Objection was raised.

Hummel of Benton moved that the rules be suspended to consider amendment H—3816.

Roll call was requested by Hummel of Benton and Corey of Louisa.

On the question "Shall the rules be suspended to consider amendment H—3816?" (S.F. 482)

## The ayes were, 40:

Beaman	Bennett	Black	Branstad
Carpenter	Clark	Corbett	Corey
Daggett	De Groot	Diemer	Eddie
Garman	Hanson, D. R.	Harbor	Hermann
Hester	Hummel	Kremer	Lageschulte
Lundby	Maulsby	Metcalf	Miller
Muhlbauer	Mullins	Paulin	Pellett
Petersen, D. F.	Plasier	Platt	Renken
Royer	Schnekloth	Schrader	Shoning
Siegrist	Stueland	Van Camp	Van Maanen

## The nays were, 48:

Adams	Arnould	Beatty	Bisignano
Blanshan	Brammer	Buhr	Chapman
Cohoon	Connolly	Doderer	Dvorsky
Fey	Fogarty	Groninga	Gruhn
Hammond	Hansen, S. D.	Harper	Hatch
Haverland	Holveck	Jay	Jochum
Johnson	Knapp	Koenigs	May
McKinney	Neuhauser	Norrgard	Ollie
Osterberg	Parker	Pavich	Peterson, M. K.
Poncy	Renaud	Rosenberg	Running
Sherzan	Skow	Spear	Svoboda
Swartz	Teaford	Wise	Mr. Speaker (Halvorson of Webster)

## Absent or not voting, 12:

Avenson	Connors	Cooper	Fuller
Halvorson, R. A.	McKean	Peters	Shultz
Stromer	Swearingen	Tabor	Tyrrell

## The motion lost.

Black of Jasper offered the following amendment H—3811 filed by him:

## H—3811

- 1 Amend Senate File 482 as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, by inserting before line 1 the
- 4 following:
- 5 "Sec. \_\_\_\_\_. Section 321G.22, Code 1987, is amended
- 6 by adding the following new unnumbered paragraph:
- 7 **NEW UNNUMBERED PARAGRAPH.** The state is exclusively
- 8 liable pursuant to chapter 25A for any liability
- 9 arising from trails constructed and maintained with
- 10 funds appropriated under section 321G.7."
- 11 2. Page 1, by inserting after line 17, the

12 following:

13 "Sec. \_\_\_\_\_. Section 613A.4, Code 1987, is amended  
14 by adding the following new subsection:

15 NEW SUBSECTION. 11. Any claim for damages  
16 resulting from the use of any property which is under  
17 the control of a municipality, by ownership, lease, or  
18 other agreement, including an agreement permitting use  
19 of the property for an activity sponsored by the  
20 municipality, and is intended or permitted to be used  
21 as a park, playground, beach, swimming pool, or open  
22 space area for recreational purposes. However, this  
23 subsection does not apply to claims based upon gross  
24 negligence."

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

27 "Sec. \_\_\_\_\_. Section 668.10, Code 1987, is amended  
28 by adding the following new subsection:

29 NEW SUBSECTION. 4. Any act or omission arising  
30 from the operation or maintenance of a park,  
31 playground, beach, swimming pool, or open space area  
32 used for recreational purposes, unless it is proven  
33 that the act or omission constituted gross  
34 negligence."

35 4. Renumber as necessary.

Black of Jasper rose on a point of order that amendment H—3811 was not germane.

The Speaker ruled the point well taken and amendment H—3811 not germane.

Diemer of Black Hawk moved that the rules be suspended to consider amendment H—3811.

Roll call was requested by Bennett of Ida and Lageschulte of Bremer.

On the question "Shall the rules be suspended to consider amendment H—3811?" (S.F. 482)

The ayes were, 44:

Beaman	Bennett	Black	Branstad
Carpenter	Clark	Corbett	Corey
Daggett	De Groot	Diemer	Eddie
Garman	Gruhn	Hanson, D. R.	Harbor
Hermann	Hester	Hummel	Johnson
Kremer	Lageschulte	Lundby	Maulsby
May	Metcalf	Miller	Muhlbauer
Mullins	Paulin	Pellett	Petersen, D. F.
Plasier	Platt	Renken	Royer
Schneklath	Schrader	Shoning	Siegrist

Stueland Svoboda Van Camp Van Maanen

The nays were, 45:

Adams	Arnould	Beatty	Bisignano
Blanshan	Brammer	Buhr	Chapman
Cohoon	Connolly	Doderer	Dvorsky
Fey	Fogarty	Halvorson, R. A.	Hammond
Hansen, S. D.	Harper	Hatch	Haverland
Holveck	Jay	Jochum	Knapp
Koenigs	McKinney	Neuhauser	Norrgard
Ollie	Osterberg	Parker	Pavich
Peterson, M. K.	Poncy	Renaud	Rosenberg
Running	Sherzan	Shultz	Skow
Spear	Swartz	Teaford	Wise
Mr. Speaker (Halvorson of Webster)			

Absent or not voting, 11:

Avenson	Connors	Cooper	Fuller
Groninga	McKean	Peters	Stromer
Swearingen	Tabor	Tyrrell	

The motion lost.

Halvorson of Clayton offered the following amendment H—3748 filed by him and Jay of Appanoose and moved its adoption:

H—3748

- 1 Amend Senate File 482, as amended, passed and
- 2 reprinted by the Senate as follows:
- 3 1. Page 1, by striking lines 18 through 23.

Amendment H—3748 was adopted.

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Diemer of Black Hawk, for the remainder of the day, on request of Kremer of Buchanan.

Metcalf of Polk offered the following amendment H—3951 filed by her:

H—3951

- 1 Amend Senate File 482 as amended, passed and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 3, by striking line 11 and 12 and
- 4 inserting the following:
- 5 "1. Interest shall accrue from the date of the
- 6 commencement of the action, but the accrual of

7 interest shall be limited to expenses actually paid by  
 8 the plaintiff prior to the time of the judgment and  
 9 shall be awarded to the party who actually paid any  
 10 preaward expenses. Prejudgment interest shall not  
 11 apply to awards for past noneconomic, future economic  
 12 or noneconomic, or punitive damages.”

Metcalf of Polk asked and received unanimous consent to defer action on amendment H—3951.

Running of Linn offered the following amendment H—4003 filed by him from the floor and moved its adoption:

H—4003

- 1 Amend Senate File 482, as amended, passed, and re-
- 2 printed by the Senate, as follows:
- 3 1. Page 3, by striking lines 11 and 12 and in-
- 4 serting the following:
- 5 “1. Interest shall accrue from the date of the
- 6 verdict to the date of payment of the judgment.”
- 7 2. Page 3, by striking lines 25 and 26.
- 8 3. Renumber as necessary

A non-record roll call was requested.

Rule 75 was invoked.

The ayes were 43, nays 45.

Amendment H—4003 lost.

Speaker Avenson in the chair at 2:44 p.m.

The House resumed consideration of amendment H—3951, previously deferred, found on pages 1647 and 1648 of the House Journal.

On motion by Metcalf of Polk, amendment H—3951 lost.

Halvorson of Clayton offered the following amendment H—3747 filed by him and Jay of Appanoose and moved its adoption:

H—3747

- 1 Amend Senate File 482 as amended, passed, and
- 2 reprinted by the Senate as follows:
- 3 1. Page 3, line 23, by inserting after the word
- 4 “notice” the following: “monthly”.

Amendment H—3747 was adopted.

Carpenter of Polk offered amendment H—3807 filed by her and requested division as follows:

H—3807

- 1 Amend Senate File 482 as amended, passed, and
- 2 reprinted by the Senate, as follows:

H—3807A

- 3 1. Page 4, line 5, by inserting after the word
- 4 "for" the following: "wages,".

H—3807B

- 5 2. Page 4, by striking lines 6 through 8 and
- 6 inserting the following: "rehabilitation services,
- 7 and custodial care except from assets of the".

H—3807C

- 8 3. Page 4, by striking lines 18 through 20 and
- 9 inserting the following: "subsection 1 or 2, the
- 10 court shall make findings".

H—3807D

- 11 4. Page 4, line 28, by striking the words "a
- 12 preponderance of".

Carpenter of Polk moved the adoption of amendment H—3807A.

A non-record roll call was requested.

The ayes were 24, nays 41.

Amendment H—3807A lost.

On motion by Carpenter of Polk, amendment H—3807B lost.

On motion by Carpenter of Polk, amendment H—3807C lost.

Paulin of Plymouth offered the following amendment H—3754 filed by him:

H—3754

- 1 Amend Senate File 482 as amended, passed and
- 2 reprinted by the Senate as follows:
- 3 1. Page 4, by inserting after line 24 the
- 4 following:
- 5 "Sec. \_\_\_\_\_. NEW SECTION. 668.15 MAXIMUM LIABILITY
- 6 FOR NONECONOMIC DAMAGES.
- 7 1. In a verdict issued pursuant to this chapter,
- 8 that portion of a verdict attributable to noneconomic
- 9 damages for pain and suffering, loss of consortium, or
- 10 loss of chance against any one defendant shall not

11 exceed two hundred thousand dollars, except as  
12 otherwise provided pursuant to subsections 4 and 5.

13 2. In an action pursuant to this chapter and tried  
14 to a jury, and in which noneconomic damages for pain  
15 and suffering, loss of consortium, or loss of chance  
16 are sought or argued, the court shall, unless  
17 otherwise agreed to by all parties, instruct the jury  
18 that the portion of a verdict attributable to  
19 noneconomic damages for pain and suffering, loss of  
20 consortium, or loss of chance against any one  
21 defendant shall not exceed two hundred thousand  
22 dollars.

23 3. In an action brought pursuant to this chapter  
24 and tried to a jury, and in which noneconomic damages  
25 for pain and suffering, loss of consortium, or loss of  
26 chance are sought or argued, the court shall, unless  
27 otherwise agreed to by all parties, require that the  
28 jury return a verdict itemizing the injuries and  
29 damages awarded pursuant to the verdict.

30 4. In an action brought pursuant to this chapter  
31 and in which noneconomic damages for pain and  
32 suffering, loss of consortium, or loss of chance are  
33 awarded in the maximum amount allowed pursuant to  
34 subsection 1, the claimant may petition the court  
35 which heard the original action for a waiver of the  
36 maximum limitation and for a granting of an increase  
37 in that portion of the original verdict attributable  
38 to noneconomic damages for pain and suffering, loss of  
39 consortium, or loss of chance. A waiver of the  
40 maximum limitation and subsequent increase in that  
41 portion of the original verdict attributable to  
42 noneconomic damages for pain and suffering, loss of  
43 consortium, or loss of chance is subject to the  
44 following requirements:

45 a. A hearing shall first be granted at which all  
46 parties may appear and present evidence and argument  
47 relating to a waiver of the maximum limitation and  
48 subsequent increase in the original verdict.

49 b. A waiver of the maximum limitation and  
50 subsequent increase in the original verdict shall only

**Page 2**

1 be made upon a determination that the portion of the  
2 original verdict attributable to noneconomic damages  
3 for pain and suffering, loss of consortium, or loss of  
4 chance is clearly insufficient based upon the evidence  
5 presented to the court in the original action and that  
6 the failure to waive the maximum limitation would  
7 result in significant hardship for the claimant.

8 c. An increase in that portion of the original  
9 verdict attributable to noneconomic damages for pain

10 and suffering, loss of consortium, or loss of chance  
 11 must be consistent with the percentages of fault and  
 12 evidence as to total damages determined in the  
 13 original action.

14 5. The limitations on the amount recoverable for  
 15 noneconomic damages for pain and suffering, loss of  
 16 consortium, or loss of chance pursuant to this section  
 17 shall be indexed biannually on July 1 by rule of the  
 18 commissioner of the Iowa division of insurance in  
 19 proportion to the net change in the United States city  
 20 average consumer price index for all urban consumers  
 21 during the preceding twenty-four months. The supreme  
 22 court shall implement the biannual indexing by the  
 23 issuance of rules as deemed necessary."

24 2. Renumber as necessary.

Hanson of Delaware rose on a point of order that amendment H—3754 was not germane.

The Speaker ruled the point not well taken and amendment H—3754 germane.

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Cooper of Lucas, for the remainder of the day, on request of Pavich of Pottawattamie.

Paulin of Plymouth moved the adoption of amendment H—3754.

Roll call was requested by Paulin of Plymouth and Kremer of Buchanan.

Rule 75 was invoked.

On the question "Shall amendment H—3754 be adopted?"  
 (S.F. 482)

The ayes were, 34:

Beaman	Bennett	Blanshan	Branstad
Carpenter	Clark	Corbett	Corey
Daggett	De Groot	Garman	Hanson, D. R.
Harbor	Hermann	Hester	Hummel
Kremer	Lageschulte	Lundby	Maulsby
Metcalf	Miller	Mullins	Paulin
Pellett	Petersen, D. F.	Plasier	Platt
Renken	Royer	Schneklath	Siegrist
Van Camp	Van Maanen		

The nays were, 53:

Adams	Arnould	Beatty	Bisignano
Brammer	Buhr	Chapman	Cohon

• Connolly	Doderer	Dvorsky	Eddie
Fey	Fogarty	Groninga	Gruhn
Halvorson, R. N.	Hammond	Hansen, S. D.	Harper
Hatch	Haverland	Holveck	Jay
Jochum	Johnson	Knapp	Koenigs
May	McKinney	Muhlbauer	Neuhauser
Norrgard	Ollie	Osterberg	Parker
Pavich	Peterson, M. K.	Poncy	Renaud
Rosenberg	Running	Schrader	Sherzan
Shoning	Shoultz	Skow	Spear
Svoboda	Swartz	Teaford	Wise
Mr. Speaker			

Absent or not voting, 13:

Black	Connors	Cooper	Diemer
Fuller	Halvorson, R. A.	McKean	Peters
Stromer	Stueland	Swearingen	Tabor
Tyrrell			

Amendment H—3754 lost.

The House resumed consideration of amendment H—3807D, found on page 1649 of the House Journal.

On motion by Carpenter of Polk amendment H—3807D lost.

Metcalf of Polk offered the following amendment H—3950 filed by her and moved its adoption:

H—3950

- 1 Amend Senate File 482 as amended, passed and
- 2 reprinted by the Senate as follows:
- 3 1. Page 4, by striking lines 30 and 31 and
- 4 inserting the following: "the claim arose constituted
- 5 actual malice."

Roll call was requested by Metcalf of Polk and Hanson of Delaware.

On the question "Shall amendment H—3950 be adopted?" (S.F. 482)

The ayes were, 29:

Beaman	Bennett	Branstad	Carpenter
Clark	Corey	Daggett	De Groot
Eddie	Garman	Harbor	Hermann
Hester	Hummel	Kremer	Lageschulte
Lundby	Maulsby	Miller	Paulin
Pellett	Petersen, D. F.	Plasier	Renken
Royer	Schnekloth	Shoning	Van Camp
Van Maanen			

The nays were, 54:

Adams	Arnould	Beatty	Bisignano
Black	Blanshan	Brammer	Buhr
Cohoon	Connolly	Doderer	Dvorsky
Fey	Fogarty	Groninga	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Hansen, S. D.
Hanson, D. R.	Harper	Hatch	Haverland
Holveck	Jay	Jochum	Johnson
Knapp	Koenigs	May	McKinney
Muhlbauer	Mullins	Neuhauser	Norrgard
Ollie	Osterberg	Pavich	Peterson, M. K.
Poncy	Renaud	Rosenberg	Running
Schrader	Shoultz	Siegrist	Skow
Spear	Svoboda	Swartz	Teaford
Wise	Mr. Speaker		

Absent or not voting, 17:

Chapman	Connors	Cooper	Corbett
Diemer	Fuller	McKean	Metcalf
Parker	Peters	Platt	Sherzan
Stromer	Stueland	Swearingen	Tabor
Tyrrell			

Amendment H—3950 lost.

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

On the question "Shall the bill pass?" (S.F. 482)

The ayes were, 88:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Black	Blanshan
Brammer	Branstad	Buhr	Carpenter
Chapman	Clark	Cohoon	Connolly
Corbett	Corey	Daggett	De Groot
Doderer	Dvorsky	Eddie	Fey
Fogarty	Garman	Groninga	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Hansen, S. D.
Hanson, D. R.	Harbor	Harper	Hatch
Haverland	Hermann	Hester	Holveck
Hummel	Jay	Jochum	Johnson
Knapp	Koenigs	Kremer	Lageschulte
Lundby	Maulsby	May	McKinney
Metcalf	Miller	Muhlbauer	Mullins
Neuhauser	Norrgard	Ollie	Osterberg
Paulin	Pavich	Pellett	Petersen, D. F.
Peterson, M. K.	Plasier	Platt	Poncy
Renaud	Renken	Rosenberg	Royer
Running	Schneklath	Schrader	Sherzan

Shoning	Shultz	Siegrist	Skow
Spear	Svoboda	Swartz	Teaford
Van Camp	Van Maanen	Wise	Mr. Speaker

The nays were, none.

Absent or not voting, 12:

Connors	Cooper	Diemer	Fuller
McKean	Parker	Peters	Stromer
Stueland	Swearingen	Tabor	Tyrrell

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 675**, by committee on ways and means, a bill for an act relating to the determination, for purposes of the state sales, services, and use tax, of gross receipts and purchase price when tangible personal property is traded to the retailer as part of the transaction subject to the tax.

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

**House File 676**, by committee on ways and means, a bill for an act relating to the imposition on July 1, 1987 of a local option sales and services tax and providing effective dates.

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

**House File 677**, by committee on ways and means, a bill for an act relating to transportation funding to support business, industrial, and agricultural development by the establishment of a commercial network of highways funded by an increase in the rate of excise taxes on motor fuel and special fuel, by the creation of a comprehensive transportation development fund consolidating the funding for railroads, aeronautics, bikeways, recreational trails, commercial navigation, and intermodal projects, by establishing an excise tax on transportation fuels used by rail, air, and water transportation, by establishing an excise tax on rail freight transportation, by providing for the registration of aircraft, and providing effective dates.

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

### SENATE MESSAGE CONSIDERED

**Senate File 504**, by committee on appropriations, a bill for an act relating to the compensation and benefits for public officials and employees by specifying salary rates and ranges, by providing adjustments for salaries, by providing coverage and adjustments for health,

life, disability and dental insurance, by changing retirement benefits received by certain members of the Iowa public employees' retirement system, by creating a county compensation board and specifying its duties, by making coordinating amendments to the Code, and by providing effective dates.

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

**MOTION TO RECONSIDER**  
(Senate File 482)

I move to reconsider the vote by which Senate File 482 passed the House on April 24, 1987.

JAY of Appanoose

**BILLS SIGNED BY THE GOVERNOR**

A communication was received from the Governor announcing that on April 23, 1987, he approved and transmitted to the Secretary of State the following bills:

House File 134, an act relating to the delegation of the authority to prevent, abate, or control air pollution.

House File 207, an act relating to the approval of chemical substitutes and antagonists program.

House File 583, an act relating to the procedures for adopting or amending county zoning ordinances.

House File 614, an act relating to sales of funeral services and funeral merchandise, revising regulatory and reporting provisions, requiring disclosures, requiring permits, providing penalties, providing for the applicability of the Act, and providing an effective date.

House File 641, an act relating to the wastewater treatment facility and making variances granted subject to the review of the environmental protection commission.

Senate File 76, an act relating to third party payor reimbursements for patient charges at a mental health institute.

Senate File 90, an act relating to the county responsible for payment of costs for commitment or admission to a state hospital school for the mentally ill.

Senate File 129, an act relating to the sale of unused highway right of way by the county board of supervisors.

Senate File 161, an act relating to the sentence to be served by a person convicted as an habitual offender of the motor vehicle laws.

**COMMUNICATION RECEIVED**

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

## IOWA BUSINESS DEVELOPMENT CREDIT CORPORATION

The Annual Report, pursuant to Chapter 496B, Code of Iowa.

## PRESENTATION OF VISITORS

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

Sixty sixth grade students from Garner-Hayfield Junior High, Garner, accompanied by Leanne Carroll, Sandy Stille and Nancy Nelson. By Branstad of Winnebago and Stromer of Hancock.

Twenty-four eighth grade students from St. Patricks School, Cedar Falls, accompanied by Julie Rokes. By Diemer and Teaford of Black Hawk.

Sixty-five eighth grade students from St. Edwards School, Waterloo, accompanied by Don Sullivan and Joan McCann. By Harper, Shultz and Teaford, all of Black Hawk.

Twenty sixth grade students from Gilmore City-Bradgate Community School, Gilmore City, accompanied by Harold Troyer. By Mullins of Kossuth.

Twenty-seven sixth grade students from Netherland Reformed Christian School, Rock Valley, accompanied by Elaine Obbink. By Plasier of Sioux.

Also: Fifty eighth grade students from West Sioux Middle School, Hawarden, accompanied by Jerry Jans and Larry Burnight.

Forty sixth grade students from Pickwick Elementary School, Ottumwa, accompanied by Wallace Bixley. By Poncy of Wapello.

## HOUSE STUDY BILL COMMITTEE ASSIGNMENT

**H.S.B. 322 Ways and Means**

Relating to exemption certificates and processing activities under the state sales, services, and use tax and providing an effective date.

## SUBCOMMITTEE ASSIGNMENTS

**Senate File 101**

Ways and Means: Bisignano, Chair; Bennett and Fey.

**Senate File 397**

Ways and Means: Groninga, Chair; Bisignano, Chapman, Petersen of Muscatine and Renken.

**Senate File 499**

Ways and Means: Rosenberg, Chair; Lageschulte and Parker.

## HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS

**House Study Bill 314 (Reassigned)**

Ways and Means: Schneklath, Chair; Connolly, Hanson of Delaware, May and Siegrist.

**House Study Bill 319**

Ways and Means: Holveck, Chair; Renken and Teaford.

**House Study Bill 321**

Ways and Means: Tabor, Chair; Parker and Siegrist.

## COMMITTEE RECOMMENDATIONS

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

**JOSEPH O'HERN**  
Chief Clerk of the House

## COMMITTEE ON WAYS AND MEANS

**Committee Bill** (Formerly House Study Bill 317), relating to the determination, for purposes of the state sales, services, and use tax, of gross receipts and purchase price when tangible personal property is traded to the retailer as part of the transaction subject to the tax.

Fiscal Note is not required.

Recommended **Do Pass** April 23, 1987.

**Committee Bill** (Formerly House Study Bill 318, Revised 2), relating to transportation funding to support business, industrial, and agricultural development by the establishment of a commercial network of highways funded by an increase in the rate of excise taxes on motor fuel and special fuel, by the creation of a comprehensive transportation development fund consolidating the funding for railroads, aeronautics, bikeways, recreational trails, commercial navigation, and intermodal projects, by establishing an excise tax on transportation fuels used by rail, air, and water transportation, by establishing an excise tax on rail freight transportation, by providing for the registration of aircraft, and providing effective dates.

Fiscal Note is required.

Recommended **Do Pass** April 23, 1987.

**Committee Bill** (Formerly House Study Bill 319), relating to the imposition on July 1, 1987 of a local option sales and services tax and providing effective dates.

Fiscal Note is not required.

Recommended **Do Pass** April 23, 1987.

## RESOLUTIONS FILED

**HCR 36**, by Connolly, a concurrent resolution requiring the state department of transportation to conduct a study on the road use tax fund formula.

Laid over under **Rule 25**.

**SCR 35**, by committee on appropriations, a concurrent resolution relating to the board of regents ten-year building program.

Referred to committee on **appropriations**.

## AMENDMENTS FILED

H-3953	S.F.	484	Hansen of Woodbury
H-3954	S.F.	484	Hansen of Woodbury
H-3955	S.F.	484	Hansen of Woodbury
H-3956	S.F.	484	Doderer of Johnson
H-3957	S.F.	484	Doderer of Johnson
H-3958	S.F.	484	Doderer of Johnson
H-3959	S.F.	484	Doderer of Johnson
H-3960	S.F.	484	McKinney of Dallas
H-3961	S.F.	484	McKinney of Dallas
H-3962	S.F.	484	McKinney of Dallas
H-3963	S.F.	484	McKinney of Dallas
H-3964	S.F.	484	McKinney of Dallas
H-3965	S.F.	484	Doderer of Johnson
H-3966	S.F.	484	Hansen of Woodbury
H-3967	S.F.	484	McKinney of Dallas
H-3968	S.F.	484	Hansen of Woodbury
H-3969	S.F.	484	Hansen of Woodbury
H-3970	S.F.	484	McKinney of Dallas
H-3971	S.F.	484	McKinney of Dallas
H-3972	S.F.	484	McKinney of Dallas
H-3973	S.F.	484	McKinney of Dallas
H-3974	S.F.	484	Hansen of Woodbury
H-3975	S.F.	484	McKinney of Dallas
H-3976	S.F.	484	Hansen of Woodbury
H-3977	S.F.	484	McKinney of Dallas
H-3978	S.F.	484	McKinney of Dallas
H-3979	S.F.	484	Hansen of Woodbury
H-3980	S.F.	484	Swartz of Marshall
H-3981	S.F.	484	Swartz of Marshall
H-3982	H.F.	472	Senate Amendment

H-3983	S.F.	484	Jay of Appanoose
H-3984	S.F.	484	Rosenberg of Story
H-3985	S.F.	484	Jay of Appanoose
H-3986	S.F.	484	Jay of Appanoose
H-3987	S.F.	484	Jay of Appanoose
H-3988	S.F.	484	Brammer of Linn
H-3989	S.F.	484	Rosenberg of Story
H-3990	S.F.	484	Rosenberg of Story
H-3991	S.F.	484	Rosenberg of Story
H-3992	S.F.	484	Rosenberg of Story
H-3993	S.F.	484	Jay of Appanoose
H-3994	S.F.	484	Jay of Appanoose
H-3995	S.F.	484	Rosenberg of Story
H-3996	S.F.	484	Rosenberg of Story
H-3997	S.F.	484	Brammer of Linn
H-3998	S.F.	484	Brammer of Linn
H-3999	S.F.	484	Rosenberg of Story
H-4000	H.F.	640	Parker of Jasper Rosenberg of Story Dvorsky of Johnson
H-4001	S.F.	396	Rosenberg of Story
H-4002	S.F.	396	Rosenberg of Story
H-4004	H.F.	669	Norrgard of Des Moines Mullins of Kossuth Bisignano of Polk
H-4005	S.F.	504	Paulin of Plymouth

On motion by Arnould of Scott, the House adjourned at 3:53 p.m., until 10:00 a.m., Monday, April 27, 1987.

# JOURNAL OF THE HOUSE

One Hundred Sixth Calendar Day — Seventy-first Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Monday, April 27, 1987

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

Prayer was offered by the Honorable Mike Van Camp, state representative from Scott County.

The Journal of Friday, April 24, 1987 was approved.

## PETITION FILED

The following petition was received and placed on file:

By Schneklath of Scott, from thirty-nine constituents of District 39, favoring the Groninga amendment to Senate File 484, relating to liability and malpractice reform.

## 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, 1987, passed the following bill in which the concurrence of the Senate was asked:

House File 589, a bill for an act to strike the repeal of the tax for equipment replacement at the area schools.

Also: That the Senate has on April 24, 1987, passed the following bill in which the concurrence of the Senate was asked:

House File 590, a bill for an act relating to the declaration of value on the transfer of property by certain federal agencies and instrumentalities.

Also: That the Senate has on April 24, 1987, passed the following bill in which the concurrence of the Senate was asked:

House File 605, a bill for an act relating to the state sales, services, and use tax and the local option hotel-motel tax on the rental of the mobile homes and the spaces within them.

Also: That the Senate has on April 24, 1987, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 631, a bill for an act relating to public health and safety by establishing measures to improve and protect groundwater quality and to manage substances which pose health and safety hazards, by establishing goals, policies, funding mechanisms, including taxes and fees, and administrative provisions for the measures, by establishing programs relating to the management of agricultural activities, solid waste dis-

posal, household hazardous wastes, storage tanks, fertilizers, pesticides, landfills, and watersheds, by providing penalties, establishing effective dates, and by providing for other properly related matters.

Also: That the Senate has on April 23, 1987, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 70, a bill for an act relating to motor vehicle fuel pumps and public scales by revising provisions governing licensing, inspection, calibration, and sealing by the department of agriculture and land stewardship and providing a penalty.

Also: That the Senate has on April 23, 1987, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 106, a bill for an act relating to evaluations of the performance of school administrators including requiring the adoption of job descriptions and evaluation criteria and procedures.

JOHN F. DWYER, Secretary

### SENATE FILE 274 DEFERRED

Arnould of Scott asked and received unanimous consent that Senate File 274 be deferred and that the bill retain its place on the unfinished business calendar.

### CONSIDERATION OF BILLS

#### Regular Calendar

**House File 669**, a bill for an act relating to intermediate care facilities for the mentally ill, with report of committee recommending passage was taken up for consideration.

Bisignano of Polk asked and received unanimous consent to defer action on amendment H-3902.

Norrgard of Des Moines offered the following amendment H-4004 filed by Norrgard, et al., and moved its adoption:

H-4004

- 1 Amend House File 669 as follows:
- 2 1. Page 1, by striking lines 10 through 15 and
- 3 inserting the following: "the ability to cope with
- 4 the ordinary demands of life."

Amendment H-4004 was adopted, placing out of order amendment H-3902, previously deferred, filed by Bisignano of Polk and Mullins of Kossuth on April 22, 1987.

Groninga of Cerro Gordo in the chair at 10:32 a.m.

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

## On the question "Shall the bill pass?" (H.F. 669)

The ayes were, 85:

Adams	Arnould	Avenson	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Branstad	Buhr
Carpenter	Chapman	Clark	Cohoon
Connolly	Connors	Cooper	Corbett
Corey	Daggett	Diemer	Doderer
Dvorsky	Eddie	Fey	Fogarty
Fuller	Garman	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Harbor
Harper	Hatch	Haverland	Hester
Holveck	Jochum	Johnson	Knapp
Koenigs	Lageschulte	Lundby	May
McKinney	Metcalf	Miller	Muhlbauer
Mullins	Neuhauser	Norrgard	Ollie
Osterberg	Parker	Paulin	Pavich
Peters	Petersen, D. F.	Peterson, M. K.	Plasier
Platt	Poncy	Renaud	Rosenberg
Royer	Running	Schrader	Sherzan
Shoning	Shoultz	Siegrist	Skow
Spear	Stromer	Svoboda	Swartz
Tabor	Teaford	Van Camp	Wise
Mr. Speaker			
(Groninga)			

The nays were, 11:

De Groot	Hanson, D. R.	Hummel	Kremer
Maulsby	McKean	Pellett	Renken
Schneklloth	Stueland	Van Maapen	

Absent or not voting, 4:

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

## SENATE AMENDMENTS CONSIDERED

McKinney of Dallas called up for consideration **House File 130**, a bill for an act relating to the notice required for forfeiture of real estate contracts, amended by the Senate amendment H—3130 as follows:

H—3130

- 1 Amend House File 130 as passed by the House as
- 2 follows:
- 3 1. Page 1, by striking lines 5 through 7 and
- 4 inserting the following: "real estate, if different
- 5 than the vendee, and on all the vendee's mortgages of

- 6 record. The vendee's mortgages of record shall  
 7 include all assignees for collateral purposes."

McKinney of Dallas asked and received unanimous consent to withdraw amendment H—3137 filed by him on March 3, 1987.

McKinney of Dallas offered the following amendment H—3926, to the Senate amendment H—3130, filed by him and moved its adoption:

H—3926

- 1 Amend the Senate Amendment H—3130 to House File 130  
 2 as passed by the House as follows:  
 3 1. Page 1, line 5, by striking the word  
 4 "mortgages" and inserting the word "mortgagees".  
 5 2. Page 1, line 6, by striking the word  
 6 "mortgages" and inserting the word "mortgagees".  
 7 3. Page 1, line 7, by inserting after the word  
 8 "assignees" the words "of record".

Amendment H—3926 was adopted.

On motion by McKinney of Dallas, the House concurred in the Senate amendment H—3130, as amended.

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

On the question "Shall the bill pass?" (H.F. 130)

The ayes were, 97:

Adams	Arnould	Avenson	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Branstad	Buhr
Carpenter	Chapman	Clark	Cohoon
Connolly	Connors	Cooper	Corbett
Corey	Daggett	De Groot	Diemer
Doderer	Dvorsky	Eddie	Fey
Fogarty	Fuller	Garman	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Hansen, S. D.
Hanson, D. R.	Harbor	Harper	Hatch
Haverland	Hermann	Hester	Holveck
Hummel	Jochum	Johnson	Knapp
Koenigs	Kremer	Lageschulte	Lundby
Maulsby	May	McKean	McKinney
Metcalf	Miller	Muhlbauer	Mullins
Neuhauser	Norrgard	Ollie	Osterberg
Parker	Paulin	Pavich	Pellett
Peters	Petersen, D. F.	Peterson, M. K.	Plasier

Platt	Poncy	Renaud	Renken
Rosenberg	Royer	Running	Schneklloth
Schrader	Sherzan	Shoning	Shoultz
Siegrist	Skow	Spear	Stromer
Stueland	Svoboda	Swartz	Tabor
Teaford	Van Camp	Van Maanen	Wise
Mr. Speaker (Groninga)			

The nays were, none.

Absent or not voting, 3:

Jay                      Swearingen                      Tyrrell

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

Peters of Woodbury called up for consideration **House File 410**, a bill for an act relating to the interest of a city officer or employee in contracts for the purchase of goods and services by a city, amended by the Senate, and moved that the House concur in the following Senate amendment H-3771:

H-3771

1 Amend House File 410, as passed by the House, as  
 2 follows:  
 3 1. Page 1, by inserting after line 18 the  
 4 following:  
 5 "Sec. \_\_\_\_\_. Section 372.13, subsection 8, Code  
 6 1987, is amended to read as follows:  
 7 8. By ordinance, the council shall prescribe the  
 8 compensation of the mayor, council members, and other  
 9 elected city officers, but a change in the  
 10 compensation of the mayor shall not become effective  
 11 during the term in which the change is adopted, and  
 12 the council shall not adopt such an ordinance changing  
 13 the compensation of the mayor or council members  
 14 during the months of November and December immediately  
 15 following a regular city election. A change in the  
 16 compensation of council members shall become effective  
 17 for all council members at the beginning of the term  
 18 of the council members elected at the election next  
 19 following the change in compensation. Except as  
 20 provided in section 362.5, an elected city officer  
 21 shall not receive any other compensation for any other  
 22 city office or city employment during that officer's  
 23 term of tenure in office, but may be reimbursed for  
 24 actual expenses incurred. However, if the mayor pro  
 25 tem performs the duties of the mayor during the  
 26 mayor's absence or disability for a continuous period

27 of fifteen days or more, the mayor pro tem may be paid  
 28 for that period such compensation as determined by the  
 29 council, based upon the mayor pro tem's performance of  
 30 the mayor's duties and upon the compensation of the  
 31 mayor."

32 2. Title page, line 1, by striking the word "the"  
 33 and inserting the following: "city officers and  
 34 employees, by authorizing an".

35 3. Title page, line 2, by inserting after the  
 36 word "city" the following: "and by providing for the  
 37 employment of a former city council member by a city".

The motion prevailed and the House concurred in the Senate amendment H—3771.

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

On the question "Shall the bill pass?" (H.F. 410)

The ayes were, 90:

Adams	Arnould	Avenson	Beaman
Beatty	Bisignano	Black	Blanshan
Brammer	Branstad	Buhr	Chapman
Clark	Cohoon	Connolly	Connors
Cooper	Corbett	Corey	Daggett
De Groot	Diemer	Dvorsky	Eddie
Fey	Fogarty	Fuller	Gruhn
Halvorson, R. A.	Hammond	Hansen, S. D.	Hanson, D. R.
Harbor	Harper	Hatch	Haverland
Hermann	Hester	Holveck	Hummel
Jochum	Johnson	Knapp	Koenigs
Kremer	Lageschulte	Lundby	Maulsby
May	McKean	McKinney	Metcalf
Miller	Muhlbauer	Mullins	Norrgard
Ollie	Osterberg	Parker	Paulin
Pavich	Pellett	Peters	Petersen, D. F.
Peterson, M. K.	Plasier	Platt	Renaud
Renken	Rosenberg	Royer	Running
Schnekloth	Schrader	Sherzan	Shoning
Shoultz	Siegrist	Skow	Spear
Stromer	Stueland	Svoboda	Swartz
Taber	Teaford	Van Camp	Van Maanen
Wise	Mr. Speaker (Groninga)		

The nays were, 6:

Carpenter	Doderer	Garman	Halvorson, R. N.
Neuhauser	Poncy		

Absent or not voting, 4:

Bennett                      Jay                                      Swearingen                      Tyrrell

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

Hammond of Story called up for consideration **House File 328**, a bill for an act relating to the licensure and regulation of birth centers and providing penalties, amended by the Senate, and moved that the House concur in the following Senate amendment H—3840:

H—3840

- 1 Amend House File 328 as amended, passed, and
- 2 reprinted by the House as follows:
- 3 1. Page 14, line 9, by striking the word "day"
- 4 and inserting the following: "week".

The motion prevailed and the House concurred in the Senate amendment H—3840.

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. 328)

The ayes were, 89:

Adams	Arnould	Avenson	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Buhr	Carpenter
Chapman	Clark	Cohoon	Connolly
Connors	Cooper	Corbett	Corey
De Groot	Diemer	Doderer	Dvorsky
Eddie	Fey	Fogarty	Fuller
Garman	Gruhn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. R.	Harbor
Harper	Hatch	Haverland	Hermann
Hester	Holveck	Hummel	Jochum
Johnson	Knapp	Koenigs	Kremer
Lageschulte	Lundby	May	McKean
McKinney	Metcalf	Miller	Muhlbauer
Mullins	Neuhauser	Norrgard	Ollie
Osterberg	Parker	Paulin	Pavich
Peters	Peterson, M. K.	Plasier	Platt
Poncy	Renaud	Renken	Rosenberg

Royer	Running	Schrader	Sherzan
Shoning	Shoultz	Siegrist	Skow
Spear	Stromer	Svoboda	Swartz
Tabor	Teaford	Van Camp	Wise
Mr. Speaker (Groninga)			

The nays were, 8:

Branstad	Daggett	Maulsby	Pellett
Petersen, D. F.	Schnekloth	Stueland	Van Maanen

Absent or not voting, 3:

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

### UNANIMOUS CONSENT

Doderer of Johnson, asked and received unanimous consent to change her vote from "aye" to "nay" on House File 410, and the vote was so recorded.

Beatty of Warren called up for consideration **House File 594**, a bill for an act relating to the regulation of pharmacists and pharmacies and to administration, dispensing, and distribution of certain drugs, and providing penalties, amended by the Senate, and moved that the House concur in the following Senate amendment H-3895:

H-3895

- 1 Amend House File 594 as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 10, line 10, by inserting after the word
- 4 "license." the following: "A pharmacy license issued
- 5 pursuant to subsection 4 may be further identified as
- 6 a hospital pharmacy license."
- 7 2. Page 10, by inserting after line 18 the
- 8 following:
- 9 "4. The board shall adopt rules for the issuance
- 10 of a hospital pharmacy license to a hospital which
- 11 provides pharmacy services for its own use. The rules
- 12 shall:
- 13 a. Recognize the special needs and circumstances
- 14 of hospital pharmacies.
- 15 b. Give due consideration to the scope of pharmacy
- 16 services that the hospital's medical staff and
- 17 governing board elect to provide for the hospital's
- 18 own use.
- 19 c. Consider the size, location, personnel, and
- 20 financial needs of the hospital.

21 d. Give recognition to the standards of the joint  
22 commission on accreditation of hospitals and the  
23 American osteopathic association and to the conditions  
24 of participation under medicare.

25 To the maximum extent possible, the board shall  
26 coordinate the rules with the standards and conditions  
27 described in paragraph "d" and shall coordinate its  
28 inspections of hospital pharmacies with the medicare  
29 surveys of the department of inspections and appeals  
30 and with the board's inspections with respect to  
31 controlled substances conducted under contract with  
32 the federal government.

33 A hospital which provides pharmacy services by  
34 contracting with a licensed pharmacy is not required  
35 to obtain a hospital pharmacy license or a general  
36 pharmacy license.

37 5. A hospital which elects to operate a pharmacy  
38 for other than its own use is subject to the  
39 requirements for a general pharmacy license. If the  
40 hospital's pharmacy services for other than its own  
41 use are special or limited, the board may issue a  
42 special or limited-use pharmacy license pursuant to  
43 subsection 3."

44 3. Page 10, line 33, by striking the figure "4"  
45 and inserting the following: "6".

46 4. Page 17, line 32, by striking the words "one  
47 year" and inserting the following: "eighteen months".

48 5. Page 23, by inserting after line 25 the  
49 following:

50 "Sec. \_\_\_\_\_. The provisions of this Act requiring

**Page 2**

1 that hospital pharmacies be licensed shall not take  
2 effect until January 1, 1988."

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

The motion prevailed and the House concurred in the Senate amendment H—3895.

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

On the question "Shall the bill pass?" (H.F. 594)

The ayes were, 92:

Adams  
Beatty

Arnould  
Bennett

Avenson  
Bisignano

Beaman  
Black

Blanshan	Brammer	Branstad	Buhr
Carpenter	Chapman	Clark	Cohoon
Connolly	Cooper	Corbett	Corey
Daggett	De Groot	Diemer	Doderer
Dvorsky	Eddie	Fey	Fogarty
Fuller	Garman	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. R.
Harbor	Harper	Hatch	Hermann
Hester	Holveck	Hummel	Jochum
Johnson	Knapp	Koenigs	Kremer
Lageschulte	Lundby	Maulsby	May
McKean	McKinney	Metcalf	Miller
Muhlbauer	Mullins	Norrgard	Osterberg
Parker	Paulin	Pavich	Pellett
Peters	Petersen, D. F.	Peterson, M. K.	Plasier
Platt	Poney	Renaud	Renken
Rosenberg	Royer	Running	Schneklath
Schrader	Sherzan	Shoning	Shultz
Siegrist	Skow	Spear	Stromer
Stueland	Swartz	Tabor	Teaford
Van Camp	Van Maanen	Wise	Mr. Speaker (Groninga)

The nays were, none.

Absent or not voting, 8:

Connors	Haverland	Jay	Neuhauser
Ollie	Svoboda	Swearingen	Tyrrell

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

Fogarty of Palo Alto called up for consideration **House File 167**, a bill for an act relating to fees for and duration of motor vehicle licenses and requiring motor vehicle licenses and nonoperator's identification cards issued to persons under twenty-one years of age to contain a profile photograph and providing an effective date and conditional repeal and reenactment, amended by the Senate amendment H-3896:

H-3896

- 1 Amend House File 167 as passed by the House as
- 2 follows:
- 3 1. By striking page 1, line 16 through page 3,
- 4 line 19 and inserting the following:
- 5 "Sec. \_\_\_\_\_. Section 321.210, unnumbered paragraph
- 6 11, Code 1987, is amended by striking the paragraph
- 7 and inserting in lieu thereof the following:
- 8 The department may, on application, issue a
- 9 temporary restricted license to a person, whose motor

10 vehicle license is suspended, cancelled, or revoked  
 11 under this chapter, allowing the person to drive to  
 12 and from the person's home and specified places at  
 13 specified times which can be verified by the  
 14 department and which are required by the person's  
 15 full-time or part-time employment; continuing health  
 16 care or the continuing health care of another who is  
 17 dependent upon the person; continuing education while  
 18 enrolled in an educational institution on a part-time  
 19 or full-time basis and while pursuing a course of  
 20 study leading to a diploma, degree, or other  
 21 certification of successful educational completion;  
 22 substance abuse treatment; or court-ordered community  
 23 service responsibilities. However, a temporary  
 24 restricted license shall not be issued to a person  
 25 whose license is revoked under section 321.209,  
 26 subsections 1 through 5. A temporary restricted  
 27 license may be issued to a person whose license is  
 28 revoked under section 321.209, subsection 6, only if  
 29 the person has no previous drag racing convictions. A  
 30 person holding a temporary restricted license issued  
 31 by the department under this section shall not operate  
 32 a motor vehicle for pleasure."

33 2. Page 3, by inserting after line 19 the  
 34 following:

35 "Sec. \_\_\_\_\_. Section 321.198, unnumbered paragraph  
 36 2, Code 1987, is amended to read as follows:

37 The department is hereby authorized to renew any  
 38 ~~operator's motor vehicle license~~ falling within the  
 39 provisions and limitations of the preceding paragraph,  
 40 without examination, upon application and payment of  
 41 fee made within six months following separation from  
 42 the military service."

43 3. Title page, by striking lines 1 through 6 and  
 44 inserting the following: "An Act relating to the  
 45 issuance of motor vehicle licenses and nonoperator's  
 46 identification cards."

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

Fogarty of Palo Alto offered the following amendment H—3931,  
 to the Senate amendment H—3896, filed by Fogarty, et al., and moved  
 its adoption:

H—3931

1 Amend the Senate amendment, H—3896, to House File  
 2 167, as passed by the House, as follows:

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

5 "\_\_\_\_\_. Page 3, by inserting after line 11 the  
 6 following: "

- 7 2. Page 1, line 33, by striking the figure "19"  
 8 and inserting the figure "11".  
 9 3. Page 1, by striking lines 43 through 46 and  
 10 inserting the following:  
 11 "\_\_\_\_\_. Title page, line 1, by striking the word  
 12 "for" and inserting the following: "for, issuance  
 13 of"."  
 14 4. Renumber as necessary.

Amendment H—3931 was adopted.

On motion by Fogarty of Palo Alto, the House concurred in the Senate amendment H—3896, as amended.

Fogarty of Palo Alto 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. 167)

The ayes were, 62:

Adams	Arnould	Avenson	Beaman
Beatty	Bisignano	Black	Blanshan
Brammer	Buhr	Cohoon	Connors
Cooper	Diemer	Doderer	Dvorsky
Fey	Fogarty	Fuller	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Hansen, S. D.
Harbor	Harper	Hatch	Hermann
Holveck	Jochum	Johnson	Koenigs
Kremer	Lageschulte	May	McKinney
Miller	Muhlbauer	Mullins	Neuhauser
Norrgard	Osterberg	Parker	Paulin
Pavich	Peters	Petersen, D. F.	Peterson, M. K.
Platt	Rosenberg	Schrader	Sherzan
Shoning	Shoultz	Skow	Spear
Stromer	Stueland	Swartz	Teaford
Wise	Mr. Speaker (Groninga)		

The nays were, 29:

Bennett	Branstad	Carpenter	Corbett
Corey	Daggett	De Groot	Eddie
Garman	Hanson, D. R.	Hester	Hummel
Knapp	Lundby	Maulsby	McKean
Metcalfe	Pellet	Plasier	Poncy
Renaud	Renken	Royer	Running
Schneklath	Siegrist	Tabor	Van Camp
Van Maanen			

Absent or not voting, 9:

Chapman	Clark	Connolly	Haverland
Jay	Ollie	Svoboda	Swearingen
Tyrrell			

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 **House File 646**, a bill for an act relating to the exchange of information regarding underground facilities and excavations affecting underground facilities, amended by the Senate, and moved that the House concur in the following Senate amendment H—3898:

H—3898

1 Amend House File 646 as amended, passed, and  
 2 reprinted by the House as follows:  
 3 1. By striking page 2, line 27 through page 4,  
 4 line 26, and inserting the following:  
 5 "Sec. 3. NEW SECTION. 479A.3 NOTICE TO  
 6 EXCAVATORS.  
 7 1. The county recorder or the city clerk,  
 8 respectively, shall provide access to any pertinent  
 9 information on deposit by township or city to the  
 10 excavator, or shall provide the name, address, and a  
 11 telephone number or numbers, answered twenty-four  
 12 hours a day, seven days a week, of a pertinent one-  
 13 call system.  
 14 2. Counties and county recorders, and cities and  
 15 city clerks are immune from any civil or criminal  
 16 liability for receiving and providing access to the  
 17 information required to be deposited with and made  
 18 available from the recorders' or clerks' offices by  
 19 this chapter."

The motion prevailed and the House concurred in the Senate amendment H—3898.

Blanshan of Greene 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. 646)

The ayes were, 91:

Adams	Arnould	Avenson	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Branstad	Buhr
Carpenter	Chapman	Clark	Cohon

Connolly	Connors	Cooper	Corbett
Corey	Daggett	De Groot	Diemer
Doderer	Dvorsky	Eddie	Fey
Fogarty	Fuller	Garman	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Hansen, S. D.
Hanson, D. R.	Harbor	Harper	Hermann
Holveck	Hummel	Jochum	Johnson
Knapp	Koenigs	Kremer	Lageschulte
Lundby	Maulsby	May	McKean
McKinney	Metcalf	Miller	Muhlbauer
Mullins	Neuhauser	Norrgard	Osterberg
Parker	Paulin	Pavich	Pellett
Peters	Petersen, D. F.	Peterson, M. K.	Plasier
Platt	Poncy	Renaud	Renken
Rosenberg	Royer	Running	Schneklath
Schrader	Sherzan	Shoning	Siegrist
Skow	Spear	Stromer	Stueland
Svoboda	Swartz	Tabor	Teaford
Van Camp	Van Maanen	Mr. Speaker (Groninga)	

The nays were, none.

Absent or not voting, 9:

Hatch	Haverland	Hester	Jay
Ollie	Shoultz	Swearingen	Tyrrell
Wise			

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

Teaford of Black Hawk called up for consideration **House File 412**, a bill for an act relating to child abuse, amended by the Senate, and moved that the House concur in the following Senate amendment H—3892:

H—3892

- 1 Amend House File 412, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 4, line 20, by inserting after the word
- 4 "employee" the following: "or agent".
- 5 2. Page 5, line 8, by inserting after the word
- 6 "employee" the words "or agent".
- 7 3. Page 5, line 13, by inserting after the word
- 8 "services" the words "responsible for an adoptive
- 9 placement".

The motion prevailed and the House concurred in the Senate amendment H—3892.

Teaford of Black Hawk moved that the bill, as amended by the

Senate and concurred in by the House, be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 412)

The ayes were, 93:

Adams	Arnould	Avenson	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Branstad	Buhr
Carpenter	Clark	Cohoon	Connolly
Connors	Cooper	Corbett	Corey
Daggett	De Groot	Diemer	Doderer
Dvorsky	Eddie	Fey	Fogarty
Fuller	Garman	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. R.
Harbor	Hatch	Hermann	Hester
Holveck	Hummel	Jochum	Johnson
Knapp	Koenigs	Kremer	Lageschulte
Lundby	Maulsby	May	McKean
McKinney	Metcalf	Miller	Muhlbauer
Mullins	Neuhauser	Norrgard	Osterberg
Parker	Paulin	Pavich	Pellett
Peters	Petersen, D. F.	Peterson, M. K.	Plasier
Platt	Poncy	Renaud	Renken
Rosenberg	Royer	Running	Schneklath
Schrader	Sherzan	Shoning	Shoultz
Siegrist	Skow	Spear	Stromer
Stueland	Svoboda	Swartz	Tabor
Teaford	Van Camp	Van Maanen	Wise
Mr. Speaker (Groninga)			

The nays were, none.

Absent or not voting, 7:

Chapman	Harper	Haverland	Jay
Ollie	Swearingen	Tyrrell	

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

Fogarty of Palo Alto called up for consideration **House File 595**, a bill for an act to establish a system of certificates of title for vessels, amended by the Senate, and moved that the House concur in the following Senate amendment H—3894:

H—3894

1 Amend House File 595 as amended, passed and

2 reprinted by the House as follows:

3 1. Page 3, by inserting after line 33 the  
4 following:

5 "9. A person who owns a vessel which is not  
6 required to have a certificate of title may apply for  
7 and receive a certificate of title for the vessel and  
8 the vessel shall subsequently be subject to the  
9 requirements of this Act as though the vessel was  
10 required to be titled."

11 2. Page 5, by striking lines 13 through 15 and  
12 inserting the following: "navigation shall submit an  
13 affidavit which describes the vessel or device to the  
14 department. In cooperation with the county recorder,  
15 the department shall assign a hull identification".

16 3. Page 5, by striking lines 24 and 25.

17 4. Page 7, by inserting after line 20 the  
18 following:

19 "Sec. 13. This Act takes effect January 1, 1988."

20 5. Title page, line 2, by inserting after the  
21 word "vessels" the following: "and providing an  
22 effective date".

The motion prevailed and the House concurred in the Senate amendment H—3894.

Fogarty of Palo Alto 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. 595)

The ayes were, 69:

Adams	Arnould	Avenson	Beaman
Beatty	Bisignano	Black	Blanshan
Brammer	Branstad	Buhr	Carpenter
Chapman	Clark	Cohoon	Connolly
Connors	Cooper	Diemer	Doderer
Dvorsky	Fogarty	Fuller	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Hansen, S. D.
Hanson, D. R.	Harbor	Harper	Hatch
Hermann	Holveck	Jochum	Johnson
Knapp	Koenigs	Kremer	Lageschulte
May	McKinney	Metcalf	Miller
Muhlbauer	Neuhauser	Norrard	Osterberg
Parker	Pavich	Peters	Peterson, M. K.
Platt	Poncy	Renaud	Rosenberg
Running	Sherzan	Shoning	Shoultz
Skow	Spear	Stueland	Svoboda
Swartz	Teaford	Van Camp	Wise
Mr. Speaker (Groninga)			

The nays were, 25:

Bennett	Corbett	Corey	Daggett
De Groot	Eddie	Garman	Hester
Hummel	Lundby	Maulsby	McKean
Mullins	Paulin	Pellett	Petersen, D. F.
Plasier	Renken	Royer	Schnekloth
Schrader	Siegrist	Stromer	Tabor
Van Maanen			

Absent or not voting, 6:

Fey	Haverland	Jay	Ollie
Swearingen	Tyrrell		

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

### HOUSE REFUSED TO CONCUR

Black of Jasper called up for consideration **House File 395**, a bill for an act relating to the taking of animals and subjecting violators to penalties, amended by the Senate, and moved that the House concur in the following Senate amendment H—3901:

H—3901

- 1 Amend House File 395 as amended, passed and
- 2 reprinted by the House as follows:
- 3 1. Page 3, line 31, by striking the words "C.B.
- 4 OR".
- 5 2. Page 4, line 1, by striking the words "from
- 6 January 1 through March 31" and inserting the words
- 7 "during the closed season for fox or deer".
- 8 3. Page 4, lines 16 and 17, by striking the words
- 9 "and shall be assessed a minimum fine of ten dollars
- 10 for each offense".
- 11 4. Page 5, line 19, by inserting after the word
- 12 "birds," the words "subject to section 109.48,".
- 13 5. Page 12, line 32, by striking the word
- 14 "leptospirosis" and inserting the word "leptospirosis".
- 15 6. Page 14, line 7, by inserting after the word
- 16 "A" the word "wildlife".
- 17 7. Page 15, by striking lines 24 through 27 and
- 18 inserting the following: "bait may be used on one
- 19 line. No A person shall not leave such fish line".
- 20 8. Page 19, lines 7 through 9, by striking the
- 21 words "within one hundred yards of the entry to a
- 22 private drive serving a residence without the
- 23 permission of the occupant".
- 24 9. Page 19, by inserting after line 9 the
- 25 following:
- 26 "A snare shall not be set with a circumference

27 greater than thirty-eight inches unless at least half  
 28 of the loop is set underwater."

29 10. Page 21, lines 12 and 13, by striking the  
 30 words "for the value of such as follows" and inserting  
 31 the following: "for the value of such as follows for  
 32 its value as established by rule which shall not  
 33 exceed the following amounts for the respective  
 34 animals".

35 11. Page 21, by inserting after line 26 the  
 36 following:

37 "Sec. 41. Section 110.24, Code 1987, is amended by  
 38 adding the following new unnumbered paragraph:  
 39 NEW UNNUMBERED PARAGRAPH. A license is not  
 40 required of the owner or the owner's guests, invitees  
 41 or licensees to fish in the owner's private waters  
 42 unless those waters are open to the public under  
 43 section 109.78."

44 12. Page 21, by inserting after line 26 the  
 45 following:

46 "Sec. \_\_\_\_\_. Section 110.24, Code 1987, is amended  
 47 by adding the following new unnumbered paragraph:  
 48 NEW UNNUMBERED PARAGRAPH. The department may issue  
 49 a permit, subject to conditions established by the  
 50 department, which authorizes the patients of a

#### Page 2

- 1 substance abuse facility to fish without a license as
- 2 a supervised group."
- 3 13. By renumbering, relettering, or redesignating
- 4 and correcting internal references as necessary.

The motion lost and the House refused to concur in the Senate amendment H—3901.

The House stood at ease at 11:37 a.m., until the fall of the gavel.

The House resumed session at 12:02 p.m., Connors of Polk in the chair.

On motion by Arnould of Scott, the House was recessed at 12:04 p.m., until 2:15 p.m.

#### AFTERNOON SESSION

The House reconvened, Connors of Polk in the chair.

#### SENATE AMENDMENT CONSIDERED

Harper of Black Hawk called up for consideration **House File 660**, a bill for an act relating to dependent adult abuse, providing penalties, and establishing an effective date, amended by the Senate, and moved that the House concur in the following Senate amendment H—3887:

H-3887

- 1 Amend House File 660, as amended, passed and  
 2 reprinted by the House, as follows:  
 3 1. Page 4, lines 13 and 14, by striking the words  
 4 "state department of inspections and appeals" and  
 5 inserting in lieu thereof the following: "~~Iowa~~  
 6 department of public health state department of  
 7 inspections and appeals".

The motion prevailed and the House concurred in the Senate amendment H-3887.

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

On the question "Shall the bill pass?" (H.F. 660)

The ayes were, 86:

Adams	Arnould	Avenson	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Branstad	Buhr	Carpenter
Chapman	Clark	Cohoon	Connolly
Cooper	Corbett	Daggett	De Groot
Diemer	Doderer	Dvorsky	Eddie
Fogarty	Fuller	Garman	Groninga
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Hansen, S. D.	Harbor	Harper	Hatch
Hermann	Hester	Holveck	Hummel
Jay	Jochum	Johnson	Knapp
Koenigs	Kremer	Lageschulte	Lundby
May	McKean	McKinney	Metcalf
Miller	Muhlbauer	Mullins	Neuhauser
Norrgard	Ollie	Osterberg	Parker
Paulin	Pavich	Pellett	Peters
Peterson, M. K.	Platt	Poncy	Renaud
Rosenberg	Running	Schneklath	Schrader
Shoning	Shoultz	Siegrist	Skow
Spear	Stromer	Stueland	Svoboda
Swartz	Tabor	Teaford	Van Camp
Wise	Mr. Speaker (Connors)		

The nays were, 6:

Corey	Hanson, D. R.	Maulsby	Petersen, D. F.
Renken	Van Maanen		

Absent or not voting, 8:

Brammer	Fey	Haverland	Plasier
Royer	Sherzan	Swearingen	Tyrrell

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

### HOUSE RECEDES

Teaford of Black Hawk called up for consideration **Senate File 290**, a bill for an act relating to the requirement for foster parent training, confidentiality requirements for foster care review boards, and incorporating a penalty, and moved that the House recede from its amendment.

The motion prevailed and the House receded from its amendment.

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

On the question "Shall the bill pass?" (S.F. 290)

The ayes were, 73:

Arnould	Avenson	Beaman	Beatty
Bennett	Bisignano	Black	Blanshan
Brammer	Branstad	Buhr	Carpenter
Chapman	Clark	Cphoon	Connolly
Daggett	De Groot	Diemer	Doderer
Dvorsky	Eddie	Fey	Fogarty
Fuller	Garman	Groninga	Halvorson, R. N.
Hammond	Hansen, S. D.	Harbor	Harper
Hatch	Hermann	Hester	Holveck
Hummel	Jochum	Johnson	Knapp
Koenigs	Lageschulte	May	McKean
McKinney	Metcalf	Miller	Muhlbauer
Neuhauser	Norrgard	Ollie	Osterberg
Parker	Pavich	Peters	Petersen, D. F.
Peterson, M. K.	Poncy	Renaud	Rosenberg
Running	Schrader	Sherzan	Shoning
Shoultz	Siegrist	Skow	Spear
Stromer	Tabor	Teaford	Wise
Mr. Speaker (Connors)			

The nays were, 20:

Adams	Cooper	Corbett	Corey
Halvorson, R. A.	Hanson, D. R.	Jay	Kremer
Lundby	Maulsby	Mullins	Pellett
Platt	Renken	Royer	Schnekloth
Stueland	Svoboda	Van Camp	Van Maanen

Absent or not voting, 7:

Gruhn	Haverland	Paulin	Plasier
Swartz	Swearingen	Tyrrell	

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

### SENATE AMENDMENTS CONSIDERED

Rosenberg of Story called up for consideration **House File 375**, a bill for an act relating to the crime of conspiracy, and providing penalties, amended by the Senate, and moved that the House concur in the following Senate amendment H—3870:

H—3870

- 1 Amend House File 375 as passed by the House as
- 2 follows:
- 3 1. Page 1, line 6, by striking the words "purpose
- 4 of promoting or facilitating" and inserting the
- 5 following: "intent to promote or facilitate".
- 6 2. Page 1, line 7, by striking the word "a" and
- 7 inserting the following: "an aggravated misdemeanor
- 8 or".
- 9 3. Page 1, by inserting after line 19 the
- 10 following:
- 11 "4. A person shall not be convicted of conspiracy
- 12 if the only other person or persons involved in the
- 13 conspiracy were acting at the behest of or as agents
- 14 of a law enforcement agency in an investigation of the
- 15 criminal activity alleged at the time of the formation
- 16 of the conspiracy."

A non-record roll call was requested.

Rule 75 was invoked.

The ayes were 50, nays 47.

The motion prevailed and the House concurred in the Senate amendment H—3870.

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. 375)

The ayes were, 73:

Adams	Arnould	Avenson	Beaman
Beatty	Bisignano	Black	Brammer

Buhr	Carpenter	Clark	Cohoon
Connolly	Cooper	Corbett	Daggett
Diemer	Doderer	Dvorsky	Fey
Fogarty	Fuller	Garman	Groninga
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Hansen, S. D.	Hanson, D. R.	Harper	Hatch
Haverland	Holveck	Jay	Jochum
Johnson	Knapp	Koenigs	Lageschulte
May	McKean	McKinney	Muhlbauer
Mullins	Neuhauser	Norrgard	Ollie
Osterberg	Parker	Paulin	Pavich
Peters	Peterson, M. K.	Plasier	Platt
Poncy	Renaud	Rosenberg	Running
Schrader	Sherzan	Shoning	Shoultz
Siegrist	Skow	Spear	Swartz
Tabor	Teaford	Van Camp	Wise
Mr. Speaker (Connors)			

The nays were, 23:

Bennett	Branstad	Corey	De Groot
Eddie	Harbor	Hermann	Hester
Hummel	Kremer	Lundby	Maulsby
Metcalf	Miller	Pellett	Petersen, D. F.
Renken	Royer	Schneklath	Stromer
Stueland	Svoboda	Van Maanen	

Absent or not voting, 4:

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

Jay of Appanoose called up for consideration **Senate File 399**, a bill for an act establishing a motorcycle rider education fund, increasing fees for certain operator's licenses, crediting moneys to the fund, and appropriating moneys from the fund to the department of education to reimburse sponsors of motorcycle rider education courses for the costs of the courses, amended by the House, further amended by the Senate and moved that the House concur in the following Senate amendment H-3884 to the House amendment:

H-3884

- 1 Amend House amendment, S-3647, to Senate File 399
- 2 as amended, passed and reprinted by the Senate as
- 3 follows:
- 4 1. Page 1, by inserting after line 5 the
- 5 following:
- 6 "\_\_\_\_\_ Page 2, line 8, by striking the words "the
- 7 operator's" and inserting the words "a motor
- 8 vehicle."

The motion prevailed and the House concurred in the Senate amendment H—3884 to the House amendment.

Jay of Appanoose 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. 399)

The ayes were, 79:

Adams	Avenson	Beaman	Beatty
Bisignano	Black	Blanshan	Brammer
Branstad	Buhr	Carpenter	Clark
Cohoon	Connolly	Cooper	Daggett
Diemer	Dvorsky	Fey	Fogarty
Fuller	Groninga	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Harbor
Harper	Hatch	Haverland	Hermann
Hester	Holveck	Hummel	Jay
Johnson	Knapp	Koenigs	Kremer
Lageschulte	May	McKean	McKinney
Metcalf	Miller	Muhibauer	Mullins
Neuhauser	Norrgard	Ollie	Osterberg
Parker	Pavich	Pellett	Peters
Petersen, D. F.	Peterson, M. K.	Plasier	Platt
Poncy	Renaud	Rosenberg	Royer
Running	Schrader	Shoning	Siegrist
Skow	Spear	Stromer	Stueland
Svoboda	Swartz	Tabor	Teaford
Van Camp	Wise	Mr. Speaker (Connors)	

The nays were, 12:

Bennett	Corbett	Corey	De Groot
Eddie	Garman	Hanson, D. R.	Lundby
Maulsby	Renken	Schnekloth	Van Maanen

Absent or not voting, 9:

Arnould	Chapman	Doderer	Jochum
Paulin	Sherzan	Shoultz	Swearingen
Tyrrell			

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

Fey of Scott called up for consideration **House File 540**, a bill for an act relating to the planning, acquisition, development, and operation of welcome centers on highways and at other locations throughout the state, amended by the Senate, and moved that the House concur in the following Senate amendment H—3836:

H—3836

- 1 Amend House File 540 as amended, passed and
- 2 reprinted by the House as follows:
- 3 1. Page 1, line 31, by striking the word "may"
- 4 and inserting the following: "shall".
- 5 2. Page 2, line 24, by inserting after the word
- 6 "maintain." the following: "Included in the standards
- 7 shall be a provision requiring that space or
- 8 facilities be available for purposes of displaying and
- 9 offering for sale Iowa-made products, crafts, and
- 10 arts. The space or facilities may be operated by the
- 11 department or leased to and operated by other
- 12 persons."
- 13 3. Page 2, by striking line 34 through page 3,
- 14 line 3.
- 15 4. Page 4, line 16, by inserting after the word
- 16 "services" the following: ", and the display and
- 17 offering for sale of Iowa-made products, crafts, and
- 18 arts".
- 19 5. Title, line 2, by striking the word "on" and
- 20 inserting in lieu thereof the following: "in
- 21 proximity to".
- 22 6. By renumbering, relettering, or redesignating
- 23 and correcting internal references as necessary.

The motion prevailed and the House concurred in the Senate amendment H—3836.

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

On the question "Shall the bill pass?" (H.F. 540)

The ayes were, 90:

Adams	Avenson	Beaman	Beatty
Bennett	Bisignano	Black	Blanshan
Brammer	Branstad	Buhr	Carpenter
Clark	Cohoon	Connolly	Cooper
Corbett	Corey	Daggett	De Groot
Diemer	Doderer	Dvorsky	Eddie
Fey	Fogarty	Fuller	Groninga
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Hansen, S. D.	Hanson, D. R.	Harbor	Harper

Haverland	Hermann	Hester	Holveck
Jay	Jochum	Johnson	Knapp
Koenigs	Lageschulte	Lundby	May
McKean	McKinney	Metcalf	Miller
Muhlbauer	Mullins	Neuhauser	Norrgard
Ollie	Osterberg	Parker	Paulin
Pavich	Pellett	Peters	Petersen, D. F.
Peterson, M. K.	Plasier	Platt	Poncy
Renaud	Rosenberg	Royer	Running
Schneklloth	Schrader	Sherzan	Shoning
Shoultz	Siegrist	Skow	Spear
Stromer	Stueland	Svoboda	Swartz
Tabor	Teaford	Van Camp	Van Maanen
Wise	Mr. Speaker (Connors)		

The nays were, 5:

Garman	Hummel	Kremer	Maulsby
Renken			

Absent or not voting, 5:

Arnould	Chapman	Hatch	Swearingen
Tyrrell			

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

McKinney of Dallas called up for consideration **House File 520**, a bill for an act relating to the regulation of membership campgrounds, membership camping operators, and membership camping contracts, requiring registration and disclosures, providing for cancellation of membership camping contracts, providing remedies, providing penalties, and providing properly related matters, amended by the Senate, and moved that the House concur in the following Senate amendment H—3774:

H—3774

- 1 Amend House File 520 as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 21, by inserting after line 18 the
- 4 following:
- 5 "Sec. 19. **NEW SECTION.** 557B.15 EXEMPTIONS BY
- 6 **ATTORNEY GENERAL.**
- 7 The attorney general may, by rule or order, exempt
- 8 any person from all or part of the requirements of
- 9 this chapter if the attorney general finds the
- 10 requirements unnecessary for the protection of
- 11 purchasers. In determining exemptions from this
- 12 chapter, the attorney general shall consider all of
- 13 the following:

- 14 1. The duration of the membership camping  
 15 contracts involved.  
 16 2. The number of membership camping contracts  
 17 being offered by the operator.  
 18 3. The amount of the purchase price of the  
 19 membership camping contracts.”  
 20 2. Page 21, by striking line 19 and inserting the  
 21 following:  
 22 “Sec. 20. NEW SECTION. 557B.16 RULES.”

The motion prevailed and the House concurred in the Senate amendment H—3774.

McKinney 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. 520)

The ayes were, 80:

Adams	Arnould	Avenson	Beatty
Bennett	Bisignano	Black	Blanshan
Brammer	Branstad	Buhr	Carpenter
Chapman	Clark	Cohoon	Connolly
Cooper	Corey	De Groot	Diemer
Doderer	Dvorsky	Fey	Fogarty
Fuller	Groninga	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Harbor
Harper	Hermann	Hester	Holveck
Jochum	Johnson	Knapp	Koenigs
Kremer	Lageschulte	Lundby	May
McKean	McKinney	Metcalf	Miller
Muhlbauer	Mullins	Neuhauser	Norrgard
Ollie	Osterberg	Pavich	Peters
Petersen, D. F.	Peterson, M. K.	Plasier	Platt
Poncy	Renaud	Rosenberg	Royer
Running	Schrader	Sherzan	Shoning
Shoultz	Siegrist	Skow	Spear
Stromer	Svoboda	Swartz	Tabor
Teaford	Van Camp	Wise	Mr. Speaker (Connors)

The nays were, 15:

Beaman	Corbett	Daggett	Eddie
Garman	Hanson, D. R.	Hummel	Jay
Maulsby	Paulin	Pellett	Renken
Schneklloth	Stueland	Van Maanen	

Absent or not voting, 5:

Hatch  
Tyrrell

Haverland

Parker

Swearingen

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 4:10 p.m., until the fall of the gavel.

The House resumed session at 5:12 p.m., Speaker Avenson in the chair.

### BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on April 24, 1987, he approved and transmitted to the Secretary of State the following bills:

House File 132, an act relating to the final report of a personal representative in probate.

House File 169, an act creating a lead abatement program within the Iowa Department of Public Health.

House File 176, an act relating to the requirements for the loaning by a library of library materials or equipment having a value of five hundred dollars or more.

House File 251, an act relating to advocates for certain individuals involuntarily hospitalized.

House File 373, an act relating to the Division of Deaf Services of the Department of Human Rights.

House File 378, an act relating to the dissemination and redissemination of criminal history data to the Iowa Department of Public Health for purposes of employment screening for juvenile substance abuse treatment programs, and providing a penalty.

House File 394, an act relating to nonlocal business entities, particularly transient merchants and out-of-state contractors and providing penalties.

House File 409, an act relating to the procedures used for the taking of property for public transportation purposes.

House File 513, an act relating to interstate rendition of persons charged with failure to provide support.

House File 610, an act to grant the commissioner of insurance the authority to approve discretionary group insurance.

House File 639, an act relating to investments of Iowa life insurance companies.

Senate File 13, an act relating to the protection of buyers of farm products against the enforcement of liens by secured parties and providing dates for the effectiveness and applicability of the act.

Senate File 105, an act relating to the degree of evidence required for termination or nonrenewal of a school administrator's contract.

Senate File 198, an act relating to the payment of special assessments on property acquired by eminent domain and providing an effective date.

Senate File 231, an act relating to the date on which a pleading is considered filed.

Senate File 257, an act relating to the payment for crop damages within the right-of-way of drainage improvements.

Senate File 265, an act relating to the publication of notices of public hearings, bond sales, adopted regulations, and elections.

Senate File 273, an act relating to the definition of foster care.

Senate File 292, an act relating to the establishment of a building materials fire toxicity filing system.

Senate File 316, an act to provide that a leased motor vehicle shall be registered in the county of the lessee's residence.

Senate File 338, an act relating to environmental protection performance standards for coal mining and providing an effective date.

Senate File 381, an act to legalize the payment of a sales tax refund claim to the city of Epworth, Iowa, by the Department of Revenue and Finance.

Senate File 388, an act relating to the filing time for nomination petitions for a special election to elect a member of a board of directors of a school district.

Senate File 428, an act relating to the protection of buyers of fine art and providing a penalty.

Senate File 451, an act relating to the acquisition of legal settlement in a county.

Senate File 459, an act relating to handicapped parking spaces, making penalties applicable and providing an effective date.

Senate File 463, an act relating to the development and implementation by the agricultural development authority of programs to provide economic assistance on behalf of agricultural producers within the state and providing an effective date.

Senate File 470, an act relating to corporate takeovers.

## **BILLS ENROLLED, SIGNED AND SENT TO GOVERNOR**

**The Chief Clerk of the House submitted the following report:**

Mr. Speaker: The Chief Clerk of the House respectfully reports that the following bills have been examined and found correctly enrolled, signed by the Speaker of the House and the President of the Senate, and presented to the Governor for his approval on this 27th day of April, 1987: House Files 47, 90, 136, 193, 487, 489, 507, 517, 568, 579, 585 and 596.

**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:

Sixty second through fourth grade students from Melrose Elementary School, Melrose, accompanied by Pat Scieszinski. By Cooper of Lucas.

Twenty-six seventh and eighth grade students from Mallard Middle School, Mallard, accompanied by Kay Rosacker, Michael Yilek and Rosie Carmichael. By Fogarty of Palo Alto.

Fifty-five fifth and sixth grade students from Kate Mitchell Elementary School, Ames, accompanied by Henry Gray. By Rosenberg and Hammond of Story.

Fifteen twelfth grade students from Deep River-Millersburg High School, Millersburg, accompanied by Doug Atwood. By Tyrrell of Iowa.

### CERTIFICATE OF RECOGNITION

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

1987-27      The Reverend Cecil H. Friedmann, Algona, Iowa — Twenty-five years of service to Garrigan High School in Algona.

JOSEPH O'HERN  
Chief Clerk of the House

### AMENDMENTS FILED

H—4006	H.F.	334	Brammer of Linn
H—4007	H.F.	672	Wise of Lee
			Ollie of Clinton
			Shoultz of Black Hawk
			Teaford of Black Hawk
			Harper of Black Hawk
			Adams of Hamilton
			Cohon of Des Moines
H—4008	H.F.	677	Connolly of Dubuque
H—4009	S.F.	484	Swartz of Marshall
H—4010	S.F.	484	Hansen of Woodbury
H—4011	S.F.	484	Hansen of Woodbury
H—4012	S.F.	484	Hansen of Woodbury
H—4013	S.F.	484	Hansen of Woodbury
H—4014	S.F.	484	Hansen of Woodbury
H—4015	S.F.	484	Hansen of Woodbury

H-4016	S.F.	484	Hansen of Woodbury
H-4017	S.F.	484	Hansen of Woodbury
H-4018	S.F.	484	Jay of Appanoose
H-4019	H.F.	677	Koenigs of Mitchell
			Lageschulte of Bremer
H-4020	H.F.	677	Koenigs of Mitchell
H-4021	H.F.	676	Bennett of Ida
H-4022	S.F.	496	McKean of Jones
			Spear of Lee
H-4023	S.F.	396	Adams of Hamilton
H-4024	S.F.	504	Lageschulte of Bremer
			Harbor of Mills
			Renken of Grundy
			Branstad of Winnebago
			Shoning of Woodbury
			Hester of Pottawattamie
			Daggett of Adams
H-4025	S.F.	455	Peterson of Carroll
			Tabor of Jackson
H-4026	H.F.	677	Lageschulte of Bremer
H-4027	H.F.	631	Senate Amendment
H-4028	H.F.	600	Running of Linn

On motion by Tabor of Jackson, the House adjourned at 5:13 p.m., until 9:00 a.m., Tuesday, April 28, 1987.

# JOURNAL OF THE HOUSE

One Hundred Seventh Calendar Day — Seventy-second Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Tuesday, April 28, 1987

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

Prayer was offered by the Honorable Vic Stueland, state representative from Clinton County.

The Journal of Monday, April 27, 1987 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 27, 1987, amended and passed the following bill in which the concurrence of the House is asked:

House File 244, a bill for an act relating to progress payments, final payments, and retention from payments made to subcontractors on public improvement construction projects.

Also: That the Senate has on April 27, 1987, amended and passed the following bill in which the concurrence of the House is asked:

House File 345, a bill for an act relating to the procedures for authorization of drainage district improvements.

Also: That the Senate has on April 27, 1987, amended and passed the following bill in which the concurrence of the House is asked:

House File 574, a bill for an act relating to the crime of forgery and related fraudulent criminal acts, and providing penalties.

Also: That the Senate has on April 27, 1987, amended and passed the following bill in which the concurrence of the House is asked:

House File 575, a bill for an act relating to the acquisition, development, promotion, and management of land for recreation trails.

Also: That the Senate has on April 27, 1987, amended and passed the following bill in which the concurrence of the House is asked:

House File 603, a bill for an act establishing and appropriating from a housing trust fund and appropriating its funds.

Also: That the Senate has on April 27, 1987, passed the following bill in which the concurrence of the House is asked:

Senate File 510, a bill for an act relating to the conducting of classified research at institutions under the state board of regents.

JOHN F. DWYER, Secretary

**CONSIDERATION OF BILLS**  
**Ways and Means Calendar**

**House File 676**, a bill for an act relating to the imposition on July 1, 1987 of a local option sales and services tax and providing effective dates, was taken up for consideration.

Bennett of Ida offered the following amendment H—4021 filed by him and moved its adoption:

H—4021

- 1 Amend House File 676 as follows:  
 2 1. Page 1, by inserting before line 1 the fol-  
 3 lowing:  
 4 "Sec. \_\_\_\_\_. Section 422B.1, subsection 5, Code  
 5 1987, is amended by adding the following new lettered  
 6 paragraph:  
 7 NEW LETTERED PARAGRAPH. c. Notwithstanding any  
 8 other provision of this section, if a local option  
 9 sales and services tax is not imposed in or will not  
 10 be imposed in every area within the county but is  
 11 imposed in or will be imposed in areas in which a  
 12 majority of the population of the county reside, the  
 13 governing body of a city, or the board of supervisors  
 14 in the case of the unincorporated areas, where the tax  
 15 is or will not be imposed may hold a special election  
 16 for the purpose of having the tax imposed in that  
 17 area. If a majority of those voting on the question  
 18 favor the imposition of the tax, the governing body of  
 19 the county shall impose the local option sales and  
 20 services tax in that city or unincorporated area, as  
 21 appropriate."  
 22 2. Title page, line 1, by striking the words and  
 23 figures "on July 1, 1987" and inserting the following:  
 24 "and repeal".

Amendment H—4021 was adopted.

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

On the question "Shall the bill pass?" (H.F. 676)

The ayes were, 92:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Black	Blanshan
Brammer	Branstad	Buhr	Carpenter
Chapman	Clark	Cohoon	Connolly

Connors	Cooper	Corbett	Corey
Daggett	De Groot	Diemer	Doderer
Dvorsky	Eddie	Fey	Fogarty
Fuller	Garman	Groninga	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Hansen, S. D.
Hanson, D. R.	Harbor	Harper	Hatch
Haverland	Hermann	Hester	Holveck
Hummel	Jay	Johnson	Knapp
Koenigs	Lageschulte	Lundby	Maulsby
May	McKean	McKinney	Metcalf
Miller	Muhlbauer	Mullins	Neuhauser
Norrgard	Ollie	Osterberg	Paulin
Pavich	Pellet	Peters	Petersen, D. F.
Peterson, M. K.	Plasier	Platt	Poncy
Renaud	Renken	Rosenberg	Royer
Schnekloth	Sherzan	Shoning	Shoultz
Siegrist	Skow	Spear	Stromer
Stueland	Swartz	Tabor	Teaford
Van Camp	Van Maanen	Wise	Mr. Speaker

The nays were, 1:

Kremer

Absent or not voting, 7:

Jochum	Parker	Running	Schrader
Svoboda	Swearingen	Tyrrell	

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

### SENATE AMENDMENTS CONSIDERED

#### House Refused to Concur

Jay of Appanoose called up for consideration **House File 407**, a bill for an act relating to violations of 321J.2 and retention of records of motor vehicle violations, amended by the Senate amendment H—3838 as follows:

H—3838

- 1 Amend House File 407, as passed by the House, as
- 2 follows:
- 3 1. Page 1, line 10, by striking the word and
- 4 figures "321.555, and 321J.2" and inserting the word
- 5 and figure "and 321.555".
- 6 2. Page 1, line 13, by inserting after the word
- 7 "department." the following: "The director shall
- 8 destroy any records of the department relating to a
- 9 violation of sections 321.281 and 321J.2 which have
- 10 been maintained on file for six years for individuals
- 11 who have not committed any violations of sections
- 12 321.281 and 321J.2 for six years and which the

13 director deems obsolete and of no further service in  
14 carrying out the powers and duties of the department."  
15 3. Title page, line 1, by inserting after the  
16 words "violations of" the following: "sections  
17 321.281 and".  
18 4. Title page, line 2, by inserting after the  
19 word "violations" the following: "and retention of  
20 records relating to sections 321.198, 321.201,  
21 321.209, 321.210, 321.281, 321.555, 321A.5, 321A.6,  
22 321A.7, 321A.13, 321A.16, and 321J.2".

Connors of Polk in the chair at 9:35 a.m.

Jay of Appanoose moved that the House concur in the Senate amendment H—3838.

The motion lost and the House refused to concur in the Senate amendment H—3838.

#### PRESENTATION OF PELLA TULIP QUEEN AND HER ATTENDANTS

Schrader of Marion presented to the House Patti De Nooy, Queen of the 1987 Pella Tulip Festival.

Queen Patti, a senior at Pella Christian High School, presented her attendants Jill Ann Van Zee, Julie Bogaards, Paula Jo Malin and Lesli Dawn Quade, seniors at Pella Community High School. They were accompanied by their parents and grandmother. She invited everyone to attend the fifty-second festival to be held May 7, 8, and 9.

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 9:46 a.m., until the fall of the gavel.

The House resumed session at 9:59 a.m., Connors of Polk in the chair.

Brammer of Linn called up for consideration **House File 334**, a bill for an act relating to cigarette and tobacco tax assessment periods, penalties and appeal periods, offsetting of claims against the state with a person's liabilities to the state, tax return confidentiality, the filing of sales and services tax refund claims, audit periods for sales, services, and use tax returns, use tax penalty, and penalties for interfering with department of revenue and finance employees in the performance of their duties and providing effective dates, amended by the Senate amendment H—3883 as follows:

H—3883

- 1 Amend House File 334, as amended, passed and  
 2 reprinted by the House, as follows:  
 3 1. Page 7, by inserting after line 19 the  
 4 following new section:  
 5 "Sec. \_\_\_\_\_. Section 422.47B, subsection 1,  
 6 paragraph c, Code 1987, is amended to read as follows:  
 7 c. The claim is filed on forms provided by the  
 8 department and is filed during the three months  
 9 following the fiscal year in which the purchase or  
 10 rental was made not later than October 1, 1987 for a  
 11 purchase or rental made between July 1, 1985 and June  
 12 30, 1987."  
 13 2. By striking page 9, line 21 through page 10,  
 14 line 4.  
 15 3. Title, line 1, by inserting after the word  
 16 "to" the words "the administration of Iowa revenue  
 17 laws pertaining to".  
 18 4. Title page, by striking lines 6 through 8 and  
 19 inserting the following: "returns, use tax penalty,  
 20 and providing effective dates."  
 21 5. By renumbering, relettering, or redesignating  
 22 and correcting internal references as necessary.

Brammer of Linn offered the following amendment H—4006, to the Senate amendment H—3883, filed by him and moved its adoption:

H—4006

- 1 Amend the Senate amendment, H—3883, to House File  
 2 334 as amended, passed and reprinted by the House as  
 3 follows:  
 4 1. Page 1, by striking lines 3 through 12.

Amendment H—4006 was adopted.

On motion by Brammer of Linn, the House concurred in the Senate amendment H—3883, as amended.

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

On the question "Shall the bill pass?" (H.F. 334)

The ayes were, 94:

Adams	Arnould	Avenson	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Branstad	Buhr

Carpenter	Chapman	Clark	Cohoon
Cooper	Corbett	Corey	Daggett
De Groot	Diemer	Dvorsky	Eddie
Fey	Fogarty	Fuller	Garman
Groninga	Gruhn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. R.	Harbor
Harper	Hatch	Haverland	Hermann
Hester	Holveck	Hummel	Jay
Jochum	Johnson	Knapp	Koenigs
Kremer	Lageschulte	Lundby	Maulsby
May	McKean	McKinney	Metcalf
Miller	Muhlbauer	Mullins	Neuhauser
Norrgard	Osterberg	Parker	Paulin
Pavich	Pellett	Peters	Petersen, D. F.
Peterson, M. K.	Plasier	Poncy	Renaud
Renken	Rosenberg	Royer	Running
Schneklath	Schrader	Sherzan	Shoning
Shoultz	Siegrist	Skow	Spear
Stromer	Stueland	Svoboda	Swartz
Tabar	Teaford	Van Camp	Van Maanen
Wise	Mr. Speaker (Connors)		

The nays were, none.

Absent or not voting, 6:

Connolly	Doderer	Ollie	Platt
Swearingen	Tyrrell		

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

Schrader of Marion called up for consideration **House File 654**, a bill for an act relating to the funding of the energy bank program, amended by the Senate, and moved that the House concur in the following Senate amendment H—3893:

H—3893

- 1 Amend House File 654, as amended, passed, and re-
- 2 printed by the House, as follows:
- 3 1. Page 1, lines 12 and 13, by striking the words
- 4 "and area schools" and inserting the following: "and,
- 5 area schools, area education agencies, cities and
- 6 counties".
- 7 2. Page 2, line 4, by inserting after the word
- 8 "district" the following: ", area school, area
- 9 education agency, city and county".
- 10 3. Page 2, line 6, by inserting after the word
- 11 "improvements;" the word "and".
- 12 4. Page 2, by striking lines 7 through 9 and in-

13 serting the following: "analysis, plans, and  
14 specifications; and cost of the surety bonds securing  
15 the operation of the energy conservation measure. For  
16 a school district, or merged area school, area  
17 education agency, city or county to".

18 5. Page 2, line 17, by inserting before the word  
19 "School" the following: "School districts and area  
20 schools may enter into financing arrangements with the  
21 department or its duly authorized agents or  
22 representatives obligating the school district or area  
23 school to make payments on the loans beyond the  
24 current budget year of the school district or area  
25 school. Chapter 75 shall not be applicable."

26 6. Page 2, line 22, by inserting after the word  
27 "fund" the following: "or may fund the energy loan  
28 fund in accordance with section 93.20A".

29 7. Page 2, by striking lines 28 through 30 and  
30 inserting the following: "education agencies, cities,  
31 or counties in order to provide the financing to pay  
32 the".

33 8. Page 2, line 33, by inserting after the word  
34 "measures" the following: "and the method of  
35 repayment of the loans".

36 9. By striking page 2, line 34 through page 3,  
37 line 10.

38 10. Page 3, line 12 by striking the words "and  
39 term" and inserting the following: ", term, and  
40 obligations to make payments on the financing  
41 agreement beyond the current budget year".

42 11. Page 3, line 16, by inserting after the word  
43 "agreements," the following: "or to fund the energy  
44 loan fund created in section 93.20, the treasurer of  
45 state, with the assistance of".

46 12. Page 3, line 17, by striking the word "its"  
47 and inserting the following: "the treasurer of  
48 state's".

49 13. Page 3, line 19, by striking the words  
50 "borrow or" and inserting the following: "borrow to

## Page 2

1 accomplish energy conservation measures, or the  
2 department of natural resources may enter into master  
3 lease agreements or other financing arrangements".

4 14. Page 3, line 25, by inserting after the word  
5 "resources" the following: ", with the assistance of  
6 the treasurer of state,".

7 15. Page 3, line 31, by inserting after the word  
8 "chapter." the following: "Chapter 75 shall not be  
9 applicable."

The motion prevailed and the House concurred in the Senate amendment H—3893.

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

On the question "Shall the bill pass?" (H.F. 654)

The ayes were, 87:

Adams	Arnould	Beatty	Bennett
Bisignano	Black	Blanshan	Brammer
Branstad	Buhr	Carpenter	Chapman
Clark	Cohoon	Cooper	Corbett
Corey	Daggett	De Groot	Diemer
Dvorsky	Eddie	Fey	Fogarty
Fuller	Garman	Groninga	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Hansen, S. D.
Hanson, D. R.	Harper	Hatch	Haverland
Hermann	Hester	Holveck	Hummel
Jay	Jochum	Johnson	Knapp
Koenigs	Kremer	Lageschulte	Lundby
Maulsby	May	McKean	McKinney
Metcalf	Miller	Muhlbauer	Mullins
Neuhauser	Norrgard	Osterberg	Parker
Paulin	Pavich	Pellett	Peters
Petersen, D. F.	Peterson, M. K.	Poncy	Renaud
Renken	Rosenberg	Royer	Running
Schneklath	Schrader	Sherzan	Shoning
Siegrist	Skow	Spear	Stueland
Swartz	Tabor	Teaford	Van Camp
Van Maanen	Wise	Mr. Speaker (Connors)	

The nays were, none.

Absent or not voting, 13:

Avenson	Beaman	Connolly	Doderer
Harbor	Ollie	Plasier	Platt
Shoultz	Stromer	Svoboda	Swearingen
Tyrrell			

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

Jay of Appanoose called up for consideration **House File 655**, a bill for an act relating to civil actions by removing the one hundred mile limit on subpoenas to witnesses in civil cases, by limiting the award of attorney's fees in small claims actions, by requiring actions to be brought in small claims court in a court having actual jurisdiction, and by providing a cause of action against a person filing certain

false claims on real property, amended by the Senate, and moved that the House concur in the following Senate amendment H—3871:

H—3871

- 1 Amend House File 655 as amended, passed, and
- 2 reprinted by the House as follows:
- 3 1. Page 3, by striking lines 3 through 13.
- 4 2. Title page, by striking line 3 and inserting
- 5 the following: "the award of lost time and
- 6 transportation costs in small claims actions, and by".
- 7 3. Title page, by striking lines 5 through 7 and
- 8 inserting the following: "court having actual
- 9 jurisdiction."

The motion prevailed and the House concurred in the Senate amendment H—3871.

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. 655)

The ayes were, 88:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Black	Blanshan
Brammer	Branstad	Buhr	Carpenter
Chapman	Clark	Cohoon	Connolly
Cooper	Corbett	Corey	Daggett
De Groot	Diemer	Dvorsky	Eddie
Fey	Fogarty	Fuller	Garman
Groninga	Gruhn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. R.	Harbor
Harper	Haverland	Hermann	Hester
Holveck	Hummel	Jay	Jochum
Knapp	Koenigs	Kremer	Lageschulte
Lundby	Maulsby	May	McKean
McKinney	Metcalf	Miller	Mullins
Neuhauser	Norrgard	Ollie	Parker
Pavich	Pellett	Peters	Petersen, D. F.
Peterson, M. K.	Pony	Renaud	Renken
Royer	Running	Schneklath	Schrader
Sherzan	Shoning	Shultz	Siegrist
Skow	Spear	Stromer	Stueland
Svoboda	Swartz	Tabor	Teaford
Van Camp	Van Maanen	Wise	Mr. Speaker (Connors)

The nays were, 1:

Paulin

Absent or not voting, 11:

Avenson	Doderer	Hatch	Johnson
Muhlbauer	Osterberg	Plasier	Platt
Rosenberg	Swearingen	Tyrrell	

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

Jay of Appanoose called up for consideration **House File 488**, a bill for an act relating to the time period for a hearing on the revocation of a person's license for operating a motor vehicle while under the influence of alcohol or a drug, amended by the Senate, and moved that the House concur in the following Senate amendment H—3891:

H—3891

- 1 Amend House File 488, as amended, passed, and re-
- 2 printed by the House, as follows:
- 3 1. Page 1, line 5, by striking the word "twenty"
- 4 and inserting the following: "~~twenty~~ thirty".
- 5 2. Page 1, by striking line 19 and inserting the
- 6 following: "privilege has been revoked prior to July
- 7 1, 1986 under section 321B.7, 321B.13, or 321B.16 as
- 8 they existed".
- 9 3. Page 1, line 23, by striking the words and
- 10 figure "section 321J.2 filed at" and inserting the
- 11 following: "section 321.281 as it existed prior to
- 12 July 1, 1986 filed as".
- 13 4. Page 1, line 27, by striking the figure
- 14 "321J.2" and inserting the following: "321.281".
- 15 5. By renumbering, relettering, or redesignating
- 16 and correcting internal references as necessary.

The motion prevailed and the House concurred in the Senate amendment H—3891.

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. 488)

The ayes were, 89:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Black	Brammer
Branstad	Buhr	Carpenter	Chapman

Clark	Cohoon	Cooper	Corbett
Corey	Daggett	De Groot	Diemer
Doderer	Dvorsky	Eddie	Fey
Fogarty	Fuller	Garman	Groninga
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Hansen, S. D.	Hanson, D. R.	Harbor	Harper
Haverland	Hermann	Hester	Holveck
Hummel	Jay	Jochum	Knapp
Kremer	Lageschulte	Lundby	Maulsby
May	McKean	McKinney	Metcalf
Miller	Muhlbauer	Mullins	Neuhauser
Norrgard	Ollie	Parker	Paulin
Pavich	Pellett	Peters	Petersen, D. F.
Peterson, M. K.	Plasier	Platt	Poncy
Renaud	Renken	Royer	Running
Schnekloth	Sherzan	Shoning	Shultz
Siegrist	Skow	Spear	Stromer
Stueland	Svoboda	Swartz	Tabor
Teaford	Van Camp	Van Maanen	Wise
Mr. Speaker (Connors)			

The nays were, none.

Absent or not voting, 11:

Avenson	Blanshan	Connolly	Hatch
Johnson	Koenigs	Osterberg	Rosenberg
Schrader	Swearingen	Tyrrrell	

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

Sherzan of Polk called up for consideration **House File 580**, a bill for an act relating to the granting of leaves of absence to persons disabled by pregnancy, providing for their reinstatement, and providing for an employer's liability, amended by the Senate amendment H—3889 as follows:

H—3889

- 1 Amend House File 580 as amended, passed and
- 2 reprinted by the House as follows:
- 3 1. By striking everything after the enacting
- 4 clause and inserting the following:
- 5 "Section 1. Section 601A.6, Code 1987, is amended
- 6 by adding the following new subsection after
- 7 subsection 1 and renumbering the subsequent
- 8 subsections:
- 9 **NEW SUBSECTION. 2.** Employment policies relating
- 10 to pregnancy and childbirth shall be governed by the
- 11 following:
- 12 a. A written or unwritten employment policy or

13 practice which excludes from employment applicants or  
14 employees because of the employee's pregnancy is a  
15 prima-facie violation of this chapter, and may be  
16 justified only upon showing of business necessity.

17 b. Disabilities caused or contributed to by the  
18 employee's pregnancy, miscarriage, childbirth, and  
19 recovery therefrom are, for all job-related purposes,  
20 temporary disabilities and shall be treated as such  
21 under any health or temporary disability insurance or  
22 sick leave plan available in connection with  
23 employment. Written and unwritten employment policies  
24 and practices involving matters such as the  
25 commencement and duration of leave, the availability  
26 of extensions, the accrual of seniority and other  
27 benefits and privileges, reinstatement, and payment  
28 under any health or temporary disability insurance or  
29 sick leave plan, formal or informal, shall be applied  
30 to a disability due to the employee's pregnancy or  
31 giving birth, on the same terms and conditions as they  
32 are applied to other temporary disabilities.

33 c. Disabilities caused or contributed to by legal  
34 abortion and recovery therefrom are, for all job-  
35 related purposes, temporary disabilities and shall be  
36 treated as such under any temporary disability or sick  
37 leave plan available in connection with employment.  
38 Written and unwritten employment policies and  
39 practices involving matters such as the commencement  
40 and duration of leave, the availability of extensions,  
41 the accrual of seniority and other benefits and  
42 privileges, reinstatement, and payment under any  
43 temporary disability insurance or sick leave plan,  
44 formal or informal, shall be applied to a disability  
45 due to legal abortion on the same terms and conditions  
46 as they are applied to other temporary disabilities.  
47 The employer may elect to exclude health insurance  
48 coverage for abortion from a plan provided by the  
49 employer, except where the life of the mother would be  
50 endangered if the fetus were carried to term or where

**Page 2**

1 medical complications have arisen from an abortion.

2 d. An employer shall not terminate the employment  
3 of a person disabled by pregnancy because of the  
4 employee's pregnancy, unless the termination is  
5 justified by a showing of business necessity.

6 e. Where a leave is not available or a sufficient  
7 leave is not available under any health or temporary  
8 disability insurance or sick leave plan available in  
9 connection with employment, the employer of the  
10 pregnant employee shall not refuse to grant to the  
11 employee who is disabled by the pregnancy a leave of

12 absence if the leave of absence is for the period that  
 13 the employee is disabled because of the employee's  
 14 pregnancy, childbirth, or related medical conditions,  
 15 or for eight weeks, whichever is less. However, the  
 16 employee must provide timely notice of the period of  
 17 leave requested and the employer must approve any  
 18 change in the period requested before the change is  
 19 effective. Before granting the leave of absence, the  
 20 employer may require that the employee's disability  
 21 resulting from pregnancy be verified by medical  
 22 certification stating that the employee is not able to  
 23 reasonably perform the duties of employment."  
 24 2. Title page, by striking lines 2 and 3 and  
 25 inserting the following: "disabled by pregnancy."

Sherzan of Polk offered the following amendment H—4039, to the Senate amendment H—3889, filed by him from the floor and moved its adoption:

H—4039

1 Amend the Senate amendment, H—3889, to House File  
 2 580, as amended, passed, and reprinted by the House,  
 3 as follows:  
 4 1. Page 1, by striking lines 15 and 16 and  
 5 inserting the following: "prima facie violation of  
 6 this chapter."  
 7 2. Page 2, by striking lines 4 and 5 and  
 8 inserting the following: "employee's pregnancy."

A non-record roll call was requested.

The ayes were 48, nays 32.

Amendment H—4039 was adopted.

On motion by Sherzan of Polk, the House concurred in the Senate amendment H—3889, as amended.

Sherzan 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. 580)

The ayes were, 65:

Adams	Beatty	Bisignano	Black
Blanshan	Brammer	Branstad	Buhr
Carpenter	Chapman	Clark	Cohoon
Cooper	Corbett	Diemer	Dvorsky
Eddie	Fey	Fogarty	Fuller

Garman	Groninga	Gruhn	Halvorson, R. N.
Hammond	Hansen, S. D.	Harper	Haverland
Hester	Holveck	Jay	Jochum
Knapp	Lageschulte	Lundby	May
McKean	McKinney	Miller	Muhlbauer
Mullins	Neuhauser	Norrgard	Ollie
Parker	Pavich	Peters	Peterson, M. K.
Plasier	Platt	Poncy	Renaud
Running	Sherzan	Shoning	Shoultz
Siegrist	Skow	Spear	Svoboda
Swartz	Tabor	Teaford	Wise
Mr. Speaker (Connors)			

The nays were, 23:

Beaman	Bennett	Corey	Daggett
De Groot	Halvorson, R. A.	Hanson, D. R.	Harbor
Hermann	Hummel	Kremer	Maulsby
Metcalf	Paulin	Pellett	Petersen, D. F.
Renken	Royer	Schnekloth	Stromer
Stueland	Van Camp	Van Maanen	

Absent or not voting, 12:

Arnould	Avenson	Connolly	Doderer
Hatch	Johnson	Koenigs	Osterberg
Rosenberg	Schrader	Swearingen	Tyrrell

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 File 510**, by committee on appropriations, a bill for an act relating to the conducting of classified research at institutions under the state board of regents.

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

### SENATE AMENDMENT RULED OUT OF ORDER

Halvorson of Clayton called up for consideration **Senate File 373**, a bill for an act relating to statutory corrections which adjust language to reflect current practices, insert earlier omissions, delete redundancies and inaccuracies, delete temporary language, resolve inconsistencies and conflicts, update ongoing provisions, and remove ambiguities, amended by the House, further amended by the Senate amendment H-3900 to the House amendment as follows:

H—3900

1 Amend the House amendment, S—3680, to Senate File  
2 373 as amended, passed and reprinted by the Senate as  
3 follows:

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

6 "Sec. \_\_\_\_\_. Section 17A.16, Code 1987, is amended  
7 by adding the following new subsection:

8 **NEW SUBSECTION. 3.** The rules of collateral  
9 estoppel and res judicata, as they apply to a judgment  
10 of a court, do not apply to a final decision of an  
11 agency in a contested case."

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

14 "Sec. \_\_\_\_\_. Section 474.9, Code 1987, is amended to  
15 read as follows:

16 **474.9 GENERAL JURISDICTION OF UTILITIES BOARD.**

17 The utilities board shall have general supervision  
18 of all pipelines and all lines for the transmission,  
19 sale, and distribution of electrical current for  
20 light, heat, and power pursuant to the provisions of  
21 chapters 476, 478, and 479 and 543 and such other  
22 duties as may be provided by law."

23 3. Page 27, by inserting after line 4 the  
24 following:

25 "Sec. \_\_\_\_\_. Section 475A.4, subsection 1, paragraph  
26 d, Code 1987, is amended by striking the paragraph."

27 4. By renumbering as necessary.

Jay of Appanoose rose on a point of order that the Senate amendment H—3900 was out of order pursuant to Joint Rules 11 and 12.

The Speaker ruled the point well taken and the Senate amendment out of order.

### HOUSE INSISTS (Senate File 311)

Koenigs of Mitchell called up for consideration **Senate File 311**, a bill for an act increasing the speed limit to sixty-five miles per hour on fully controlled-access, divided, multilaned highways including the interstate highway system, and providing a conditional effective date, and moved that the House insist on its amendment which motion prevailed.

### 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, 1987, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 216, a bill for an act allowing therapeutically certified optometrists to employ and supply certain pharmaceutical agents and to treat certain conditions.

Also: That the Senate has on April 24, 1987, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 219, a bill for an act providing for public grants and public education relating to adolescent pregnancy prevention and services by establishing a task force on adolescent pregnancy prevention and services, providing for pilot project grants relating to adolescent pregnancy prevention and services, and establishing a local advisory committee to public school boards regarding the inclusion or exclusion of human growth and development instruction in the school curriculum.

Also: That the Senate has on April 24, 1987, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 469, a bill for an act relating to the confinement and treatment of persons convicted of a violation of operating a motor vehicle while intoxicated by requiring counties to provide temporary confinement for offenders under the supervision of the department of corrections who violate the conditions of treatment programs, by providing that a work release program may include out-of-state work or treatment placement, by specifying that an offender committing a third offense shall serve the minimum thirty-day term in the county jail, and may be sentenced to up to one year in the county jail, by providing that a person convicted of a second or subsequent offense shall be ordered to undergo a substance abuse evaluation, by providing that a person convicted of a third or subsequent offense or an offender whose substance abuse evaluation recommended treatment may be sentenced to the custody of the department of corrections who shall assign the person to a facility pursuant to section 246.513 or to treatment in the community under supervision of the department, by requiring judicial district departments of correctional services to provide programs for offenders under chapter 321J, by providing that a requirement for a mandatory minimum sentence for repeat offenders shall not apply to offenders under chapter 321J, and by providing that an offender under chapter 321J who is under the supervision of the department of corrections shall receive a clothing allowance and expense money allotted to inmates when the offender is assigned to a community-based corrections program.

JOHN F. DWYER, Secretary

On motion by Arnould of Scott, the House was recessed at 11:35 a.m., until 2:15 p.m.

#### AFTERNOON SESSION

The House reconvened, Speaker Avenson in the chair.

#### SPECIAL PRESENTATION

Daggett of Adams presented to the House three All-State Academic Honor Roll students, David Caraway, Natalie Neill and Teresa Tasler. All three are serving as House Pages.

**CONFERENCE COMMITTEE APPOINTED**  
(Senate File 311)

The Speaker announced the appointment of the conference committee to consider the differences between the House and Senate concerning Senate File 311: Koenigs of Mitchell, Chair; Cohoon of Des Moines, De Groot of Lyon, Lageschulte of Bremer and Neuhauser of Johnson.

**SENATE AMENDMENT CONSIDERED**  
House Refused to Concur

Johnson of Winneshiek called up for consideration **House File 631**, a bill for an act relating to public health and safety by establishing measures to improve and protect groundwater quality and to manage substances which pose health and safety hazards, by establishing goals, policies, funding mechanisms, including taxes and fees, and administrative provisions for the measures, by establishing programs relating to the management of agricultural activities, solid waste disposal, household hazardous wastes, storage tanks, fertilizers, pesticides, landfills, and watersheds, by providing penalties, establishing effective dates, and by providing for other properly related matters, amended by the Senate, and moved that the House concur in the following Senate amendment H—4027:

H—4027

- 1 Amend House File 631, as amended, passed, and re-
- 2 printed by the House, as follows:
- 3 1. Page 1, by striking lines 27 through 32 and
- 4 inserting in lieu thereof the following:
- 5 "8. "Passive cleanup" means the treatment of a
- 6 contaminant in groundwater through management
- 7 practices."
- 8 2. Page 1, by inserting after line 32 the
- 9 following:
- 10 "9. "Federal number" means a maximum contaminant
- 11 level, national primary drinking water regulation,
- 12 interim final drinking water regulation, health
- 13 advisory, suggested no adverse response level, or
- 14 groundwater residue guidance level as established by
- 15 the United States environmental protection agency."
- 16 3. Page 2, line 28, by striking the word "goal"
- 17 and inserting the following: "intent".
- 18 4. Page 3, line 18, by striking the word "may"
- 19 and inserting the following: "shall adopt rules
- 20 which".
- 21 5. By striking page 3, line 22 through page 4,
- 22 line 4.

23 6. Page 4, line 9, by striking the word  
24 "nondegradation" and inserting the following:  
25 "protection".

26 7. Page 4, by inserting after line 31 the  
27 following:

28 "Liability shall not be imposed upon an  
29 agricultural producer, commercial applicator, or  
30 fertilizer dealer or distributor for the costs of  
31 active cleanup, or for any damages associated with or  
32 resulting from the detection in the groundwater of any  
33 quantity of nitrates provided that application has  
34 been in compliance with soil test results and that the  
35 applicator has properly complied with label  
36 instructions for application of the fertilizer.  
37 Compliance with the above provision may be raised by  
38 the agricultural producer, commercial applicator, or  
39 fertilizer dealer or distributor and shall constitute  
40 an affirmative defense.

41 Liability shall not be imposed upon an agricultural  
42 producer, commercial applicator, or pesticide dealer  
43 for the costs of active cleanup, or for damages  
44 associated with or resulting from the detection in the  
45 groundwater of any quantity of pesticide provided that  
46 the applicator has properly complied with label  
47 instructions and that the applicator has a valid  
48 license. Compliance with this provision may be raised  
49 by the agricultural producer, commercial applicator,  
50 or pesticide dealer and shall constitute an

**Page 2**

1 affirmative defense."

2 8. Page 5, line 15, by striking the word "Report"  
3 and inserting the following: "Develop and adopt by  
4 administrative rule the procedure for reporting".

5 9. Page 6, by striking line 13 and inserting the  
6 following:

7 "2. In establishing groundwater standards, the  
8 commission shall adopt federal numbers if they exist.  
9 If no federal number exists for a particular substance  
10 on or before July 1, 1988, the commission may adopt  
11 groundwater standards based upon criteria other than a  
12 federal number if".

13 10. Page 6, line 15, by inserting after the word  
14 "programs." the following: "Notwithstanding any other  
15 bases for the adoption of standards, the standards  
16 adopted after July 1, 1988 may comply with the  
17 findings of the national science foundation and the  
18 state hygienic laboratory relative to groundwater  
19 protection."

20 11. Page 6, lines 30 and 31, by striking the  
21 words "at least as stringent as provided in the rules

22 of the department" and inserting the following: "no  
23 more stringent than provided in this chapter".

24 12. Page 7, by inserting after line 8 the fol-  
25 lowing:

26 "If moneys are not appropriated from an account  
27 within the groundwater protection fund for programs or  
28 duties established pursuant to this chapter or for the  
29 used oil collection pilot project, moneys may be  
30 appropriated for the programs, duties, or project by  
31 the general assembly from the unexpended balance in  
32 the groundwater protection fund, from any departmental  
33 fund of the responsible department, from moneys  
34 deposited in the general fund of the state, or from  
35 moneys deposited in the petroleum overcharge fund.

36 A recipient of moneys appropriated from an account  
37 within the groundwater protection fund, from a  
38 departmental fund, from the general fund of the state,  
39 or from the petroleum overcharge fund for the purposes  
40 of this chapter or for the purposes of other  
41 groundwater protection programs, shall submit to the  
42 legislative council on or before July 1, 1987 for the  
43 fiscal year beginning on that date, and on or before  
44 September 1 for the fiscal year beginning the next  
45 July 1 and for each subsequent fiscal year a budget  
46 proposal in a form prescribed by the legislative  
47 fiscal bureau.

48 Any moneys expended for purposes, duties, programs,  
49 or projects related to groundwater protection shall be  
50 approved, prior to expenditure of the funds, by the

**Page 3**

1 fiscal committee of the legislative council."

2 13. Page 7, by striking lines 22 through 24.

3 14. Page 7, by inserting after line 34 the  
4 following:

5 "(d) Of the total amount collected annually,  
6 pursuant to this subparagraph, eight thousand dollars  
7 is appropriated to the Iowa department of public  
8 health for carrying out the departmental duties under  
9 section 135.11, subsections 20 and 21, and section  
10 139.35."

11 15. By striking page 7, line 35 through page 8,  
12 line 11.

13 16. Page 8, line 24, by inserting after the word  
14 "alternatives." the following: "Not more than ten  
15 cents of the additional thirty-five cents per ton per  
16 year shall be used for the administration of the  
17 demonstration projects."

18 17. Page 8, line 31, by striking the word "one"  
19 and inserting the following: "any".

20 18. Page 8, by striking lines 32 through 34 and

21 inserting the following:

22 "(a) Development and implementation of an approved  
23 comprehensive plan."

24 19. By striking page 9, line 24 through page 10,  
25 line 6 and inserting the following:

26 "(1) Not more than five hundred eighty thousand  
27 dollars is appropriated annually to the department of  
28 natural resources to provide grants to counties for  
29 the testing of private, rural water supply wells.

30 (2) Not more than nine hundred eighty thousand  
31 dollars is appropriated annually to the department of  
32 natural resources to be used for grants to counties  
33 for the purpose of conducting programs for properly  
34 closing abandoned, rural water supply wells."

35 20. Page 10, by striking lines 7 through 12 and  
36 inserting the following:

37 "(3) The department shall allocate a sum not to  
38 exceed seventy-nine thousand dollars of the moneys in  
39 the account for the period beginning July 1, 1987, and  
40 ending June 30, 1988 for the preparation of a detailed  
41 report and plan for the establishment on July 1, 1988  
42 of the center for health effects of environmental  
43 contamination. The plan for establishing the center  
44 shall be presented to the general assembly on or  
45 before January 15, 1988. The report shall include the  
46 assemblage of all existing data relating to Iowa  
47 drinking water supplies, including characteristics of  
48 source, treatment, presence of contaminants, precise  
49 location, and usage patterns to facilitate data  
50 retrieval and use in research; and detailed

**Page 4**

1 organizational plans, research objectives, and budget  
2 projections for the anticipated functions of the  
3 center in subsequent years. The department may  
4 allocate annually a sum not to exceed two hundred  
5 forty thousand dollars of the moneys in the account to  
6 the center, beginning July 1, 1988."

7 21. Page 10, by striking lines 13 through 21 and  
8 inserting the following:

9 "(4) Eighteen percent of the moneys in the account  
10 is appropriated to the department of agriculture and  
11 land stewardship for the assessment and development of  
12 programs and demonstration projects designed to  
13 eliminate chemical contamination through agricultural  
14 drainage wells and sinkholes.

15 (5) Any moneys not expended for the purposes of  
16 subparagraphs (1) through (4) are appropriated to the  
17 department of agriculture and land stewardship for the  
18 purposes of carrying out financial incentive programs  
19 and agriculture groundwater programs."

20 22. Page 10, line 24, by inserting after the word  
 21 "account." the following: "Two thousand dollars is  
 22 appropriated annually to the Iowa department of public  
 23 health to carry out departmental duties under section  
 24 135.11, subsections 20 and 21, and section 139.35, and  
 25 eight thousand dollars is appropriated to the  
 26 department of transportation for the period of October  
 27 1, 1987 through June 30, 1989 for the purpose of  
 28 conducting the used oil collection pilot project."

29 23. Page 10, line 24, by inserting after the word  
 30 "The" the following: "remainder of the".

31 24. Page 10, by inserting after line 30, the  
 32 following:

33 "(1) One thousand dollars is appropriated annually  
 34 to the Iowa department of public health to carry out  
 35 departmental duties under section 135.11, subsections  
 36 20 and 21, and section 139.35."

37 25. Page 10, by striking line 31 and inserting  
 38 the following:

39 "(2) Seventy percent or not more than two hundred  
 40 ten thousand dollars of the moneys deposited".

41 26. Page 11, by inserting after line 10, the  
 42 following:

43 "e. An oil overcharge account. The oil overcharge  
 44 moneys distributed by the United States department of  
 45 energy, and approved for the energy related components  
 46 of the groundwater protection strategy available  
 47 through the energy conservation trust fund created in  
 48 section 93.11, shall be deposited in the oil  
 49 overcharge account as appropriated by the general  
 50 assembly. The oil overcharge account shall be used

#### Page 5

1 for the following purposes:

2 (1) Not more than seven million one hundred  
 3 thousand dollars is appropriated for the fiscal period  
 4 beginning July 1, 1987 and ending June 30, 1992 to the  
 5 department of natural resources to implement its  
 6 responsibilities pursuant to section 455E.8. Not more  
 7 than two million eight hundred thousand dollars of  
 8 this amount shall be used by the department of natural  
 9 resources for assessing rural, private water supply  
 10 quality.

11 (2) Not more than five hundred thousand dollars is  
 12 appropriated to the department of natural resources  
 13 for the fiscal period beginning July 1, 1987 and  
 14 ending June 30, 1992 for the administration of a  
 15 groundwater monitoring program at sanitary landfills.

16 (3) Not more than eight hundred seventy thousand  
 17 dollars is appropriated to the Iowa state water  
 18 resources research institute for the fiscal period

19 beginning July 1, 1987 and ending June 30, 1992 to  
20 provide competitive grants to colleges, universities,  
21 and private institutions within the state for the  
22 development of research and education programs  
23 regarding alternative disposal methods and groundwater  
24 protection.

25 (4) Not more than three million eight hundred  
26 thousand dollars is appropriated to the department of  
27 natural resources for the fiscal period beginning July  
28 1, 1987 and ending June 30, 1992 to develop and  
29 implement demonstration projects for landfill  
30 alternatives to solid waste disposal, including  
31 recycling programs.

32 (5) Not more than ten million dollars is  
33 appropriated to the agriculture energy management  
34 council created under chapter 467E for the fiscal  
35 period beginning July 1, 1987 and ending June 30,  
36 1992, to develop nonregulatory programs to implement  
37 integrated farm management of farm chemicals for  
38 environmental protection, energy conservation, and  
39 farm profitability; interactive public and farmer  
40 education; and applied studies on best management  
41 practices and best appropriate technology for chemical  
42 use efficiency and reduction. Not more than four  
43 million dollars of this amount is appropriated to the  
44 agricultural resource management research center to  
45 sponsor and conduct the applied studies.

46 (6) Not more than three million five hundred  
47 thousand dollars is appropriated to the department of  
48 natural resources for the fiscal period beginning July  
49 1, 1987 and ending June 30, 1992 to continue the Big  
50 Spring demonstration project in Clayton county.

**Page 6**

1 (7) Not more than five hundred thousand dollars is  
2 appropriated to the department of agriculture and land  
3 stewardship for the fiscal period beginning July 1,  
4 1987 and ending June 30, 1992 to implement a targeted  
5 education program on best management practices and  
6 technologies for the mitigation of groundwater  
7 contamination from or closure of agricultural drainage  
8 wells, abandoned wells, and sinkholes.

9 (8) Not more than one million two hundred thousand  
10 dollars is appropriated to the department of  
11 agriculture and land stewardship for the fiscal period  
12 beginning July 1, 1987 and ending June 30, 1992 to  
13 conduct field assessments of groundwater contamination  
14 at agricultural chemical and grain storage and  
15 handling facilities in cooperation with the department  
16 of natural resources.

17 (9) Not more than two hundred thousand dollars is

18 appropriated to the department of agriculture and land  
 19 stewardship for the fiscal period beginning July 1,  
 20 1987 and ending June 30, 1992 to assess the  
 21 groundwater contamination from urban use of chemicals  
 22 and fertilizers in cooperation with the department of  
 23 natural resources."

24 27. Page 11, line 23, by striking the word "more"  
 25 and inserting the following: "as".

26 28. Page 11, line 24, by striking the word "less"  
 27 and inserting the following: "more".

28 29. Page 14, by inserting after line 32 the  
 29 following:

30 "\_\_\_\_\_. The physician or other health practitioner  
 31 attending a person infected with a reportable  
 32 poisoning or a reportable illness from a toxic agent,  
 33 including methemoglobinemia, shall immediately report  
 34 the case to the Iowa department of public health. The  
 35 Iowa department of public health shall publish and  
 36 distribute instructions concerning the method of  
 37 reporting. Reports shall be made in accordance with  
 38 rules adopted by the Iowa department of public  
 39 health."

40 30. Page 15, by striking lines 9 through 17.

41 31. Page 17, line 4, by inserting after the word  
 42 "person" the following: "other than a manufacturer".

43 32. Page 18, by striking lines 14 through 18 and  
 44 inserting the following: "subsection 1, a groundwater  
 45 protection fee shall be imposed upon nitrogen-based  
 46 fertilizer. The fee shall be based upon the  
 47 percentage of actual nitrogen contained in the  
 48 product. An eighty-two percent nitrogen solution  
 49 shall be taxed at a rate of fifty cents per ton.  
 50 Other nitrogen-based product formulations shall be

#### Page 7

1 taxed on the percentage of actual nitrogen contained  
 2 in the formulations with the eighty-two percent  
 3 nitrogen solution serving as the base. The fee shall  
 4 be paid by each licensee registering to sell  
 5 fertilizer to the secretary of agriculture. The  
 6 fees".

7 33. Page 20, line 11, by inserting after the word  
 8 "applicators" the following: "for commercial  
 9 application or agricultural use".

10 34. By striking page 20, line 15 through page 21,  
 11 line 32, and inserting the following:

12 "No person shall A commercial or public applicator  
 13 shall not apply any pesticide and a person shall not  
 14 apply any restricted use pesticide without first  
 15 complying with the certification requirements of this  
 16 chapter and such other restrictions as determined by

17 the secretary or being under the direct supervision of  
18 a certified applicator.

19 The secretary shall adopt, by rule, requirements  
20 for the examination, re-examination and certification  
21 of applicants and set a fee of not more than ten  
22 dollars for the certification program of commercial  
23 applicators and not more than five dollars for the  
24 certification program of private applicators.

25 The secretary may adopt rules for the training of  
26 applicators in co-operation with the co-operative  
27 extension service at Iowa State University of science  
28 and technology.

29 The secretary shall not require applicants for  
30 certification as private applicators to take and pass  
31 a written test, if the applicant instead shows proof  
32 that the applicant has attended an informational  
33 course of instruction approved by the secretary. The  
34 secretary shall provide for temporary certification  
35 for emergency purchases of restricted use products by  
36 requiring the purchaser to sign an affidavit, at the  
37 point of purchase, that the purchaser has read and  
38 understands the information on the label of the  
39 restricted use product being purchased.

40 Commercial and public applicators shall choose  
41 between one-year certification for which the  
42 applicator shall pay a twenty-five dollar fee or  
43 three-year certification for which the applicator  
44 shall pay a seventy-five dollar fee. Public-  
45 applicators who are employed by a state agency shall  
46 be exempt from the twenty-five and seventy-five dollar  
47 certification fees and instead be subject to a five-  
48 dollar annual certification fee or a fifteen dollar  
49 fee for a three-year certification. The commercial or  
50 public applicator shall be tested prior to

**Page 8**

1 certification annually, if the applicator chooses a  
2 one-year certification or each three years if the  
3 applicator chooses three-year certification. A  
4 private applicator shall be tested prior to initial  
5 certification. The test shall include, but is not  
6 limited to, the area of safe handling of agricultural  
7 chemicals and the effects of these chemicals on  
8 groundwater. A person employed by a farmer not solely  
9 as a pesticide applicator who applies restricted use  
10 pesticides as an incidental part of the person's  
11 general duties or a person who applies restricted use  
12 pesticides as an incidental part of a custom farming  
13 operation is required to meet the certification  
14 requirements of a private applicator.

15 Beginning July 1, 1988, all private applicators

16 with a certification expiring December 31, 1988, with  
 17 their surname beginning with a letter from A through M  
 18 shall renew their certification by taking and passing  
 19 an approved test and shall be issued a certification  
 20 for a four-year period for a fee of six dollars and  
 21 sixty-seven cents. All other private applicators  
 22 whose certification expires on December 31, 1988,  
 23 1989, or 1990, shall renew their certification by  
 24 taking and passing an exam and shall be issued  
 25 certification for a three-year period for a fee of  
 26 five dollars."

27 35. Page 22, line 20, by inserting after the word  
 28 "certified" the following: "commercial applicators".

29 36. By striking page 23, line 11 through page 24,  
 30 line 6, and inserting the following:

31 "2. Application for a license shall be accompanied  
 32 by a twenty-five dollar A pesticide dealer shall pay  
 33 a minimum annual license fee of twenty-five dollars or  
 34 an annual license fee for the primary business  
 35 location and an additional five dollar annual license  
 36 fee for each other location or outlet within the  
 37 state, and shall be on a form prescribed by the  
 38 secretary and shall include the full name of the  
 39 person applying for such license based on one-  
 40 twentieth of one percent of the gross retail sales of  
 41 all pesticides sold by the pesticide dealer in the  
 42 previous year. The annual license fee shall be paid  
 43 to the department of agriculture and land stewardship,  
 44 beginning July 1, 1988, and July 1 of each year  
 45 thereafter. A licensee shall pay a fee of twenty-five  
 46 dollars for the period July 1, 1987 through June 30,  
 47 1988."

48 37. Page 25, line 18, by striking the words "no  
 49 more than" and inserting the following: "not less  
 50 than fifty dollars and no more than".

Page 9

1 38. Page 25, line 20, by inserting after the word  
 2 "state." the following: "The secretary shall adopt by  
 3 rule exceptions to the minimum fee if the secretary  
 4 determines that a particular pesticide, including but  
 5 not limited to animal health products, rodenticides,  
 6 and premise disinfectants, does not contaminate the  
 7 groundwater. If such a determination is made, a  
 8 registrant shall pay a fee of twenty dollars for  
 9 deposit in the pesticide fund. The secretary shall  
 10 establish by rule criteria for determining the fee to  
 11 be levied for pesticides determined to contaminate the  
 12 groundwater. The criteria shall include, but are not  
 13 limited to, a consideration of package size, the per-  
 14 centage of each active ingredient, the persistence of

15 each active ingredient, the solubility of the  
 16 pesticide in water, the mobility of the pesticide in  
 17 soil, and the volume or extent of use of the  
 18 pesticide."

19 39. Page 25, lines 23 and 24, by striking the  
 20 words "four hundred fifty dollars" and inserting the  
 21 following: "the remainder".

22 40. Page 25, line 33, by inserting after the word  
 23 "year." the following: "Pesticides distributed by  
 24 manufacturers, wholesalers, or distributors for resale  
 25 shall be reported listing the amount and type of all  
 26 pesticides and the names of the purchasers."

27 41. Page 25, line 34, by inserting after the word  
 28 "on" the following: "or before".

29 42. Page 26, line 6, by inserting after the word  
 30 "given" the following: "by a commercial or public  
 31 applicator".

32 43. Page 26, line 12, by inserting after the word  
 33 "subsection." the following: "The department shall  
 34 adopt rules providing guidelines for public bodies to  
 35 notify adjacent property occupants regarding the  
 36 application of herbicides to noxious weeds or other  
 37 undesirable vegetation within highway rights-of-way."

38 44. Page 26, line 18, by striking the words  
 39 "pesticide advisory council" and inserting the  
 40 following: "advisory committee created pursuant to  
 41 section 206.23".

42 45. Page 27, by inserting after line 10 the  
 43 following:

44 "Sec. \_\_\_\_\_. NEW SECTION. 263.14 CENTER FOR HEALTH  
 45 EFFECTS OF ENVIRONMENTAL CONTAMINATION.

46 1. The state board of regents shall establish and  
 47 maintain at Iowa City as an integral part of the State  
 48 University of Iowa the center for health effects of  
 49 environmental contamination, having as its object the  
 50 determination of the levels of environmental

**Page 10**

1 contamination which can be specifically associated  
 2 with human health effects.

3 2. a. The center shall be a cooperative effort of  
 4 representatives of the following organizations:

5 (1) The State University of Iowa department of  
 6 preventative medicine and environmental health.

7 (2) The State University of Iowa department of  
 8 pediatrics of the college of medicine.

9 (3) The state hygienic laboratory.

10 (4) The institute of agricultural medicine.

11 (5) The Iowa cancer center.

12 (6) The department of civil and environmental  
 13 engineering.

- 14 (7) Appropriate clinical and basic science  
15 departments.
- 16 (8) The college of law.
- 17 (9) The college of liberal arts and sciences.
- 18 b. The active participation of the Iowa department  
19 of public health and the department of natural  
20 resources, as well as the national career institute,  
21 the agency for toxic substances and disease  
22 registries, the national center for disease control,  
23 the United States environmental protection agency, and  
24 the United States geological survey, shall also be  
25 sought and encouraged.
- 26 3. The center may:
- 27 a. Assemble all pertinent laboratory data on the  
28 presence and concentration of contaminants in soil,  
29 air, water, and food, and develop a data retrieval  
30 system to allow the findings to be easily accessed by  
31 exposed populations.
- 32 b. Make use of data from the existing cancer and  
33 birth defect statewide recording systems and develop  
34 similar recording systems for specific organ diseases  
35 which are suspected to be caused by exposure to  
36 environmental toxins.
- 37 c. Develop registries of persons known to be  
38 exposed to environmental hazards so that the health  
39 status of these persons may be examined over time.
- 40 d. Develop highly sensitive biomedical assays  
41 which may be used in exposed persons to determine  
42 early evidence of adverse health effects.
- 43 e. Perform epidemiologic studies to relate  
44 occurrence of a disease to contaminant exposure and to  
45 ensure that other factors known to cause the disease  
46 in question can be ruled out.
- 47 f. Foster relationships and ensure the exchange of  
48 information with other teaching institutions or  
49 laboratories in the state which are concerned with the  
50 many forms of environmental contamination.

**Page 11**

- 1 g. Implement programs of professional education  
2 and training of medical students, physicians, nurses,  
3 scientists, and technicians in the causes and  
4 prevention of environmentally induced disease.
- 5 h. Implement public education programs to inform  
6 persons of research results and the significance of  
7 the studies.
- 8 i. Respond as requested to any branch of  
9 government for consultation in the drafting of laws  
10 and regulations to reduce contamination of the  
11 environment.
- 12 4. An advisory committee consisting of one

13 representative of each of the organizations enumerated  
14 in subsection 2, paragraph "a", a representative of  
15 the Iowa department of public health, and a  
16 representative of the department of natural resources  
17 is established. The advisory committee shall:

18 a. Employ, as a state employee, a full-time  
19 director to operate the center. The director shall  
20 coordinate the efforts of the heads of each of the  
21 major divisions of laboratory analysis, epidemiology  
22 and biostatistics, biomedical assays, and exposure  
23 modeling and shall also coordinate the efforts of  
24 professional and support staff in the operation of the  
25 center.

26 b. Submit an annual report of the activities of  
27 the center to the legislative council of the general  
28 assembly by January 15 of each year.

29 5. The center shall maintain the confidentiality  
30 of any information obtained from existing registries  
31 and from participants in research programs. Specific  
32 research projects involving human subjects shall be  
33 approved by the State University of Iowa institutional  
34 review board.

35 6. The center may solicit, accept, and administer  
36 moneys appropriated to the center by a public or  
37 private agency."

38 46. Page 27, by striking lines 21 and 22 and  
39 inserting the following:

40 "Sec. 229. NEW SECTION. 266.38 AGRICULTURAL  
41 RESOURCE MANAGEMENT RESEARCH CENTER."

42 47. By striking page 27, line 28 through page 28,  
43 line 29, and inserting the following:

44 "2. The agricultural resource management research  
45 center is established at the Iowa State University of  
46 science and technology. The center shall conduct and  
47 sponsor research and education programs in conjunction  
48 with the Iowa agriculture and home economics  
49 experiment station and its outlying research centers  
50 to improve the management of fertilizers and

Page 12

1 pesticides, to develop management practices to reduce  
2 nitrate and pesticide infiltration into groundwater,  
3 to evaluate pesticide and fertilizer application  
4 methods and their impact upon groundwater quality, and  
5 to otherwise assist in the development of agricultural  
6 practices designed to reduce negative environmental  
7 impacts. The center may also conduct research and  
8 assist in the development of agricultural practices  
9 that are consistent with a sustainable agriculture.  
10 The center shall solicit input from individuals;  
11 federal, state and local agencies; and other

12 institutions and entities conducting similar research  
13 and education activities so as to complement and  
14 coordinate efforts."

15 48. Page 29, by inserting after line 33 the  
16 following:

17 "Sec. \_\_\_\_ PESTICIDE DEALER EXEMPTION. The  
18 secretary may adopt rules to provide for license and  
19 certification fee adjustments that may be necessary to  
20 provide an equitable transition from fees required  
21 prior to July 1, 1988."

22 49. Page 30, line 1, by striking the figure  
23 "159.20" and inserting the following: "159.28".

24 50. By striking page 30, line 3 through page 32,  
25 line 5 and inserting the following:

26 "1. The department of agriculture and land  
27 stewardship shall evaluate alternative methods for and  
28 costs associated with programs to eliminate  
29 groundwater contamination caused by the use of  
30 agricultural drainage wells and sinkholes.

31 The evaluation shall include an assessment of the  
32 technical, financial, and legal aspects associated  
33 with the elimination of groundwater contamination  
34 caused by the use of agricultural drainage wells and  
35 sinkholes. The department of agriculture and land  
36 stewardship shall report its findings to the energy  
37 and environmental protection committees of the general  
38 assembly by January 1, 1989.

39 2. The department of agriculture and land  
40 stewardship shall on July 1, 1987 initiate pilot  
41 demonstration and research projects concerning  
42 elimination of groundwater contamination caused by the  
43 use of agricultural drainage wells and sinkholes. The  
44 demonstration projects regarding agricultural drainage  
45 wells shall be established in Humboldt and Pocahontas  
46 counties and the demonstration projects regarding  
47 sinkholes shall be established in Allamakee and  
48 Clayton counties.

49 a. The pilot projects shall be designed to  
50 demonstrate the technical, financial, and legal

**Page 13**

1 aspects associated with the elimination of groundwater  
2 contamination caused by the use of agricultural  
3 drainage wells and sinkholes. Financial assistance  
4 may be provided by the department to landowners and  
5 drainage districts for the construction of alternative  
6 outlets, or to landowners to compensate them for land  
7 removed from cropland and reverted to wetland.

8 b. A research project shall evaluate the  
9 feasibility of eliminating groundwater contamination  
10 caused by the use of agricultural drainage wells or

11 sinkholes by utilizing reduced chemical farming  
12 practices. Financial incentive moneys may be provided  
13 by the department to landowners in the study area for  
14 employing the reduced chemical farming practices  
15 needed to accomplish the research. Research shall be  
16 performed in conjunction with the Iowa agricultural  
17 experiment station at Iowa State University of science  
18 and technology.

19 c. The secretary may appoint interagency  
20 committees and groups as needed to coordinate the  
21 involvement of agencies participating in these  
22 projects.

23 d. The department shall publish a report on the  
24 status and findings of the pilot demonstration and  
25 research projects on or before January 15, 1990, and  
26 each subsequent year of the projects.

27 3. An owner of an agricultural drainage well shall  
28 register the well with the department of natural  
29 resources by January 1, 1992.

30 4. An owner of an agricultural drainage well and a  
31 landowner whose land is drained by the well or wells  
32 of another person shall not be eligible for financial  
33 incentive moneys if the owner fails to register the  
34 well with the department of natural resources by  
35 January 1, 1992.

36 5. An owner of an agricultural drainage well and a  
37 landholder whose land is drained by the well or wells  
38 of another person shall develop, in consultation with  
39 the department of agriculture and land stewardship and  
40 the department of natural resources, a plan which  
41 proposes alternatives for eliminating groundwater  
42 contamination caused by the use of agricultural  
43 drainage wells by January 1, 1992.

44 6. An owner of an agricultural drainage well and a  
45 landholder whose land is drained by the well or wells  
46 of another person shall not be eligible for financial  
47 incentive moneys if the owner fails to develop a plan  
48 for alternatives in cooperation with the department of  
49 agriculture and land stewardship and the department of  
50 natural resources.

**Page 14**

1 7. Beginning July 1, 1992, the department shall  
2 initiate an ongoing program to meet the goal of the  
3 elimination of chemical contamination caused by the  
4 use of agricultural drainage wells by January 1, 2000.

5 8. Financial incentive moneys may be provided to  
6 landowners from the general fund of the state to  
7 implement alternatives for eliminating groundwater  
8 contamination caused by the use of agricultural  
9 drainage wells."

10 51. Page 32, by inserting after line 5 the  
11 following:

12 "\_\_\_\_\_. Notwithstanding the prohibitions of section  
13 455B.267, subsection 4, an owner of an agricultural  
14 drainage well may raise the tile of or make  
15 improvements to an agricultural drainage well upon the  
16 approval of the county board of supervisors which has  
17 jurisdiction over the property on which the  
18 agricultural drainage well is located. If approval is  
19 granted to an owner for tile raising or improvements  
20 to an agricultural drainage well, the county board of  
21 supervisors granting the approval shall notify the  
22 department of agriculture and land stewardship and the  
23 department of natural resources of the approval within  
24 thirty days of the decision."

25 52. Page 32, by inserting after line 5 the  
26 following:

27 "Sec. \_\_\_\_\_. Section 455B.187, Code 1987, is amended  
28 by adding the following new unnumbered paragraph:  
29 NEW UNNUMBERED PARAGRAPH. In the case of property  
30 owned by a state agency, a person shall not drill for  
31 or construct a new water well without first  
32 registering with the department the existence of any  
33 abandoned wells on the property. The department shall  
34 develop a prioritized closure program and time frame  
35 for the completion of the program, and shall adopt  
36 rules to implement the program."

37 53. Page 32, by striking lines 6 through 22.

38 54. By striking page 32, line 30 through page 33,  
39 line 4 and inserting the following: "the program.  
40 The department may provide financial incentive moneys  
41 to reduce a person's cost in properly plugging wells  
42 abandoned prior to July 1, 1987."

43 55. Page 33, line 5, by striking the figure  
44 "455B.190A" and inserting the following: "159.29".

45 56. Page 33, line 14, by striking the words "for  
46 cost sharing of" and inserting the following: "moneys  
47 for the".

48 57. Page 33, by striking lines 17 and 18 and  
49 inserting the following: "moneys appropriated to the  
50 department from the agriculture management account."

**Page 15**

1 The rules shall allow the".

2 58. Page 33, line 27, by inserting after the word  
3 "measures." the following: "Land acquired as con-  
4 servation easements shall be managed by the department  
5 of natural resources."

6 59. Page 34, line 23, by striking the figure  
7 "159.20" and inserting the following: "159.28".

8 60. Page 35, by striking lines 15 through 23.

- 9 61. Page 35, by inserting after line 23 the  
10 following:  
11 "Sec. \_\_\_\_\_. 1986 Iowa Acts, chapter 1245, section  
12 668, is repealed."  
13 62. Page 37, by striking lines 30 and 31.  
14 63. Page 40, line 31, by inserting after the word  
15 "project" the following: "required pursuant to  
16 section 455B.302".  
17 64. Page 41, line 4, by striking the words  
18 "landfill shall address" and inserting the following:  
19 "landfill shall address disposal project shall  
20 incorporate and reflect the waste management hierarchy  
21 of the state solid waste management policy and shall".  
22 65. Page 41, by striking lines 6 through 16 and  
23 inserting the following:  
24 "a. The extent to which solid waste is or can be  
25 recycled.  
26 b. The economic and technical feasibility of using  
27 other existing sanitary disposal project facilities in  
28 lieu of initiating or continuing the sanitary landfill  
29 for which the permit is being sought.  
30 c. The expected environmental impact of  
31 alternative solid waste disposal methods, including  
32 the use of sanitary landfills.  
33 d. A specific plan and schedule for implementing  
34 technically and economically feasible solid waste  
35 disposal methods that will result in minimal  
36 environmental impact."  
37 66. Page 41, by striking lines 17 through 23.  
38 67. Page 42, by striking lines 3 through 5 and  
39 inserting the following: "costs of control and  
40 treatment."  
41 68. Page 42, line 7, by striking the word  
42 "landfill" and inserting the following: "disposal".  
43 69. Page 45, by inserting after line 10 the  
44 following:  
45 "Sec. \_\_\_\_\_. Section 455B.310, subsection 1, Code  
46 1987, is amended to read as follows:  
47 1. Except as provided in subsection 3, the owner  
48 or operator of a sanitary landfill disposal project  
49 shall pay to the department a tonnage fee for each ton  
50 or equivalent volume of solid waste received and

**Page 16**

- 1 disposed of at the sanitary landfill disposal project  
2 during the preceding reporting period. The department  
3 shall determine by rule the volume which is equivalent  
4 to a ton of waste."  
5 70. Page 45, line 11, by striking the word and  
6 figure "subsection 2" and inserting the following:  
7 "subsections 2 and 3".

8 71. Page 45, line 13, by striking the words "two  
9 dollars" and inserting the following: "one dollar".

10 72. Page 45, by striking lines 14 through 16, and  
11 inserting the following: "ton of solid waste for the  
12 year beginning January 1, 1988. The city or county  
13 providing for the".

14 73. Page 45, by inserting after line 21 the  
15 following:

16 "3. Solid waste disposal facilities with special  
17 provisions which limit the site to the disposal of  
18 construction and demolition waste and solid waste  
19 materials approved by the department for lining or  
20 capping or for construction berms, dikes or roads in a  
21 sanitary disposal project or sanitary landfill or  
22 which limit the site to the disposal of excess fly ash  
23 used in the reclamation of strip mined land and other  
24 materials, determined by the department not to present  
25 a threat to the public health or safety, are exempt  
26 from the tonnage fees imposed under this section."

27 74. Page 46, by striking lines 34 and 35 and  
28 inserting the following: "policy and hierarchy  
29 established in section 455B.301A. Grants shall be  
30 awarded only for an amount determined by the  
31 department to be reasonable and necessary to conduct  
32 the work as set forth in the grant application.  
33 Grants may be awarded at a maximum cost-share level of  
34 ninety percent with a preference given for regional or  
35 shared projects."

36 75. Page 48, by inserting after line 19 the fol-  
37 lowing:

38 "3. "Division" means the environmental protection  
39 division of the department of natural resources."

40 76. Page 49, line 12, by inserting after the word  
41 "include" the following: "cosmetics,".

42 77. Page 49, line 13, by striking the word  
43 "dishwashing".

44 78. Page 49, lines 32 and 33, by striking the  
45 words ", upon conviction,".

46 79. By striking page 49, line 34 through page 50,  
47 line 12.

48 80. Page 50, by striking lines 14 through 19 and  
49 inserting the following:

50 "The commission shall adopt rules which establish a

**Page 17**

1 uniform label to be supplied and used by retailers."

2 81. Page 50, by inserting after line 28 the fol-  
3 lowing:

4 "Sec. \_\_\_\_\_. NEW SECTION. 455F.6A DUTIES OF THE  
5 DIVISION.

6 The division shall:

7 1. Identify no more than fifty commonly used  
8 household products which, due to level of toxicity,  
9 extent of use, nondegradability, or other relevant  
10 characteristic, constitute the greatest danger of  
11 contamination of the groundwater when placed in a  
12 landfill.

13 2. Submit recommendations to the general assembly  
14 regarding the products specified in subsection 1 which  
15 include but are not limited to the following:

16 a. Education of consumers regarding the danger in-  
17 curred in disposal of the products, the proper  
18 disposal of the products, and the use of alternative  
19 products which do not present as great a disposal  
20 danger as the products specified.

21 b. Dissemination of information regarding the  
22 products specified.

23 c. Special labeling or stamping of the products.

24 d. A means for proper disposal of the products.

25 e. Proposed legislative action regarding  
26 implementation of recommendations concerning the  
27 products."

28 82. Page 51, line 10, by inserting after the word  
29 "materials" the following: "with the exception of  
30 reporting requirements and license fees for pesticide  
31 dealers as defined under section 206.2, subsection  
32 24".

33 83. Page 51, by inserting after line 10 the  
34 following:

35 "2. A manufacturer or distributor of household  
36 hazardous materials, which authorizes retailers as  
37 independent contractors to sell the products of the  
38 manufacturer or distributor on a person-to-person  
39 basis primarily in the customer's home, may obtain a  
40 single household hazardous materials permit on behalf  
41 of its authorized retailers in the state, in lieu of  
42 individual permits for each retailer, and pay a fee  
43 based upon the manufacturer's or distributor's gross  
44 retail sales in the state according to the fee  
45 schedule and requirements of subsection 1. However, a  
46 manufacturer or distributor which has gross retail  
47 sales of three million dollars or more in the state  
48 shall pay an additional permit fee of one hundred  
49 dollars for each subsequent increment of three million  
50 dollars of gross retail sales in the state, up to a

Page 18

1 maximum permit fee of one thousand dollars."  
2 84. Page 52, line 26, by striking the words "  
3 upon conviction,".

4 85. By striking page 52, line 28 through page 53,  
5 line 6 and inserting the following:

6 "Sec. \_\_\_\_\_. COLLECTION OF USED MOTOR OIL - PILOT  
7 PROJECT.

8 The state department of transportation, in  
9 cooperation with the department of natural resources  
10 and the Iowa State University of science and  
11 technology center for industrial research and service,  
12 shall institute a pilot project to collect and dispose  
13 of used motor oil from residences and farms in one  
14 urban county and one rural county by October 1, 1987.

15 The state department of transportation shall  
16 promote community participation; provide collection  
17 sites and facilities; prescribe procedures for each  
18 collection site, including the amount of used motor  
19 oil to be accepted from a household or farm, and  
20 measures necessary to assure maintenance of a sanitary  
21 collection site environment; arrange for proper used  
22 oil disposal; and report to the general assembly by  
23 March 1, 1988, regarding the progress on the pilot  
24 project. The report shall include the cost of the  
25 project, the amount of used motor oil collected, and  
26 any other relevant data gathered by the participating  
27 agencies. The state department of transportation  
28 shall recommend in the report to the general assembly  
29 whether the program should be continued, expanded,  
30 modified, or discontinued.

31 The department of natural resources shall assist  
32 the state department of transportation in promoting  
33 the pilot project and in applying any state or federal  
34 environmental regulations to the pilot project. The  
35 Iowa State University of science and technology center  
36 for industrial research and service shall coordinate  
37 research on establishing the waste stream for used  
38 motor oil, investigate alternative disposal methods,  
39 and coordinate research with other states' research  
40 projects on used motor oil collection and disposal.

41 This section is repealed July 1, 1988."

42 86. Page 53, by striking lines 9 through 12 and  
43 inserting the following:

44 "The commission shall conduct a symposium in each  
45 congressional district regarding household hazardous  
46 waste recycling and reclamation."

47 87. By striking page 53, line 13 through page 55,  
48 line 7.

49 88. Page 56, by striking lines 8 through 20 and  
50 inserting the following: "individual owner or

**Page 19**

1 operator."

2 89. Page 56, by inserting after line 22 the fol-  
3 lowing:

4 "4. The mechanism by which owners or operators who

5 can demonstrate financial responsibility pursuant to  
6 the federal Resource Conservation and Recovery Act, 42  
7 U.S.C. § 6901 et seq., may establish exempt status  
8 from participation in the program.”

9 90. Page 57, by striking lines 7 through 22 and  
10 inserting the following: “state, based on storage  
11 tank standards and monitoring systems maintained by  
12 the individual owner or operator.”

13 91. Page 57, by inserting after line 30 the  
14 following:

15 “4. The mechanism by which owners or operators who  
16 can demonstrate financial responsibility pursuant to  
17 the federal Resource Conservation and Recovery Act, 42  
18 U.S.C. § 6901 et seq., may establish exempt status  
19 from participation in the program.”

20 92. Page 57, line 32, by striking the word  
21 “subsections” and inserting the following:  
22 “subsection”.

23 93. By striking page 57, line 33 through page 58,  
24 line 8.

25 94. Page 58, by striking lines 11 through 17 and  
26 inserting the following: “not been registered  
27 pursuant to subsections 1 through 5.

28 The department shall furnish the owner or operator  
29 of an underground storage tank with a registration tag  
30 for each underground storage tank registered with the  
31 department. The owner or operator shall affix the tag  
32 to the fill pipe of each registered underground  
33 storage tank. A person who conveys or deposits a  
34 regulated substance shall inspect the underground  
35 storage tank to determine the existence or absence of  
36 the registration tag. If a registration tag is not  
37 affixed to the underground storage tank fill pipe, the  
38 person conveying or depositing the regulated substance  
39 may deposit the regulated substance in the  
40 unregistered tank provided that the deposit is allowed  
41 only in the single instance, that the person reports  
42 the unregistered tank to the department of natural  
43 resources, and that the person provides the owner or  
44 operator with an underground storage tank registration  
45 form and informs the owner or operator of the  
46 underground storage tank registration requirements.  
47 The owner or operator is allowed fifteen days  
48 following the report to the department of the owner's  
49 or operator's unregistered tank to comply with the  
50 registration requirements. If an owner or operator

**Page 20**

1 fails to register the reported underground storage  
2 tank during the fifteen-day period, the owner or  
3 operator shall pay a fee of twenty-five dollars upon

- 4 registration of the tank.”  
 5 95. Page 58, line 21, by striking the figures “3  
 6 3A” and inserting the following: “3”.  
 7 96. Page 59, by striking lines 21 and 22 and in-  
 8 serting the following: “pay an annual storage tank  
 9 management fee of ten dollars per tank of over one  
 10 thousand one hundred”.  
 11 97. By renumbering, relettering, or redesignating  
 12 and correcting internal references as necessary.

A non-record roll call was requested.

The ayes were 19, nays 57.

The motion lost and the House refused to concur in the Senate amendment H—4027.

### Unfinished Business Calendar

The House resumed consideration of **Senate File 274**, a bill for an act relating to the exporting of Iowa grain, by providing for the establishment of an Iowa agricultural export trading company; establishing a certified Iowa grain program; a new division of agriquality inspection within the department of agriculture and land stewardship; a state grain terminal and shippers program; a foreign sale facilitation system; and a sealed carrier receptacle program; and imposing penalties, (deferred and retained on the unfinished business calendar April 23, 1987) and amendment H—3911 (found on pages 1615 through 1624 of the House Journal), to the committee amendment H—3735 (found on pages 1611 through 1614 of the House Journal).

May of Worth asked and received unanimous consent to withdraw amendment H—3911.

The House stood at ease at 2:37 p.m., until the fall of the gavel.

The House resumed session and consideration of the committee amendment H—3735 to Senate File 274 at 4:25 p.m., Speaker Avenson in the chair.

Arnould of Scott asked and received unanimous consent that Senate File 274 be deferred and that the bill retain its place on the unfinished business calendar.

(The committee amendment H—3735 pending.)

### INTRODUCTION OF BILLS

**House File 678**, by committee on ways and means, a bill for an act authorizing the establishment of a benefited recreational lake district

and its dissolution, the election of trustees, the levy of a tax, and the contract of indebtedness.

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

**House File 679**, by Svoboda, a bill for an act to exempt from taxes transactions entered into or consummated on the Meskwaki Indian settlement in Tama county, Iowa.

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

**IMMEDIATE MESSAGES**  
(House Files 676 and 631)

Arnould of Scott asked and received unanimous consent that House Files 676 and 631 be immediately messaged to the Senate.

**SENATE AMENDMENTS CONSIDERED**

Dvorsky of Johnson called up for consideration **House File 640**, a bill for an act relating to revenue adjustments and revised revenue requirements to be reflected in rates and charges to customers of certain public utilities based on the federal Tax Reform Act of 1986, with civil penalties applicable and providing an effective date, amended by the Senate amendment H—3842 as follows:

H—3842

- 1 Amend House File 640, as passed by the House as
- 2 follows:
- 3 1. By striking everything after the enacting
- 4 clause and inserting in lieu thereof the following:
- 5 "Section 1. NEW SECTION. 476.8A TAX REFORM ACT
- 6 RATE ADJUSTMENT.
- 7 The utilities board may require a rate-regulated
- 8 investor-owned public utility to file revised rates to
- 9 reflect the provisions of applicable state tax reform
- 10 and the provisions of the Federal Tax Reform Act of
- 11 1986. In lieu of filing revised rates to reflect the
- 12 change in state and federal taxes, a public utility
- 13 may file for a general rate change under section
- 14 476.8. If the public utility has not received board
- 15 approval to collect the revised rates by July 1, 1987,
- 16 the utility shall file a bond or other undertaking
- 17 approved by the board conditioned upon the refund in a
- 18 manner to be prescribed by the board of any amounts
- 19 collected in excess of those amounts which would have
- 20 been collected under the rates finally approved by the
- 21 board. The utilities board shall adopt rules
- 22 implementing this section.
- 23 If requested, a utility may delay implementation of

24 the revised rates required by this section until April  
 25 30, 1988, if sufficient bond or corporate undertaking  
 26 is approved and on file with the board. The bond or  
 27 corporate undertaking shall be one and one-half times  
 28 the estimated refund obligation accrued during the  
 29 delay in implementing the revised rates.

30 Sec. 2. This Act, being deemed of immediate  
 31 importance, takes effect upon enactment."

Parker of Jasper offered the following amendment H—4000, to the Senate amendment H—3842, filed by Parker, et al., and moved its adoption:

H—4000

1 Amend the Senate amendment, H—3842, to House File  
 2 640 as passed by the House as follows:  
 3 1. Page 1, line 23, by striking the words "If  
 4 requested, a" and inserting the following: "A".  
 5 2. Page 1, line 24, by striking the word "April"  
 6 and inserting the following: "September".  
 7 3. Page 1, line 25, by striking the figure "1988"  
 8 and inserting the following: "1987".  
 9 4. Page 1, line 29, by inserting after the word  
 10 "rates." the following: "A utility having pledged a  
 11 bond or corporate undertaking pursuant to this section  
 12 may file for a general rate proceeding by September  
 13 30, 1987, with the historical test year ending June  
 14 30, 1987."

Amendment H—4000 was adopted.

On motion by Dvorsky of Johnson, the House concurred in the Senate amendment H—3842, as amended.

Dvorsky 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. 640)

The ayes were, 91:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Black	Blanshan
Branstad	Buhr	Carpenter	Clark
Cohoon	Connolly	Connors	Cooper
Corbett	Corey	Daggett	De Groot
Diemer	Doderer	Dvorsky	Fey
Fogarty	Garman	Groninga	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Hansen, S. D.
Hanson, D. R.	Harbor	Harper	Haverland

Hermann	Hester	Holveck	Jay
Jochum	Johnson	Knapp	Koenigs
Kremer	Lageschulte	Lundby	Maulsby
May	McKean	McKinney	Metcalf
Miller	Muhlbauer	Mullins	Neuhauser
Norrgard	Ollie	Osterberg	Parker
Paulin	Pavich	Pellett	Peters
Petersen, D. F.	Peterson, M. K.	Plasier	Poncy
Renaud	Renken	Rosenberg	Royer
Running	Schnekloth	Schrader	Sherzan
Shoning	Shoultz	Siegrist	Skow
Spear	Stromer	Stueland	Svoboda
Swartz	Tabor	Teaford	Van Camp
Van Maanen	Wise	Mr. Speaker	

The nays were, 2:

Eddie Hummel

Absent or not voting, 7:

Brammer	Chapman	Fuller	Hatch
Platt	Swearingen	Tyrrell	

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 636**, a bill for an act relating to international trade by establishing the Iowa export business finance program, directing the department of economic development, to the extent funds are available, to provide for certain economic development activities and services, and suggesting the legislative council study the feasibility of establishing a world trade institute and its programs and activities, amended by the Senate, and moved that the House concur in the following Senate amendment H—3899:

H—3899

- 1 Amend House File 636, as passed by the House, as
- 2 follows:
- 3 1. Page 6, by striking lines 5 through 8.
- 4 2. Page 6, by striking lines 12 and 13.
- 5 3. Page 6, line 34, by striking the word "shall"
- 6 and inserting the following: "may".
- 7 4. By renumbering as necessary.

The motion prevailed and the House concurred in the Senate amendment H—3899.

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. 636)

The ayes were, 89:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Black	Brammer
Branstad	Buhr	Carpenter	Clark
Cohoon	Connors	Cooper	Corbett
Corey	Daggett	De Groot	Diemer
Doderer	Dvorsky	Eddie	Fey
Fogarty	Groninga	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. R.
Harper	Hatch	Haverland	Hermann
Hester	Holveck	Hummel	Jay
Jochum	Johnson	Knapp	Koenigs
Kremer	Lageschulte	Lundby	Maulsby
May	McKinney	Metcalf	Miller
Muhlbauer	Mullins	Neuhauser	Norrgard
Ollie	Osterberg	Parker	Paulin
Pavich	Pellet	Peters	Petersen, D. F.
Peterson, M. K.	Pony	Renaud	Renken
Rosenberg	Royer	Running	Schneklath
Schrader	Sherzan	Shoning	Shoultz
Siegrist	Skow	Spear	Stromer
Stueland	Svoboda	Swartz	Tabor
Teaford	Van Camp	Van Maanen	Wise
Mr. Speaker			

The nays were, 2:

Garman	McKean
--------	--------

Absent or not voting, 9:

Blanshan	Chapman	Connolly	Fuller
Harbor	Plasier	Platt	Swearingen
Tyrrell			

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

#### EXPLANATIONS OF VOTE

I was necessarily absent from the House chamber on Monday, April 27, 1987. Had I been present, I would have voted "aye" on House Files 167, 412, 594, 595 and 646.

OLLIE of Clinton

I was necessarily absent from the House chamber on Tuesday morning, April 28, 1987. Had I been present, I would have voted "aye" on House Files 488 and 580.

SCHRADER of Marion

### PRESENTATION OF VISITORS

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

Forty fifth grade students from Adkins Elementary School, Adkins, accompanied by Dawn Anderson. By Hummel of Benton.

Fifty-one fifth grade students from Clive Elementary School, Clive, accompanied by William Gift and Barb Drustrup. By Metcalf of Polk.

### SUBCOMMITTEE ASSIGNMENTS

#### Senate File 504

Appropriations: Jochum, Chair; Halvorson of Webster and Mullins.

#### Senate File 510

Appropriations: Schrader, Chair; Hatch and Maulsby.

#### Senate Concurrent Resolution 35

Appropriations: Hatch, Chair; Maulsby and Schrader.

### 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 101**, a bill for an act relating to mobile home taxes and providing an effective date.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H-4060** April 28, 1987.

**Senate File 499**, a bill for an act relating to the federal low-income housing credit allowance.

Fiscal Note is not required.

Recommended **Do Pass** April 27, 1987.

**Committee Bill** (Formerly House File 512), authorizing the establishment of a benefited recreation district and its dissolution, the election of trustees, the levy of a tax, and the contract of indebtedness.

Fiscal Note is not required.

Recommended Amend and Do Pass April 27, 1987.

### RESOLUTION FILED

**HCR 37**, by Corbett, a concurrent resolution relating to recognition of medical clerks and medical secretaries.

Laid over under **Rule 25**.

### AMENDMENTS FILED

H—4029	H.F.	677	Connolly of Dubuque
H—4030	H.F.	677	Koenigs of Mitchell Lageschulte of Bremer
H—4031	H.F.	677	Koenigs of Mitchell Lageschulte of Bremer
H—4032	H.F.	600	Hanson of Delaware Renken of Grundy
H—4033	S.F.	274	May of Worth Osterberg of Linn
H—4034	H.F.	677	Platt of Muscatine Muhlbauer of Crawford
H—4035	H.F.	345	Senate Amendment
H—4036	H.F.	244	Senate Amendment
H—4037	H.F.	575	Senate Amendment
H—4038	H.F.	574	Senate Amendment
H—4040	H.F.	603	Senate Amendment
H—4041	H.F.	677	Koenigs of Mitchell Lageschulte of Bremer
H—4042	H.F.	677	Koenigs of Mitchell Lageschulte of Bremer
H—4043	S.F.	455	Hammond of Story Hanson of Delaware
H—4044	H.F.	677	Fuller of Hardin Svoboda of Tama
H—4045	H.F.	574	Rosenberg of Story
H—4046	S.F.	274	Bennett of Ida
H—4047	S.F.	274	Bennett of Ida
H—4048	S.F.	274	Bennett of Ida
H—4049	S.F.	274	Schnekloth of Scott

H—4050	S.F.	274	Stueland of Clinton Bennett of Ida
H—4051	S.F.	274	Bennett of Ida Pellett of Cass Lageschulte of Bremer
H—4052	S.F.	274	De Groot of Lyon
H—4053	S.F.	274	Maulsby of Calhoun
H—4054	S.F.	274	Harbor of Mills
H—4055	H.F.	499	Harper of Black Hawk Teaford of Black Hawk Daggett of Adams Siegrist of Pottawattamie Metcalf of Polk
			Shoultz of Black Hawk Pavich of Pottawattamie Carpenter of Polk
H—4056	S.F.	274	Eddie of Buena Vista
H—4057	S.F.	274	Petersen of Muscatine
H—4058	S.F.	274	Stueland of Clinton
H—4059	S.F.	274	Stromer of Hancock
H—4060	S.F.	101	Committee on Ways and Means
H—4061	S.F.	274	Hammond of Story Teaford of Black Hawk
H—4062	H.F.	677	Groninga of Cerro Gordo Jay of Appanoose Tabor of Jackson Parker of Jasper Koenigs of Mitchell Black of Jasper

On motion by Arnould of Scott, the House adjourned at 4:43 p.m., until 9:00 a.m., Wednesday, April 29, 1987.

# JOURNAL OF THE HOUSE

One Hundred Eighth Calendar Day — Seventy-third Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Wednesday, April 29, 1987

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 Tuesday, April 28, 1987 was approved.

## PETITION FILED

The following petition was received and placed on file:

By Schnekloth of Scott from thirty-three constituents of District 39, favoring the Groninga amendment relating to liability and malpractice reform.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Svoboda of Tama, until her arrival, on request of Brammer of Linn; Royer of Page on request of Corey of Louisa; Hermann of Scott, until his return, on request of Van Maanen of Mahaska.

## 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, 1987, insisted on its amendment to House File 631, a bill for an act relating to public health and safety by establishing measures to improve and protect ground-water quality and to manage substances which pose health and safety hazards, by establishing goals, policies, funding mechanisms, including taxes and fees, and administrative provisions for the measures, by establishing programs relating to the management of agricultural activities, solid waste disposal, household hazardous wastes, storage tanks, fertilizers, pesticides, landfills, and watersheds, by providing penalties, establishing effective dates, and by providing for other properly related matters and the members of the conference committee on the part of the Senate, are: The Senator from Scott, Senator Deluhery, Chair; the Senator from Kossuth, Senator Priebe; the Senator from Fayette, Senator Murphy; the Senator from Clayton, Senator Tieden, and the Senator from Muscatine, Senator Rife.

Also: That the members of the conference committee, on the part of the Senate, appointed April 28, 1987, to Senate File 311, a bill for an act increasing the speed limit to sixty-five miles per hour on fully controlled-access, divided, multilaned highways including the interstate highway system, and providing a conditional effective date,

are: The Senator from Wapello, Senator Gettings, Chair; the Senator from Webster, Senator Coleman; the Senator from Linn, Senator Horn; the Senator from Bremer, Senator Jensen; and the Senator from Muscatine, Senator Drake.

Also: That the Senate has on April 28, 1987, passed the following bill in which the concurrence of the House is asked:

Senate File 511, a bill for an act relating to and making appropriations to agencies, boards, commissions, departments, and programs of state government relating to elected officials, the executive council, management, revenue and finance, personnel, general services, economic development, agriculture, natural resources, and education, providing effective dates, and making certain provisions retroactive.

JOHN F. DWYER, Secretary

## CONSIDERATION OF BILLS Unfinished Business Calendar

The House resumed consideration of **Senate File 274**, a bill for an act relating to the exporting of Iowa grain, by providing for the establishment of an Iowa agricultural export trading company; establishing a certified Iowa grain program; a new division of agriquality inspection within the department of agriculture and land stewardship; a state grain terminal and shippers program; a foreign sale facilitation system; and a sealed carrier receptacle program; and imposing penalties, (deferred and retained on the unfinished business calendar April 28, 1987) and the committee amendment H—3735 found on pages 1611 through 1614 of the House Journal.

Bennett of Ida offered the following amendment H—4048, to the committee amendment H—3735, filed by him and moved its adoption:

H—4048

- 1 Amend amendment H—3735 to Senate File 274, as
- 2 passed by the Senate, as follows:
- 3 1. Page 1, by striking line 30.
- 4 2. Page 1, by striking line 35 and inserting
- 5 the following:
- 6 "d. The governor shall appoint five additional".
- 7 3. By relettering as necessary.

A non-record roll call was requested.

The ayes were 36, nays 44.

Amendment H—4048 lost.

De Groot of Lyon offered the following amendment H—4052, to the committee amendment H—3735, filed by him:

H—4052

- 1 Amend amendment H—3735 to Senate File 274, as

- 2 passed by the Senate, as follows:
- 3 1. Page 1, by inserting the following after
- 4 line 34:
- 5 "d. A member of the Iowa soybean association."
- 6 2. Reletter as necessary.

The House stood at ease at 9:49 a.m., until the fall of the gavel.

The House resumed session and consideration of amendment H—4052, to the committee amendment H—3735, to Senate File 274 at 10:33 a.m., Connors of Polk in the chair.

De Groot of Lyon moved the adoption of amendment H—4052, to the committee amendment H—3735.

A non-record roll call was requested.

The ayes were 34, nays 49.

Amendment H—4052 lost.

Maulsby of Calhoun offered the following amendment H—4053, to the committee amendment H—3735, filed by him and moved its adoption:

H—4053

- 1 Amend amendment H—3735 to Senate File 274, as
- 2 passed by the Senate, as follows:
- 3 1. Page 1, by inserting the following after
- 4 line 34:
- 5 "d. A member of the Iowa soybean promotion
- 6 board."
- 7 2. Reletter as necessary.

Roll call was requested by Stromer of Hancock and Maulsby of Calhoun.

On the question "Shall amendment H—4053, to the committee amendment H—3735, be adopted?" (S.F. 274)

The ayes were, 37:

Beaman	Bennett	Branstad	Carpenter
Clark	Corbett	Corey	Daggett
De Groot	Diemer	Eddie	Garman
Hanson, D. R.	Harbor	Hermann	Hester
Hummel	Kremer	Lageschulte	Lundby
Maulsby	McKean	Metcalf	Miller
Mullins	Paulin	Pellett	Petersen, D. F.
Plasier	Platt	Renken	Schnekloth
Siegrist	Stromer	Stueland	Van Camp
Van Maanen			

The nays were, 53:

Adams	Arnould	Beatty	Bisignano
Blanshan	Brammer	Buhr	Chapman
Cohoon	Connolly	Cooper	Doderer
Dvorsky	Fey	Fogarty	Fuller
Groninga	Gruhn	Halvorson, R. N.	Hammond
Hansen, S. D.	Harper	Hatch	Holveck
Jay	Jochum	Johnson	Knapp
Koenigs	May	McKinney	Muhlbauer
Neuhauser	Norrgard	Osterberg	Parker
Pavich	Peters	Peterson, M. K.	Poncy
Renaud	Rosenberg	Running	Schrader
Sherzan	Skow	Spear	Svoboda
Swartz	Tabor	Teaford	Wise
Mr. Speaker (Connors)			

Absent or not voting, 10:

Avenson	Black	Halvorson, R. A.	Haverland
Ollie	Royer	Shoning	Shoultz
Swearingen	Tyrrell		

Amendment H — 4053 lost.

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Clark of Cerro Gordo on request of Garman of Story.

Harbor of Mills offered the following amendment H — 4054, to the committee amendment H — 3735, filed by him and moved its adoption:

H — 4054

- 1 Amend amendment H — 3735 to Senate File 274, as
- 2 passed by the Senate, as follows:
- 3 1. Page 1, by inserting the following after
- 4 line 34:
- 5 "d. A member of the Iowa cornrowers association."
- 6 2. Reletter as necessary.

Roll call was requested by Harbor of Mills and De Groot of Lyon.

On the question "Shall amendment H — 4054, to the committee amendment H — 3735, be adopted?" (S.F. 274)

The ayes were, 34:

Beaman	Bennett	Branstad	Carpenter
Corbett	Corey	Daggett	De Groot
Diemer	Eddie	Garman	Hanson, D. R.
Harbor	Hester	Hummel	Kremer

Lageschulte	Lundby	Maulsby	McKean
Miller	Mullins	Paulin	Pellett
Petersen, D. F.	Plasier	Platt	Renken
Schnekloth	Siegrist	Stromer	Stueland
Van Camp	Van Maanen		

The nays were, 51:

Adams	Arnould	Beatty	Bisignano
Blanshan	Brammer	Buhr	Chapman
Cohoon	Connolly	Cooper	Doderer
Dvorsky	Fey	Fogarty	Fuller
Groninga	Halvorson, R. N.	Hammond	Hansen, S. D.
Harper	Hatch	Holveck	Jay
Jochum	Johnson	Knapp	Koenigs
May	McKinney	Muhlbauer	Neuhauser
Norrgard	Osterberg	Parker	Pavich
Peters	Peterson, M. K.	Poncy	Renaud
Rosenberg	Running	Schrader	Skow
Spear	Svoboda	Swartz	Tabor
Teaford	Wise	Mr. Speaker (Connors)	

Absent or not voting, 15:

Avenson	Black	Clark	Gruhn
Halvorson, R. A.	Haverland	Hermann	Metcalf
Ollie	Royer	Sherzan	Shoning
Shoultz	Swearingen	Tyrrell	

Amendment H—4054 lost.

Arnould of Scott asked and received unanimous consent that Senate File 274 be deferred and that the bill retain its place on the unfinished business calendar.

(The committee amendment H—3735 pending.)

On motion by Arnould of Scott, the House was recessed at 11:55 a.m., until 1:15 p.m.

#### AFTERNOON SESSION

The House reconvened, Conpors of Polk in the chair.

#### CONSIDERATION OF BILLS Unfinished Business Calendar

The House resumed consideration of **Senate File 274**, a bill for an act relating to the exporting of Iowa grain, by providing for the establishment of an Iowa agricultural export trading company; establishing a certified Iowa grain program; a new division of agriquality inspection within the department of agriculture and land stewardship; a state

grain terminal and shippers program; a foreign sale facilitation system; and a sealed carrier receptacle program; and imposing penalties, (previously deferred) and the committee amendment H—3735 found on pages 1611 through 1614 of the House Journal.

Eddie of Buena Vista offered the following amendment H—4056, to the committee amendment H—3735, filed by him and moved its adoption:

H—4056

- 1 Amend amendment H—3735 to Senate File 274, as
- 2 passed by the Senate, as follows:
- 3 1. Page 1, by inserting the following after
- 4 line 34:
- 5 "d. A member of the Iowa pork producers."
- 6 2. Reletter as necessary

Roll call was requested by Eddie of Buena Vista and Branstad of Winnebago.

On the question "Shall amendment H—4056, to the committee amendment H—3735, be adopted?" (S.F. 274)

The ayes were, 38:

Beaman	Bennett	Black	Branstad
Carpenter	Clark	Corey	Daggett
De Groot	Diemer	Eddie	Fogarty
Garman	Halvorson, R. A.	Hanson, D. R.	Harbor
Hermann	Hester	Hummel	Kremer
Lageschulte	Lundby	Maulsby	McKean
Metcalf	Mullins	Paulin	Pellett
Petersen, D. F.	Plasier	Renken	Schnekloth
Shoning	Stromer	Stueland	Swartz
Van Camp	Van Maanen		

The nays were, 48:

Adams	Avenson	Beatty	Bisignano
Blanshan	Brammer	Buhr	Chapman
Cohoon	Connolly	Dvorsky	Fey
Fuller	Groninga	Gruhn	Halvorson, R. N.
Hammond	Hansen, S. D.	Harper	Hatch
Haverland	Holveck	Jay	Jochum
Knapp	Koenigs	May	McKinney
Muhlbauer	Neuhauer	Norrgard	Ollie
Osterberg	Parker	Pavich	Peters
Peterson, M. K.	Poncy	Rosenberg	Running
Schrader	Skow	Spear	Svoboda
Tabor	Teaford	Wise	Mr. Speaker (Connors)

Absent or not voting, 14:

Arnould	Cooper	Corbett	Doderer
Johnson	Miller	Platt	Renaud
Royer	Sherzan	Shoultz	Siegrist
Swearingen	Tyrrell		

Amendment H—4056 lost.

Petersen of Muscatine offered the following amendment H—4057, to the committee amendment H—3735, filed by him and moved its adoption:

H—4057

- 1 Amend amendment H—3735 to Senate File 274, as
- 2 passed by the Senate, as follows:
- 3 1. Page 1, by inserting the following after
- 4 line 34:
- 5 "d. A member of the Iowa corn promotion board."
- 6 2. Reletter as necessary.

Amendment H—4057 was adopted.

Kremer of Buchanan offered the following amendment H—4072, to the committee amendment H—3735, filed by him from the floor and moved its adoption:

H—4072

- 1 Amend amendment H—3735 to Senate File 274, as
- 2 passed by the Senate, as follows:
- 3 1. Page 1, by inserting after line 34 the
- 4 following:
- 5 "d. A representative of the Iowa institute of
- 6 cooperation."

Amendment H—4072 lost.

Renken of Grundy offered the following amendment H—4073, to the committee amendment H—3735, filed by him from the floor:

H—4073

- 1 Amend amendment H—3735 to Senate File 274, as
- 2 passed by the Senate, as follows:
- 3 1. Page 1, by inserting after line 34 the
- 4 following:
- 5 "d. The executive director of the League of Iowa
- 6 Municipalities or his designee."

The following amendment H—4077, to amendment H—4073, to the committee amendment H—3735, filed by Renken of Grundy from the floor was adopted by unanimous consent:

H—4077

- 1 Amend amendment H—4073 to amendment H—3735 to
- 2 Senate File 274, as passed by the Senate, as follows:
- 3 1. Page 1, line 6, by inserting after the word
- 4 "his" the words "or her".

Renken of Grundy moved the adoption of amendment H—4073, as amended, to the committee amendment H—3735.

A non-record roll call was requested.

The ayes were 27, nays 32.

Amendment H—4073, as amended, lost.

Maulsby of Calhoun offered the following amendment H—4074, to the committee amendment H—3735, filed by him from the floor and moved its adoption:

H—4074

- 1 Amend amendment H—3735 to Senate File 274, as
- 2 passed by the Senate, as follows:
- 3 1. Page 1, by inserting after line 34 the
- 4 following:
- 5 "d. A member of the Iowa grain and feed
- 6 association."

Amendment H—4074 lost.

Schnekloth of Scott offered the following amendment H—4075, to the committee amendment H—3735, filed by him from the floor and moved its adoption:

H—4075

- 1 Amend amendment H—3735 to Senate File 274, as
- 2 passed by the Senate, as follows:
- 3 1. Page 1, by inserting after line 34 the
- 4 following:
- 5 "d. A representative from the industrial
- 6 agricultural manufacturing complex."

A non-record roll call was requested.

The ayes were 28, nays 36.

Amendment H—4075 lost.

Stueland of Clinton offered the following amendment H—4076, to the committee amendment H—3735, filed by him from the floor and moved its adoption:

H-4076

- 1 Amend amendment H-3735 to Senate File 274, as
- 2 passed by the Senate, as follows:
- 3 1. Page 1, by inserting after line 34 the
- 4 following:
- 5 "d. A member of the beef cattle producers
- 6 association."

Amendment H-4076 was adopted.

Bennett of Ida offered the following amendment H-4047, to the committee amendment H-3735, filed by him and moved its adoption:

H-4047

- 1 Amend the amendment, H-3735, to Senate File 274, as
- 2 passed by the Senate, as follows:
- 3 1. By striking page 1, lines 29 through 36 and
- 4 inserting the following:
- 5 "The board shall consist of seven members appointed
- 6 by the governor."

Amendment H-4047 was adopted, placing the following amendments previously adopted out of order:

H-4057 found on page 1740 of the House Journal.

H-4076 found on page 1742 of the House Journal.

Hammond of Story offered the following amendment H-4061, to the committee amendment H-3735, filed by her and Teaford of Black Hawk and moved its adoption:

H-4061

- 1 Amend amendment H-3735 to Senate File 274, as
- 2 passed by the Senate, as follows:
- 3 1. Page 1, by striking lines 37 and 38 and
- 4 inserting the following: "The board shall reflect a
- 5 gender balance."

A non-record roll call was requested.

The ayes were 37, nays 13.

Amendment H-4061 was adopted.

Stueland of Clinton asked and received unanimous consent to withdraw amendment H-4058 filed by him on April 28, 1987.

Bennett of Ida asked and received unanimous consent to defer action on amendment H-4059.

Bennett of Ida offered the following amendment H—4046, to the committee amendment H—3735, filed by him and moved its adoption:

H—4046

- 1 Amend the amendment, H—3735, to Senate File 274, as
- 2 passed by the Senate, as follows:
- 3 1. Page 1, by striking lines 43 through 48, and
- 4 inserting the following: "1, 1990, consisting of
- 5 seven members appointed by the governor. The
- 6 committee".
- 7 2. Page 2, by striking lines 5 through 16 and
- 8 inserting the following:
- 9 "4. All appointments to the review committee
- 10 shall".

Amendment H—4046 was adopted.

Kremer of Buchanan offered the following amendment H—3741, previously deferred, to the committee amendment H—3735, filed by him and moved its adoption:

H—3741

- 1 Amend the House Amendment, H—3735, to Senate File
- 2 274, as passed by the Senate, as follows:
- 3 1. Page 3, line 4, by inserting after the word
- 4 "compact." the following: "However, the board shall
- 5 not exercise any power described in chapter 183,
- 6 unless acting pursuant to an agreement entered into by
- 7 the board and the agricultural grain marketing
- 8 commission."

Amendment H—3741 was adopted.

Stueland of Clinton offered the following amendment H—4063, to the committee amendment H—3735, filed by him and Bennett of Ida from the floor and moved its adoption:

H—4063

- 1 Amend the amendment, H—3735, to Senate File 274 as
- 2 passed by the Senate as follows:
- 3 1. By striking page 4, lines 5 through 27 and
- 4 inserting the following:
- 5 "Section 5. NEW SECTION. 543B.1 IOWA SEAL GRAIN.
- 6 A seal for grain shall be created under the
- 7 direction of the department of agriculture and land
- 8 stewardship to identify grain of the highest quality
- 9 produced in Iowa, which shall be known as "Iowa Seal"
- 10 grain. The department shall certify that grain
- 11 inspected, graded, and marked with the Iowa Seal may

12. be marketed as the highest quality grain produced in  
13 the state.

14 Iowa Seal grain shall satisfy all of the following  
15 requirements:

16 1. The department must supervise all procedures  
17 used to inspect and grade the grain.

18 2. The grain's quality must equal U.S. No. 2 grade  
19 or better as established by the federal grain  
20 inspection service, United States department of  
21 agriculture.

22 3. The moisture content must be no more than  
23 thirteen and one-half percent of the weight of the  
24 grain portion tested.

25 4. The amount of broken or damaged grain must be  
26 no more than four percent of the weight of the grain  
27 portion tested.

28 5. The amount of foreign substances must be no  
29 more than two percent of the weight of the grain  
30 portion tested.

31 6. All determinations of grain quality shall be  
32 based on a portion of the grain that must have a  
33 minimum test weight of fifty-six pounds.

34 The department of agriculture and land stewardship  
35 shall adopt rules under chapter 17A to provide methods  
36 of identifying and marking Iowa Seal grain, to prevent  
37 any misleading use of the Iowa Seal, and as necessary  
38 or advisable to fully implement this section.

39 A violation of a rule adopted by the department of  
40 agriculture and land stewardship to implement this  
41 section is a simple misdemeanor. A fraudulent use of  
42 the term "Iowa Seal grain" or of the identifying mark  
43 for Iowa Seal grain, or a deliberately misleading or  
44 unwarranted use of the term or identifying mark is a  
45 serious misdemeanor."

46 2. Title page, by striking lines 2 through 7 and  
47 inserting the following: "the grading and marking of  
48 Iowa Seal grain, and providing penalties."

Amendment H—4063 was adopted.

Van Maanen of Mahaska offered the following amendment  
H—4066, to the committee amendment H—3735, filed by him from  
the floor and moved its adoption:

H—4066

1 Amend amendment H—3735 to Senate File 274, as  
2 passed by the Senate, as follows:

3 1. Page 4, line 33, by inserting after the word  
4 "secretary" the following: "in accordance with the  
5 procedures outlined in chapter 17A of the Code".

Amendment H—4066 was adopted.

Bennett of Ida offered the following amendment H—4059, previously deferred, to the committee amendment H—3735, filed by Stromer of Hancock and moved its adoption:

H—4059

- 1 Amend amendment H—3735 to Senate File 274, as
- 2 passed by the Senate, as follows:
- 3 1. Page 1, by striking lines 39 through 41 and
- 4 inserting the following:
- 5 "2. The governor shall call the first meeting of
- 6 the board at which time the board membership shall
- 7 select its own chairperson. The board shall meet
- 8 monthly or more often as directed by the chairperson.
- 9 The export trading board shall begin its function
- 10 immediately upon formation."

Amendment H—4059 was adopted.

May of Worth offered the following amendment H—4033, to the committee amendment H—3735, filed by him and Osterberg of Linn:

H—4033

- 1 Amend the amendment, H—3735, to Senate File 274 as
- 2 passed by the Senate, as follows:
- 3 1. By striking page 1, line 5 through page 4,
- 4 line 34 and inserting the following:
- 5 "Section 1. NEW SECTION. 159.31 INTENT.
- 6 This division is intended to create a state-
- 7 assisted Iowa agricultural export trading company to
- 8 assist private enterprise in the sale and export of
- 9 Iowa agricultural products and commodities. A public-
- 10 private partnership, the company shall act as an
- 11 intermediary for suppliers, shippers, private export
- 12 trading companies, and other persons within the state,
- 13 and for members of the interstate compact on
- 14 agricultural grain marketing. As an interim measure
- 15 an Iowa agricultural trading board will assist in the
- 16 organization of the Iowa agricultural export trading
- 17 company and prior to the organization, facilitate
- 18 sales to the extent possible with state assistance.
- 19 The department of agriculture and land stewardship and
- 20 other state departments and agencies shall assist the
- 21 company in dealings with foreign governments and other
- 22 purchasers. The company's services shall include, but
- 23 are not limited to, marketing and negotiation,
- 24 information and coordination, and other sale
- 25 facilitation services.
- 26 This division will further uniquely identify Iowa
- 27 quality agricultural products and commodities through
- 28 an inspection and certification program intended to be
- 29 responsive to individual buyers' specifications. The

30 bureau of agriquality inspection will assure delivery  
31 to the buyer with quality undiminished.

32 An agrimarketing data bank is established. The  
33 data bank will provide information on the  
34 availability, kind, quality, and price of agricultural  
35 products, commodities, and storage and transportation  
36 facilities. The information is designed to enhance  
37 sales of the export trading company and other sellers.

38 This division is intended to take advantage of the  
39 federal Export Trading Company Act of 1982, Pub. L.  
40 No. 97-290.

41 Sec. 2. NEW SECTION. 159.32 IOWA AGRICULTURAL  
42 TRADING BOARD.

43 1. FORMATION. The Iowa agricultural trading board  
44 is created within the department of agriculture and  
45 land stewardship.

46 The board shall consist of the following members:

47 a. The secretary, who shall be the chairperson of  
48 the board.

49 b. The director of the agricultural marketing  
50 division.

**Page 2**

1 c. The director of the Iowa department of economic  
2 development.

3 d. Four additional nonvoting members from the  
4 private sector appointed by the secretary, who shall  
5 be knowledgeable in the area of farming, exporting,  
6 agricultural product or commodity storage,  
7 transportation, marketing, or finance.

8 The board shall reflect, to the maximum extent  
9 practicable, a gender balance.

10 2. The board shall meet monthly or more often as  
11 directed by the secretary. The agricultural export  
12 trading board shall begin its function immediately  
13 upon formation.

14 Sec. 3. NEW SECTION. 159.33 PURPOSES AND POWERS.

15 1. GENERAL. The purposes of the Iowa agricultural  
16 trading board are to assist producers, shippers, and  
17 sellers of Iowa agricultural products and commodities;  
18 to further the goals and purposes of the interstate  
19 compact on agricultural grain marketing; to expand  
20 existing markets; and to develop new markets both  
21 foreign and domestic through, but not limited to, the  
22 following:

23 a. Direct negotiation with foreign governments or  
24 their agencies, and other buyers, foreign or domestic,  
25 as an agent for persons approved by the board.

26 b. Acceptance of orders from persons to be placed  
27 with Iowa sellers, if possible.

28 c. Exploration and development of specialty-type

29 deliveries which include small deliveries of grains or  
30 other agricultural products and commodities to  
31 countries with inadequate storage capacities or high  
32 quality grain deliveries through reduced blending or  
33 under the certified Iowa grain program.

34 d. Arrangement of counter trade or barter options  
35 as an agent.

36 2. SECRETARY AS AGENT. The secretary, or the  
37 secretary's designee, may serve as an agent for a  
38 person engaged in trade within the scope of the  
39 board's powers, if assistance to that person has been  
40 approved by the board. Terms of assistance may  
41 include, but are not limited to, terms specifying  
42 available services, fees for services, and  
43 compensation for expenses. When the Iowa agricultural  
44 export trading company is organized pursuant to  
45 sections 159.34 through 159.35, the Iowa agricultural  
46 trading board shall be dissolved and cease to operate.  
47 The Iowa department of economic development, and other  
48 departments and agencies of the state, including the  
49 state board of regents and its institutions, shall  
50 cooperate with and assist the board upon the

Page 3

1 secretary's request.

2 3. FEDERAL EXPORT TRADING COMPANY ACT. The Iowa  
3 agricultural trading board has the powers necessary to  
4 fulfill the purposes of this division and shall be  
5 organized to comply with the requirements of the  
6 federal Export Trading Company Act of 1982, Pub. L.  
7 No. 97-290, which do not conflict with or are not  
8 further limited by this division so as to enjoy the  
9 benefits of that Act if possible.

10 4. INTERSTATE GRAIN COMPACT. The Iowa  
11 agricultural trading board has the powers and shall be  
12 organized to complement and further the goals and  
13 purposes of the interstate compact on agricultural  
14 grain marketing. However, the board shall not  
15 exercise any powers described in chapter 183, unless  
16 acting pursuant to an agreement entered into by the  
17 board and the agricultural grain marketing commission.

18 5. SOVEREIGN IMMUNITY. The state of Iowa, and its  
19 elected officials, employees, and agents, are not  
20 liable for any civil causes of action, including but  
21 not limited to actions related to contracts, arising  
22 out of the operations of the Iowa agricultural trading  
23 board, including actions in which the state, and its  
24 elected officials, employees, and agents, act as an  
25 agent of a person or act to assist a person.

26 Sec. 4. NEW SECTION. 159.34 AUTHORIZED  
27 CORPORATION.

28 1. INCORPORATION. There may be incorporated by  
29 the Iowa agricultural trading board under chapter 496A  
30 a corporation which shall be known as the Iowa  
31 agricultural export trading company. If incorporated,  
32 this corporation shall be established by the  
33 secretary. The initial board of directors shall  
34 consist of the following persons:  
35 a. The secretary.  
36 b. The director of the agricultural marketing  
37 division.  
38 c. The director of the Iowa department of economic  
39 development.  
40 d. Six additional members appointed by the  
41 secretary, who shall be knowledgeable in the area of  
42 farming, exporting, agricultural product or commodity  
43 storage, transportation, marketing, or finance.  
44 2. INITIAL ORGANIZATION AND CAPITALIZATION.  
45 Financing of the export trading company shall  
46 initially come from its public offering of stock to  
47 residents of this state. In preparation for this  
48 sale, the secretary in conjunction with the Iowa  
49 agricultural trading board shall prepare a detailed  
50 marketing study to serve as the basis for the company

Page 4

1 work plan and the company prospectus.  
2 3. PUBLIC STOCK OFFERING. The public sale of  
3 stock in the Iowa agricultural export trading company  
4 is exempt from the requirements of chapter 502. After  
5 the sale of stock to the public, provision shall be  
6 made for the election of a board of directors by the  
7 stockholders to replace the initial board of  
8 directors.  
9 However, the secretary and the director of the  
10 agricultural marketing division shall be ex officio  
11 members of the board representing the state of Iowa  
12 and the public purposes for which the corporation is  
13 created. The secretary shall have the authority to  
14 call a meeting of the board of directors at any time  
15 provided notice requirements otherwise applicable are  
16 followed.  
17 4. ARTICLES OF INCORPORATION. The articles of  
18 incorporation, and the prospectus in the event of a  
19 public offering, may include such limitations on the  
20 ownership and transfer of shares as otherwise  
21 permitted by law and as deemed reasonable by the  
22 secretary, or subsequently by the board of directors.  
23 5. REVIEW COMMITTEE. A review committee shall be  
24 established August 1 during the fourth year after  
25 incorporation of the Iowa agricultural export trading  
26 company. The committee shall consist of the following

27 members:

28 a. Two directors of the Iowa agricultural export  
29 trading company to be appointed by the chairperson of  
30 the board of directors.

31 b. Two persons from the division of agricultural  
32 marketing to be appointed by the secretary.

33 c. One senator appointed by the senate majority  
34 leader.

35 d. One senator appointed by the senate minority  
36 leader.

37 e. One representative appointed by the speaker of  
38 the house.

39 f. One representative appointed by the house  
40 minority leader.

41 g. One member appointed by the governor.

42 Appointments to the review committee shall comply  
43 with all applicable requirements of the Code.

44 The review committee shall file a final report with  
45 the secretary and the agricultural committees of the  
46 senate and house of representatives no later than  
47 December 1, during the fifth year after incorporation  
48 of the company. The final report shall contain a  
49 summary of the company's marketing activity to date,  
50 and a recommendation regarding the state's continued

Page 5

1 assistance to the Iowa agricultural export trading  
2 company, or other legislative action or corporate  
3 action deemed appropriate by the review committee to  
4 further the purposes of this chapter in light of the  
5 success or prospects for success of the company.

6 **6. ANNUAL LEGISLATIVE REPORT.** The Iowa  
7 agricultural export trading company shall submit an  
8 annual report to the agriculture committees of the  
9 senate and house of representatives on or before  
10 January 31. The report shall contain at least the  
11 following information:

12 a. A summary of trading activity in the past year.

13 b. An evaluation of the performance and  
14 achievement of goals in the past year of operations.

15 c. A summary of plans and goals for the coming  
16 year of operations.

17 d. Proposed legislative action to assist the  
18 company in the accomplishment of its stated goals.

19 e. Any other information requested by one or more  
20 of the committees, a committee chair, or a ranking  
21 member of an agriculture committee.

22 **7. SECRETARY AS AGENT.** The secretary, or the  
23 secretary's designee, shall serve as an agent for the  
24 company, unless the secretary determines that a  
25 corporate act fails to serve the public purposes for

26 which the corporation was formed, in which case the  
27 secretary may withhold any or all state assistance to  
28 the corporation. The Iowa department of economic  
29 development, and other departments and agencies of the  
30 state, including the state board of regents and its  
31 institutions, shall cooperate with and assist the  
32 company upon the secretary's request.

33 **Sec. 5. NEW SECTION. 159.35 PURPOSES AND POWERS.**

34 **1. GENERAL.** The purposes of the Iowa agricultural  
35 export trading company are to assist producers,  
36 shippers, and exporters of Iowa agricultural products  
37 and commodities; to further the goals and purposes of  
38 the interstate compact on agricultural grain  
39 marketing; to expand existing markets; and to develop  
40 new markets through, but not limited to, the  
41 following:

42 a. Direct negotiation or contracts with, or  
43 acceptance of orders from, foreign governments or  
44 their agencies.

45 b. Specialty-type deliveries which include small  
46 deliveries of grains or other agricultural products  
47 and commodities to countries with inadequate storage  
48 capacities or high quality grain deliveries through  
49 reduced blending or under the certified Iowa grain  
50 program.

**Page 6**

1 c. Counter trade or barter options.

2 **2. FEDERAL EXPORT TRADING COMPANY ACT.** The Iowa  
3 agricultural export trading company has the powers  
4 necessary to fulfill the purposes of this division and  
5 those provided in chapter 496A and the federal Export  
6 Trading Company Act of 1982, Pub. L. No. 97-290, which  
7 are not further limited by this division.

8 **3. INTERSTATE GRAIN COMPACT.** The Iowa  
9 agricultural export trading company has the powers and  
10 shall be organized to complement and further the goals  
11 and purposes of the interstate compact on agricultural  
12 grain marketing. However, the company shall not  
13 exercise any powers described in chapter 183, unless  
14 acting pursuant to an agreement entered into by the  
15 company and the agricultural grain marketing  
16 commission.

17 **4. SOVEREIGN IMMUNITY.** The state of Iowa, and its  
18 elected officials, employees, and agents, are not  
19 liable for any civil causes of action, including but  
20 not limited to actions related to contracts, arising  
21 out of the operations of the Iowa agricultural export  
22 trading company, including actions in which the state,  
23 and its elected officials, employees, and agents, act  
24 as an agent of the company or act to assist the

25 company. The company shall be liable to the same  
26 extent as other chapter 496A corporations unless  
27 otherwise limited by law or contract.

28 Sec. 6. NEW SECTION. 159.36 CERTIFIED IOWA  
29 COMMODITY PROGRAM — PENALTIES.

30 1. PROGRAM. The secretary shall establish a  
31 certified Iowa commodity program, to facilitate sales  
32 of quality Iowa agricultural products and commodities,  
33 and delivery of Iowa agricultural products and  
34 commodities to the final purchaser with their quality  
35 undiminished. The secretary, or the secretary's  
36 designee, shall administer this section, and establish  
37 policies, guidelines, and rules by which to administer  
38 this section. The secretary may investigate the  
39 handling, weighing, grading, and transportation of  
40 grain, and other agricultural products and  
41 commodities, and adopt rules, including administrative  
42 penalties, for the following:

43 a. Standards of kind, class, quality, and  
44 condition for corn and soybeans, and other  
45 agricultural products and commodities for which, in  
46 the secretary's judgment, the prospects for out-of-  
47 state sales warrant the adoption of standards. A  
48 premium quality grade for grain must at minimum  
49 prohibit any intentional blending of lower grades of  
50 grain, or addition of foreign matter, moisture, or

Page 7

1 grain dust. All grades certified to be Iowa quality  
2 must be grown, raised, or marketed in this state.

3 b. Standards or procedures for accurate weighing  
4 and weight certification and controls, and other  
5 quality and health standards, including safeguards  
6 over equipment calibration and maintenance, for  
7 products and commodities certified as Iowa quality.

8 c. Administrative procedures to consider requests  
9 to adopt, amend, or revoke standards or procedures  
10 when the necessities of the export trade require.

11 2. NOTICE. All policies, guidelines, standards,  
12 procedures or other statements of general  
13 applicability shall be adopted pursuant to chapter  
14 17A. To the extent practicable, all rulemaking  
15 required by this Act shall provide for notice and an  
16 opportunity for public participation as set out in  
17 section 17A.4.

18 3. PENALTY. It is an aggravated misdemeanor for a  
19 person to sell or export an agricultural product or  
20 commodity purported to be certified Iowa quality, if  
21 the product or commodity is not certified Iowa  
22 quality.

23 4. WARRANTY. A person who sells or exports an

24 agricultural product or commodity purported to be  
25 certified Iowa quality warrants the product or  
26 commodity to be accurate in grade and standard. The  
27 secretary may adopt rules defining the terms and  
28 extent of this warranty, and procedures for enforcing  
29 the warranty, in addition to normal contractual  
30 remedies.

31 5. ENFORCEMENT. The secretary may, in addition to  
32 the adoption of administrative rules, enter into  
33 contracts with elevators, terminals, shippers, and any  
34 other persons responsible for handling or  
35 transportation of grain or other agricultural products  
36 or commodities in the supply chain to the final  
37 purchaser, to assure delivery to the final purchaser  
38 of certified Iowa quality agricultural products and  
39 commodities with quality undiminished. The secretary  
40 may condition participation in programs under this  
41 division upon entry into a contract with the secretary  
42 under this subsection. The contract may include  
43 agreements regarding participation in the  
44 agrimarketing data bank.

45 6. IOWA SEAL. The "Iowa Seal" may be used on  
46 qualifying Iowa certified agricultural products and  
47 commodities. The secretary shall adopt rules to  
48 coordinate the "Iowa Seal" program and the certified  
49 Iowa commodity program.

50 Sec. 7. NEW SECTION. 159.37 BUREAU OF

**Page 8**

1 **AGRIQUALITY INSPECTION.**

2 1. PROGRAMS. A bureau of agriquality inspection  
3 is created within the regulatory division of the  
4 department. The bureau is responsible for inspections  
5 and enforcement under the following programs:

6 a. Certified Iowa commodity program, section  
7 159.36.

8 b. Iowa terminal and shippers program, section  
9 159.38.

10 c. Sealed carrier receptacle program, chapter  
11 542B.

12 2. INSPECTORS. The bureau may employ inspectors  
13 or contract for inspection services both in and  
14 outside of this state. A contract shall include terms  
15 to assure submission of the contractor to Iowa  
16 jurisdiction and liquidated damages provisions  
17 parallel to administrative penalties adopted by rule.

18 3. PENALTY. A person who conducts an inspection,  
19 or who certifies a program participant or shipment in  
20 a fraudulent fashion, or who accepts a bribe commits  
21 an aggravated misdemeanor.

22 4. RULES. The department shall adopt rules to

23 implement and administer this section.

24 Sec. 8. NEW SECTION. 159.38 IOWA TERMINAL AND  
25 SHIPPERS PROGRAM.

26 The secretary shall establish an Iowa terminal and  
27 shippers program to facilitate the export of certified  
28 Iowa quality agricultural products and commodities.  
29 The secretary shall adopt rules which a qualified  
30 terminal or shipper must meet to be eligible for  
31 participation in the Iowa terminal and shippers  
32 program. The rules may provide for different  
33 standards for different agricultural products or  
34 commodities. Only qualified terminals may sell or  
35 export certified Iowa quality agricultural products or  
36 commodities, except grain transported under sections  
37 542B.2 through 542B.4. Only qualified shippers may  
38 transport certified Iowa quality agricultural products  
39 or commodities outside of the state, except grain  
40 transported under sections 542B.2 through 542B.4. The  
41 secretary shall adopt rules to assure that a qualified  
42 terminal or shipper maintains facilities, equipment,  
43 and business practices capable of assuring adherence  
44 to certified Iowa quality standards for the  
45 agricultural product or commodity for which the  
46 terminal or shipper is qualified. The secretary may  
47 enter into contracts with a qualified terminal or  
48 shipper with terms to assure delivery of certified  
49 Iowa quality agricultural products or commodities of  
50 undiminished quality to the next qualified terminal or

Page 9

1 shipper, or the final purchaser. A contract between  
2 the secretary and a qualified terminal or shipper may  
3 provide for reasonable liquidated damages for  
4 violation of a term or condition of the contract or  
5 for violation of a rule adopted by the department. A  
6 qualified terminal or shipper may be located outside  
7 of this state. A qualified terminal or shipper shall  
8 agree to permit regular and surprise inspections by an  
9 Iowa agriquality inspector. Refusal to permit an  
10 inspection shall result in revocation of qualified  
11 status and imposition of either administrative  
12 penalties or liquidated damages.

13 Sec. 9. NEW SECTION. 159.39 AGRIMARKETING DATA  
14 BANK.

15 1. The secretary shall establish an agrimarketing  
16 data bank. Participation in the data bank is a  
17 condition to certification and participation under the  
18 Iowa terminal and shippers program under section  
19 159.38. Participants shall supply pertinent data as  
20 required by rule by the secretary. Rules shall  
21 provide for data collection of at least the following

22 information:

23 a. Commodity availability classified by kind,

24 price, and quality.

25 b. Storage availability and price.

26 c. Transportation capacity, schedule, and price.

27 2. Information shall be updated at a minimum on a  
28 monthly basis, with a goal of providing real time  
29 information through the data bank. The secretary  
30 shall adopt administrative rules to implement this  
31 section.

32 Sec. 10. NEW SECTION. 542B.1 DEFINITIONS.

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

35 1. "Carrier" means a vehicle or vessel, including,  
36 but not limited to, a wagon, truck, trailer, train,  
37 and barge, that is used or usable for transporting  
38 agricultural products.

39 2. "Carrier receptacle" means a protected  
40 enclosure used or usable for the storage of  
41 agricultural products that is part of a carrier or  
42 connected to a carrier when it is in motion.

43 3. "Department" means the department of  
44 agriculture and land stewardship.

45 4. "Division" means the division of agriquality  
46 inspection of the department of agriculture and land  
47 stewardship.

48 Sec. 11. NEW SECTION. 542B.2 INSPECTION.

49 Carrier receptacles, to be used to transport from  
50 the state grain produced in the state, must be free of

**Page 10**

1 contaminants according to standards established by the  
2 department and the United States department of  
3 agriculture to be sealed pursuant to this chapter.

4 The division may inspect any sealed carrier receptacle  
5 and any carrier receptacle requested to be sealed to  
6 ensure compliance with this section. The division  
7 shall make periodic inspections of sealed receptacles  
8 at times and in a manner the department determines,  
9 but not less frequently than at ninety-day intervals.

10 Sec. 12. NEW SECTION. 542B.3 SEAL — PENALTIES.

11 Before leaving the state, a carrier receptacle that  
12 contains grain produced in the state may be sealed  
13 upon request if all standards are met upon inspection  
14 in a manner provided by the department to ensure that  
15 the quality of the grain is preserved during its  
16 transport. The division shall mark each carrier  
17 receptacle that has been sealed in a manner that will  
18 show if the seal has been broken. The mark shall  
19 contain the following language:

20 "Sealed by authority of the State of Iowa,

- 21 Department of Agriculture and Land Stewardship.  
 22 A person who tampers with this seal or removes any  
 23 grain in this receptacle before it reaches its  
 24 destination is guilty of an aggravated misdemeanor and  
 25 subject to fine and imprisonment as provided by law.”  
 26 Sec. 13. NEW SECTION. 542B4 VIOLATIONS —  
 27 PENALTIES.  
 28 A person who acts, without direction by the  
 29 department, to break or in any manner interfere or  
 30 tamper with a seal preserving the contents of a  
 31 carrier receptacle before it reaches its destination  
 32 is guilty of an aggravated misdemeanor.  
 33 Sec. 14. The Code editor shall codify new sections  
 34 159.31 through 159.39 as a new division of chapter  
 35 159.  
 36 Sec. 15. Sections 159.32 and 159.33 are repealed  
 37 effective July 1, 1989.  
 38 Sec. 16. This Act, being deemed of immediate  
 39 importance, takes effect upon enactment.”  
 40 2. Title page, line 1 by striking the word  
 41 “grain” and inserting the following: “agricultural  
 42 products and commodities”.  
 43 3. Title page, line 3 by striking the word  
 44 “grain” and inserting the following: “commodity”.  
 45 4. Title page, line 4 by striking the word  
 46 “division” and inserting the following: “bureau”.  
 47 5. Title page, line 5 by striking the word  
 48 “grain”.  
 49 6. Title page, line 6 by striking the words “a  
 50 foreign sale facilitation system” and inserting the

**Page 11**

- 1 following: “an agrimarketing data bank”.  
 2 7. Title page, line 7 by striking the words “and  
 3 imposing penalties” and inserting the following:  
 4 “imposing penalties; and providing an effective date”.

The House stood at ease at 2:42 p.m., until the fall of the gavel.

The House resumed session and consideration of amendment H—4033, to the committee amendment H—3735, to Senate File 274 at 3:10 p.m., Connors of Polk in the chair.

Stromer of Hancock rose on a point of order that amendment H—4033, to the committee amendment H—3735, was not germane.

The Speaker ruled the point well taken and amendment H—4033 not germane, to the committee amendment H—3735.

Osterberg of Linn moved that the rules be suspended to consider amendment H—4033, to the committee amendment H—3735.

A non-record roll call was requested.

The ayes were 52, nays 33.

The motion prevailed and the rules were suspended to consider amendment H—4033.

Stromer of Hancock asked for unanimous consent to substitute amendment H—4070 for amendment H—4033.

Objection was raised.

Stromer of Hancock moved to suspend the rules and take up out of order amendment H—4070 filed by him from the floor as follows:

H—4070

- 1 Amend amendment H—3735 to Senate File 274, as
- 2 passed by the Senate, as follows:
- 3 1. By striking page 1, line 5 through page 4,
- 4 line 34 and inserting the following:
- 5 "Section 1. It is the purpose of this Act to
- 6 establish an interim committee to study the creation
- 7 of a board within the department of agriculture and
- 8 land stewardship, known as the Iowa export trading
- 9 board, to service suppliers, shippers, and private
- 10 export companies within the state, and with members
- 11 of the interstate grain compact outside of the state
- 12 to give state assistance to private producers and
- 13 exporters, to enhance sales of Iowa agricultural
- 14 products through the establishment of a marketing
- 15 system that will be responsive to individual buyer
- 16 specifications, both foreign and domestic, and to
- 17 encourage diversification and upgrade the quality
- 18 of agricultural products within the state.
- 19 The committee is also to study organization of the
- 20 board in such a manner as to take advantage of the
- 21 federal Export Trading Company Act of 1982, Pub. L.
- 22 No. 97-290.
- 23 The interim committee membership shall include
- 24 legislators and four public members appointed by
- 25 the legislative council."

A non-record roll call was requested.

The ayes were 35, nays 47.

The motion to suspend the rules to substitute lost.

Harbor of Mills asked for unanimous consent to defer action on amendment H—4033.

Objection was raised.

Sherzan of Polk in the chair at 3:43 p.m.

Connors of Polk in the chair at 3:48 p.m.

Harbor of Mills moved to defer action on amendment H—4033.

A non-record roll call was requested.

The ayes were 40, nays 43.

The motion to defer lost.

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

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

Ollie of Clinton in the chair at 4:16 p.m.

Connors of Polk in the chair at 4:20 p.m.

Speaker Avenson in the chair at 4:45 p.m.

May of Worth moved the adoption of amendment H—4033, to the committee amendment H—3735.

Roll call was requested by Stromer of Hancock and Harbor of Mills.

On the question "Shall amendment H—4033, to the committee amendment H—3735, be adopted?" (S.F. 274)

The ayes were, 50:

Adams	Arnould	Beatty	Bisignano
Black	Buhr	Chapman	Cohoon
Connolly	Cooper	Dvorsky.	Fey
Fogarty	Fuller	Groninga	Gruhn
Halvorson, R. N.	Hammond	Hansen, S. D.	Harper
Hatch	Haverland	Holveck	Jay
Jochum	Johnson	Knapp	Koenigs
May	McKinney	Muhlbauer	Neuhauser
Norrgard	Osterberg	Parker	Pavich
Peters	Peterson, M. K.	Poncy	Renaud
Rosenberg	Runnfhg	Schrader	Sherzan
Skow	Spear	Svoboda	Tabor
Teaford	Mr. Speaker		

The nays were, 42:

Beaman	Bennett	Branstad	Clark
Corbett	Corey	Daggett	De Groot
Diemer	Doderer	Eddie	Garman
Halvorson, R. A.	Hanson, D. R.	Harbor	Hermann
Hester	Hummel	Kremer	Lageschulte
Lundby	Maulsby	McKean	Metcalf
Miller	Mullins	Paulin	Pellett
Petersen, D. F.	Plasier	Platt	Renken
Royer	Schneklloth	Shoning	Siegrist
Stromer	Stueland	Swartz	Swearingen
Van Camp	Van Maanen		

Absent or not voting, 8:

Blanshan	Brammer	Carpenter	Connors
Ollie	Shoultz	Tyrrell	Wise

Amendment H—4033 was adopted, placing the following amendments out of order:

H—4047, previously adopted and found on page 1742 of the House Journal.

H—4061, previously adopted and found on page 1742 of the House Journal.

H—4046, previously adopted and found on page 1743 of the House Journal.

H—3741, previously adopted and found on page 1743 of the House Journal.

H—4063, previously adopted and found on pages 1743 and 1744 of the House Journal.

H—4066, previously adopted and found on page 1744 of the House Journal.

H—4059, previously adopted and found on page 1745 of the House Journal.

H—4049 filed by Schneklloth of Scott on April 28, 1987.

H—4050 filed by Stueland of Clinton and Bennett of Ida on April 28, 1987.

H—4051 filed by Bennett, et al., on April 28, 1987.

H—4070, found on page 1756 of the House Journal.

May of Worth moved the adoption of the committee amendment H—3735, as amended.

A non-record roll call was requested.

The ayes were 48, nays 40.

The committee amendment H—3735, as amended, was adopted placing out of order amendment H—3922 filed by Stueland of Clinton on April 23, 1987.

Kremer of Buchanan asked and received unanimous consent to withdraw amendment H—3815 filed by him on April 15, 1987.

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

On the question "Shall the bill pass?" (S.F. 274)

The ayes were, 55:

Adams	Arnould	Beatty	Bisignano
Black	Buhr	Chapman	Cohoon
Connolly	Connors	Cooper	Doderer
Dvorsky	Fey	Fogarty	Fuller
Groninga	Gruhn	Halvorson, R. N.	Hammond
Hansen, S. D.	Harper	Hatch	Haverland
Holveck	Jay	Jochum	Johnson
Knapp	Koenigs	May	McKinney
Muhlbauer	Neuhauser	Norrgard	Ollie
Osterberg	Parker	Pavich	Peters
Peterson, M. K.	Poncy	Rehaud	Rosenberg
Running	Schrader	Sherzan	Shoultz
Skow	Spear	Svoboda	Taber
Teaford	Wise	Mr. Speaker	

The nays were, 41:

Beaman	Bennett	Branstad	Carpenter
Clark	Corbett	Corey	Daggett
De Groot	Diemer	Eddie	Garman
Halvorson, R. A.	Hanson, D. R.	Harbor	Hermann
Hester	Hummel	Kremer	Lageschulte
Lundby	Maulsby	McKean	Metcalf
Miller	Mullins	Paulin	Pellett
Petersen, D. F.	Plasier	Platt	Renken
Royer	Schneklath	Shoning	Siegrist
Stromer	Stueland	Swearingen	Van Camp
Van Maanen			

Absent or not voting, 4:

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

**CONFERENCE COMMITTEE APPOINTED**  
(House File 631)

The Speaker announced the appointment of the conference committee to consider the differences between the House and Senate concerning House File 631: Rosenberg of Story, Chair; Johnson of Wineshiek, Mullins of Kossuth, Paulin of Plymouth and Shoultz of Black Hawk.

**IMMEDIATE MESSAGE**  
(Senate File 274)

Arnould of Scott asked and received unanimous consent that Senate File 274 be immediately messaged to the Senate.

**INTRODUCTION OF BILL**

**House File 680**, by committee on appropriations, a bill for an act relating to juveniles, regarding children in need of services, the detention of juveniles in adult detention facilities, and penalties for violations of certain misdemeanors and ordinances.

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

**SENATE MESSAGE CONSIDERED**

**Senate File 511**, by committee on appropriations, a bill for an act relating to and making appropriations to agencies, boards, commissions, departments, and programs of state government relating to elected officials, the executive council, management, revenue and finance, personnel, general services, economic development, agriculture, natural resources, and education, providing effective dates, and making certain provisions retroactive.

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

**MOTION TO RECONSIDER WITHDRAWN**  
(Senate File 482)

Jay of Appanoose asked and received unanimous consent to withdraw the motion to reconsider Senate File 482, a bill for an act relating to the civil process and procedure for awarding interest on civil judgments and decrees, determining whether a sufficient burden of proof has been met for the awarding of punitive damages, and for allowing the consideration for previous payments for medical damages, and providing an effective date, filed by him on April 24, 1987.

## BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on April 29, 1987, he approved and transmitted to the Secretary of State the following bills:

House File 47, an act relating to the appointment of township officers.

House File 90, an act relating to the investigations of the cause and manner of death for patients enrolled in a hospice program.

House File 136, an act relating to the disclosure of information concerning the family of a health care facility resident to a care review committee member.

House File 193, an act relating to the filing of a request for a contested case proceeding with a state agency.

House File 487, an act relating to the payment and collection of the criminal penalty surcharge.

House File 489, an act relating to ensuring that the title to agricultural land is not affected by the failure of a creditor to receive a mediation release, regardless of its validity.

House File 507, an act relating to discrimination by employers and by labor unions, organizations, and officers on the basis of sex, and making a penalty applicable.

Senate File 267, an act relating to the affirmation and reenactment of certain provisions of law concerning the regulation of certain businesses and occupations, and providing an effective date.

Senate File 474, an act relating to the waiver of homestead exemptions, and providing dates for the effectiveness and applicability of the act.

## EXPLANATION OF VOTE

I was necessarily absent from the House chamber on Tuesday, April 28, 1987. Had I been present, I would have voted "aye" on House Files 334 and 654.

OLLIE of Clinton

## PRESENTATION OF VISITORS

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

Twenty juniors from Columbus High School, Columbus Junction, accompanied by Sandra Martin. By Corey of Louisa.

Thirty sixth grade students from Keota Community School, Keota, accompanied by Jo Ann Winter. By Corey of Louisa and Swearingen of Keokuk.

Seventeen eighth grade students from Lutheran Inter-Parish School, Williamsburg, accompanied by Duane Miller. By Dvorsky of Johnson.

Seventy fifth grade students from Lakeview Elementary School, Centerville, accompanied by Mrs. Murphy, Mrs. Stephens and Mrs. Wehrle. By Jay of Appanoose.

Forty-four sixth grade students from Dexfield Elementary School, Dexter, accompanied by Dorothy Sanborn. By McKinney of Dallas.

Twenty-five high school students from Aurelia High School, Aurelia, accompanied by Kevin Ritchie and Gary DeWall. By Miller of Cherokee.

One hundred fourteen eighth grade students from Winterset Middle School, Winterset, accompanied by Larry Messer, Mary Jacovazzi, DeAnn Christensen and Molly Clark. By Skow of Guthrie.

Also: Forty juniors from Guthrie Center High School, Guthrie Center, accompanied by Connie Skow.

Twenty-nine juniors from Maharishi High School, Fairfield, accompanied by Joanne Orange and Richard Bell. By Swearingen of Keokuk.

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

## HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

### **H.S.B. 323 Ways and Means**

Relating to energy assistance to low income households by requiring each gas and electric public utility to create a utility shutoff fund with certain exceptions, by providing for the implementation of pilot projects of an affordable utility payment plan and affordable heating payment plan, making civil penalties applicable, providing a penalty, and providing for a sales tax refund for certain participating gas and electric public utilities and heating fuel supplier.

### **H.S.B. 324 Appropriations**

Requesting the legislative council to establish a commission on professional health care practices regulation.

## HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENT

### **House Study Bill 323**

Ways and Means: Groninga, Chair; Bisignano, Chapman, Petersen of Muscatine and Renken.

## 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 House File 657), relating to juveniles, regarding children in need of services, the detention of juveniles in adult detention facilities, and penalties for violations of certain misdemeanors and ordinances.

Fiscal Note is not required.

Recommended Amend and Do Pass April 28, 1987.

### RESOLUTION FILED

**HCR 38**, by Running, Connolly and Osterberg, a concurrent resolution relating to the types of businesses that may receive state funds or benefit from state programs.

Laid over under **Rule 25**.

### AMENDMENTS FILED

H-4064	H.F.	677	Lundby of Linn Corbett of Linn
H-4067	H.F.	677	Black of Jasper
H-4068	H.F.	677	Black of Jasper
H-4080	H.F.	677	Connolly of Dubuque
H-4081	H.F.	678	Hanson of Delaware
H-4082	H.F.	411	Koenigs of Mitchell
H-4083	S.F.	69	Hatch of Polk
H-4084	S.F.	484	Swartz of Marshall
Harbor of Mills			Running of Linn
Schneklath of Scott			Shoultz of Black Hawk
Royer of Page			Skow of Guthrie Chapman of Linn

On motion by Arnould of Scott, the House adjourned at 5:37 p.m., until 9:00 a.m., Thursday, April 30, 1987.

# JOURNAL OF THE HOUSE

One Hundred Ninth Calendar Day — Seventy-fourth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Thursday, April 30, 1987

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

Prayer was offered by the Reverend Wally Paige, pastor of the United Methodist Church, Garwin.

The Journal of Wednesday, April 29, 1987 was approved.

## PETITION FILED

The following petition was received and placed on file:

By Swearingen of Keokuk, from three hundred seventy-seven constituents of District 63 opposing House File 188, an act to stop the use of high power rifles to hunt deer in season.

## 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 29, 1987, passed the following bill in which the concurrence of the House is asked:

Senate File 501, a bill for an act relating to the organization and procedures of state government, by making modifications to the authority for and procedures relating to governmental budget and finance administration, by making modifications in the authority for and procedures relating to state personnel administration, by making modifications to the powers, procedures, and structure of certain state governmental agencies, by making adjustments to the 1986 legislation reorganizing state government, by making other related adjustments and modifications, and by providing an effective date.

JOHN F. DWYER, Secretary

## HOUSE FILE 675 DEFERRED

Arnould of Scott asked and received unanimous consent that House File 675 be temporarily deferred and that the bill retain its place on the calendar.

## CONSIDERATION OF BILLS

### Ways and Means Calendar

Senate File 499, a bill for an act relating to the federal low-income housing credit allowance, with report of committee recommending passage was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 499)

The ayes were, 94:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Black	Brammer
Branstad	Buhr	Carpenter	Chapman
Clark	Cohoon	Connolly	Connors
Cooper	Corbett	Corey	Daggett
De Groot	Diemer	Doderer	Dvorsky
Eddie	Fey	Fogarty	Fuller
Garman	Groninga	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. R.
Harbor	Harper	Haverland	Hermann
Hester	Holveck	Hummel	Jay
Jochum	Johnson	Knapp	Koenigs
Kremer	Lageschulte	Lundby	Maulsby
May	McKean	McKinney	Metcalf
Miller	Muhlbauer	Mullins	Neuhauser
Norrgard	Osterberg	Paulin	Pavich
Pellett	Peters	Petersen, D. F.	Peterson, M. K.
Plasier	Platt	Poncy	Renaud
Renken	Rosenberg	Royer	Schnekloth
Schrader	Sherzan	Shoning	Shoultz
Siegrist	Skow	Spear	Stromer
Stueland	Svoboda	Swartz	Swearingen
Tabor	Teaford	Van Camp	Van Maanen
Wise	Mr. Speaker		

The nays were, none.

Absent or not voting, 6:

Blanshan	Hatch	Ollie	Parker
Running	Tyrrell		

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

**House File 675**, a bill for an act relating to the determination, for purposes of the state sales, services, and use tax, of gross receipts and purchase price when tangible personal property is traded to the retailer as part of the transaction subject to the tax, was taken up for consideration.

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

### On the question "Shall the bill pass?" (H.F. 675)

The ayes were, 96:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Black	Brammer
Branstad	Buhr	Carpenter	Chapman
Clark	Cohoon	Cennolly	Connors
Cooper	Corbett	Corey	Daggett
De Groot	Diemer	Doderer	Dvorsky
Eddie	Fey	Fogarty	Fuller
Garman	Groninga	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. R.
Harbor	Harper	Haverland	Hermann
Hester	Holveck	Hummel	Jay
Jochum	Johnson	Knapp	Koenigs
Kremer	Lageschulte	Lundby	Maulsby
May	McKean	McKinney	Metcalf
Miller	Muhlbauer	Mullins	Neuhauser
Norrgard	Ollie	Osterberg	Paulin
Pavich	Pellet	Peters	Petersen, D. F.
Peterson, M. K.	Plasier	Platt	Poncy
Renaud	Renken	Rosenberg	Royer
Running	Schneklath	Schrader	Sherzan
Shoning	Shoultz	Siegrist	Skow
Spear	Stromer	Stueland	Svoboda
Swartz	Swearingen	Tabor	Teaford
Van Camp	Van Maanen	Wise	Mr. Speaker

The nays were, none.

Absent or not voting, 4:

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

### Unfinished Business Calendar

The House resumed consideration of **Senate File 342**, a bill for an act relating to the assessment of costs to the owner of real estate subject to tax sale, deferred and placed on the unfinished business calendar April 14, 1987.

Royer of Page offered the following amendment H—3698 filed by the committee on local government and moved its adoption:

H—3698

- 1 Amend Senate File 342, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, line 14, by striking the words
- 4 "~~dollars~~ the actual cost of publication" and inserting

- 5 the following: "five dollars".  
 6 2. Page 1, lines 31 and 32, by striking the words  
 7 "~~dollars the actual cost of publication~~" and inserting  
 8 the following: "five dollars".

The committee amendment H—3698 was adopted.

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

On the question "Shall the bill pass?" (S.F. 342)

The ayes were, 93:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Black	Branstad
Buhr	Carpenter	Chapman	Clark
Cohoon	Connolly	Connors	Cooper
Corbett	Corey	Daggett	De Groot
Diemer	Eddie	Fey	Fogarty
Fuller	Garman	Groninga	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Hansen, S. D.
Hanson, D. R.	Harbor	Harper	Hatch
Haverland	Hermann	Hester	Holveck
Hummel	Jay	Jochum	Johnson
Knapp	Koenigs	Kremer	Lageschulte
Lundby	Maulsby	May	McKean
McKinney	Metcalf	Miller	Muhlbauer
Mullins	Neuhauser	Ollie	Osterberg
Paulin	Pavich	Pellett	Peters
Petersen, D. F.	Peterson, M. K.	Plasier	Platt
Poney	Renaud	Renken	Rosenberg
Royer	Running	Schneklath	Schrader
Sherzan	Shoning	Shultz	Siegrist
Skow	Spear	Stromer	Stueland
Svoboda	Swartz	Swearingen	Tabor
Teaford	Van Camp	Van Maanen	Wise

Mr. Speaker

The nays were, none.

Absent or not voting, 7:

Blanshan	Brammer	Doderer	Dvorsky
Norrgard	Parker	Tyrrell	

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

Tabor of Jackson in the chair at 9:39 a.m.

### Ways and Means Calendar

**Senate File 101**, a bill for an act relating to mobile home taxes and providing an effective date, with report of committee recommending amendment and passage was taken up for consideration.

Fey of Scott offered the following amendment H—4060 filed by the committee on ways and means and moved its adoption:

H—4060

- 1 Amend Senate File 101, as amended, passed, and re-
- 2 printed by the Senate, as follows:
- 3 1. Page 5, lines 20 and 21, by striking the words
- 4 "unless the home is placed in a mobile home park and
- 5 not converted to real property".

The committee amendment H—4060 was adopted.

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

On the question "Shall the bill pass?" (S.F. 101)

The ayes were, 88:

Adams	Arnould	Avenson	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Branstad	Buhr -
Carpenter	Chapman	Clark	Cohoon
Connolly	Connors	Cooper	Corey
Daggett	De Groot	Diemer	Doderer
Dvorsky	Eddie	Fey	Fogarty
Fuller	Garman	Groninga	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Hansen, S. D.
Hanson, D. R.	Harbor	Harper	Hatch
Haverland	Hester	Holveck	Jay
Jochum	Johnson	Knapp	Koenigs
Kremer	Lageschulte	Maulsby	May
McKean	McKinney	Metcalf	Miller
Muhlbauer	Mullins	Neuhauser	Norrgard
Osterberg	Paulin	Pavich	Pellett
Petersen, D. F.	Peterson, M. K.	Plasier	Poncy
Renken	Rosenberg	Royer	Schneklath
Schrader	Sherzan	Shoning	Shoultz
Siegrist	Skow	Spear	Stromer
Stueland	Svoboda	Swearingen	Teaford
Van Camp	Van Maanen	Wise	Mr. Speaker (Tabor)

The nays were, 6:

Corbett	Hummel	Lundby	Peters
Renaud	Running		

Absent or not voting, 6:

Hermann	Ollie	Parker	Platt
Swartz	Tyrrell		

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 146**, a bill for an act relating to the agricultural loan assistance program of the Iowa agricultural development authority, deferred and placed on the unfinished business calendar April 14, 1987.

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

On the question "Shall the bill pass?" (S.F. 146)

The ayes were, 95:

Adams	Arnould	Avenson	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Branstad	Buhr
Carpenter	Chapman	Clark	Cohoon
Connolly	Connors	Cooper	Corbett
Corey	Daggett	De Groot	Diemer
Doderer	Dvorsky	Eddie	Fey
Fogarty	Fuller	Garman	Groninga
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Hansen, S. D.	Hanson, D. R.	Harbor	Harper
Hatch	Haverland	Hermann	Hester
Holveck	Hummel	Jay	Jochum
Johnson	Knapp	Koenigs	Kremer
Lundby	Maulsby	May	McKean
McKinney	Metcalf	Miller	Muhlbauer
Mullins	Neuhauser	Norrgrund	Ollie
Osterberg	Paulin	Pavich	Pellett
Peters	Petersen, D. F.	Peterson, M. K.	Plasier
Platt	Poney	Renaud	Renken
Rosenberg	Running	Schneklath	Schrader
Sherzan	Shoning	Shultz	Siegrist
Skow	Spear	Stromer	Svoboda
Swartz	Swearingen	Teaford	Van Camp
Van Maanen	Wise	Mr. Speaker	
		(Tabor)	

The nays were, 2:

Lageschulte	Stueland
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Absent or not voting, 3:

Parker

Royer

Tyrrell

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

Connors of Polk in the chair at 10:00 a.m.

On motion by Arnould of Scott, the House was recessed at 10:10 a.m., until 1:15 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 30, 1987, amended and passed the following bill in which the concurrence of the House is asked:

House File 469, a bill for an act to regulate the circumstance and procedure under which an employer may request a drug test of an employee or an applicant for employment and providing a penalty.

Also: That the Senate has on April 30, 1987, amended and passed the following bill in which the concurrence of the House is asked:

House File 518, a bill for an act relating to powers and duties of certain political subdivisions in relation to their operational procedures and financial arrangements, and providing an effective date.

Also: That the Senate has on April 30, 1987, amended and passed the following bill in which the concurrence of the House is asked:

House File 599, a bill for an act relating to mortgage foreclosures by establishing an alternative mortgage foreclosure proceeding with final judicial sale and rights in lieu of redemption, and establishing nonjudicial foreclosure proceedings upon waiver of deficiency judgments.

Also: That the Senate has on April 30, 1987, amended and passed the following bill in which the concurrence of the House is asked:

House File 666, a bill for an act to provide that a homestead tax credit claim need not be refiled when the homestead is transferred to one of the spouses pursuant to a dissolution of marriage.

Also: That the Senate has on April 30, 1987, passed the following bill in which the concurrence of the House is asked:

Senate File 508, a bill for an act relating to investment pools for raising funds to be used for investment in certain small businesses by authorizing the boards of directors of area schools to approve the plans for organizing such investment pools and providing an individual income tax credit for taxpayers who place funds into such investment pools.

Also: That the Senate has on April 30, 1987, passed the following bill in which the concurrence of the House is asked:

Senate File 509, a bill for an act making an appropriation for the support of the engineering and land surveying examining board and revising certain statutory provisions relating to engineering and land surveying services.

JOHN F. DWYER, Secretary

The House stood at ease at 2:19 p.m., until the fall of the gavel.

The House resumed session at 4:08 p.m., Speaker Avenson in the chair.

### SENATE MESSAGES CONSIDERED

**Senate File 508**, by committee on ways and means, a bill for an act relating to investment pools for raising funds to be used for investment in certain small businesses by authorizing the boards of directors of area schools to approve the plans for organizing such investment pools and providing an individual income tax credit for taxpayers who place funds into such investment pools.

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

**Senate File 509**, by committee on appropriations, a bill for an act making an appropriation for the support of the engineering and land surveying examining board and revising certain statutory provisions relating to engineering and land surveying services.

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

### SENATE AMENDMENT CONSIDERED

Ollie of Clinton called up for consideration **House File 499**, a bill for an act relating to education including salary increases, efficiencies, and education enhancement, relating to the establishment of an educational excellence program consisting of three phases relating to the recruitment of quality teachers, the retention of quality teachers, and the enhancement of the quality and effectiveness of teachers; activities of the state board of education relating to the accreditation process; duration of a superintendent's contract; open enrollment of pupils in contiguous school districts; postsecondary enrollment options for certain high school students; redrawing boundary lines of area education agencies; plans for a governance structure for merged area schools; majority vote for school district bond issues under certain conditions; date of the organizational meeting of school corporations; annual publication of financial statements; sharing interscholastic activity programs; adoption of student achievement goals; provision for intercollegiate athletic activities at merged area schools; procedure for opting out of whole grade sharing; calculation of enrollment of school districts; weighting for non-English-speaking students; and provide effective dates, amended by the Senate amendment H — 3878 as follows:

H-3878

1 Amend House File 499 as amended, passed, and  
2 reprinted by the House, as follows:

3 1. Page 1, line 27, by inserting after the word  
4 "position." the following: "For the purposes of phase  
5 III, "teacher" also includes a principal employed by  
6 the board of directors of a school district."

7 2. Page 2, line 1, by striking the words and  
8 figure "and July 1, 1988" and inserting the following:  
9 ", July 1, 1988, and July 1, 1989".

10 3. Page 2, line 7, by striking the words and  
11 figure "and July 1, 1988" and inserting the following:  
12 ", July 1, 1988, and July 1, 1989".

13 4. Page 3, by striking lines 7 through 9 and  
14 inserting the following:

15 "If moneys are appropriated by the general assembly  
16 to the fund for distribution under this chapter the  
17 moneys shall be allocated by the department so that  
18 the minimum salary of eighteen thousand dollars under  
19 phase I is funded first and the remainder of the funds  
20 appropriated to the educational excellence fund are  
21 divided so that forty-three percent are distributed  
22 for phase II and fifty-seven percent are distributed  
23 for phase III."

24 5. Page 3, line 27, by inserting after the word  
25 "education" the following: "by the third Friday in  
26 September".

27 6. Page 3, line 30, by inserting after the word  
28 "year" the following: "for that year".

29 7. By striking page 4, line 10 through page 5,  
30 line 6, and inserting the following: "each school  
31 district and area education phase under phase I and  
32 the department of revenue and finance shall make the  
33 payments. For school years after the school year  
34 beginning July 1, 1987, if a school district or area  
35 education agency reduces the number of its full-time  
36 equivalent teachers below the number employed during  
37 the school year beginning July 1, 1987, the department  
38 of revenue and finance shall reduce the total minimum  
39 salary supplement payable to that school district or  
40 area education agency so that the amount paid is equal  
41 to the ratio of the number of full-time equivalent  
42 teachers employed in the school district or area  
43 education agency for that school year divided by the  
44 number of full-time equivalent teachers employed in  
45 the school district or area education agency for the  
46 school year beginning July 1, 1987 and multiplying  
47 that fraction by the total minimum salary supplement  
48 paid to that school district or area education agency  
49 for the school year beginning July 1, 1987."

50 8. Page 5, by striking lines 7 through 14.

## Page 2

1 9. By striking page 5, line 23 through page 6,  
2 line 2, and inserting the following: "teachers.  
3 Annually, the department of education shall allocate  
4 to school districts for the purpose of implementing  
5 phase II ninety-five and twelve hundredths percent of  
6 the total phase II allocation determined under section  
7 294A.3. Annually, the department shall divide the  
8 total certified enrollment in the state into the  
9 school districts' portion of the phase II allocation  
10 to determine a phase II per pupil amount for school  
11 districts. Each school district shall receive for  
12 phase II the phase II per pupil amount multiplied by  
13 the district's certified enrollment."

14 10. Page 6, by striking lines 3 through 17 and  
15 inserting the following:

16 "Annually the department of education shall  
17 allocate to area education agencies for the purpose of  
18 implementing phase II four and eighty-eight hundredths  
19 percent of the total phase II allocation determined  
20 under section 294A.3. Annually, the department shall  
21 divide the total enrollment served in the state into  
22 the area education agencies' portion of the phase II  
23 allocation to determine a phase II per pupil amount  
24 for area education agencies. Each area education  
25 agency shall receive for phase II the phase II per  
26 pupil amount multiplied by the area education agency's  
27 enrollment served."

28 11. Page 7, by striking line 34 and inserting the  
29 following: "equal to or more than the minimum salary  
30 for phase I will".

31 12. Page 8, line 27, by striking the words "and  
32 to promote student achievement".

33 13. Page 8, by inserting after line 31 the  
34 following:

35 "It is the intent of the general assembly that  
36 school districts and area education agencies  
37 incorporate into their planning for performance-based  
38 pay plans and supplemental pay plans, implementation  
39 of recommendations from recently issued national and  
40 state reports relating to the requirements of the  
41 educational system for meeting future educational  
42 needs, especially as they relate to the preparation,  
43 working conditions, and responsibilities of teachers,  
44 including but not limited to assistance to new  
45 teachers, development of teachers as instructional  
46 leaders in their schools and school districts, using  
47 teachers for evaluation and diagnosis of other  
48 teachers' techniques, and the implementation of  
49 sabbatical leaves.

50 It is the intent of the general assembly that as

## Page 3

1 more stringent or additional teaching certification  
2 standards or other educational requirements affecting  
3 teacher compensation are mandated in response to  
4 recommendations made in various national and state  
5 reports relating to education and teaching in the  
6 nation and in this state, the cost of meeting these  
7 requirements shall be borne by the districts and area  
8 education agencies themselves and state financial  
9 assistance will be provided only pursuant to an  
10 approved phase III plan. Renewal of school districts'  
11 and area education agencies' initial allocations of  
12 phase III moneys may be affected in subsequent years  
13 by implementation of increased or additional  
14 standards."

15 14. Page 9, by striking lines 3 through 13 and  
16 inserting the following: "combination of the two."

17 15. Page 9, by striking lines 15 through 30 and  
18 inserting the following:

19 "Annually, the department of education shall  
20 determine the payments for an approved plan for each  
21 school district and area education agency. Ninety-  
22 five and twelve hundredths percent of the total phase  
23 III allocation determined under section 294A.3 shall  
24 be allocated to school districts and four and eighty-  
25 eight hundredths percent shall be allocated to area  
26 education agencies. Annually the department shall  
27 determine a phase III per pupil amount for school  
28 districts and a phase III per pupil amount for area  
29 education agencies based upon one-half the phase III  
30 allocation for each in the same manner as the phase II  
31 per pupil amounts were determined. One-half the total  
32 amount paid for phase III for a school year for each  
33 school district that has an approved plan is equal to  
34 the phase III per pupil amount for school districts  
35 multiplied by the district's certified enrollment.  
36 One-half the total amount paid for phase III for a  
37 school year for each area education agency that has an  
38 approved plan is equal to the phase III per pupil  
39 amount for area education agencies multiplied by the  
40 area education agency's enrollment served.

41 In addition, annually the department shall  
42 determine a phase III per teacher amount for school  
43 districts and a phase III per teacher amount for area  
44 education agencies based upon one-half the phase III  
45 allocation for each and determined by dividing one-  
46 half the phase III allocation for school districts by  
47 the number of full-time equivalent teachers employed  
48 by school districts and one-half the phase III  
49 allocation for area education agencies by the number  
50 of full-time equivalent teachers employed by area

## Page 4

1 education agencies.

2 One-half the total amount paid for phase III for a  
3 school year for each school district that has an  
4 approved plan is equal to the phase III per teacher  
5 amount for school districts multiplied by the number  
6 of full-time equivalent teachers employed by that  
7 school district. One-half the total amount paid for  
8 phase III for a school year for each area agency that  
9 has an approved plan is equal to the phase III per  
10 teacher amount for area education agencies multiplied  
11 by the number of full-time equivalent teachers  
12 employed by that area education agency."

13 16..Page 10, line 17, by inserting after the word  
14 "district" the following: ", except that phase III  
15 moneys may be used to employ substitute teachers,  
16 part-time teachers, and other employees needed to  
17 implement plans that provide innovative staffing  
18 patterns or that require that a teacher employed on a  
19 full-time basis be absent from the classroom for  
20 specified periods for fulfilling other instructional  
21 duties".

22 17. Page 11, by inserting after line 20 the  
23 following:

24 "A supplemental pay plan may provide for  
25 supplementing the costs of vocational agriculture  
26 programs as provided in section 294A.16A."

27 18. Page 12, by striking lines 8 through 10 and  
28 inserting the following: "education under section  
29 294A.16."

30 19. Page 12, line 31, by striking the word  
31 "students,".

32 20. Page 12, line 33, by inserting after the word  
33 "proposal" the following: "for distribution of phase  
34 III moneys to be submitted to the board of directors".

35 21. Page 13, by striking lines 8 and 9 and in-  
36 serting the following: "area education agency for  
37 consideration by the board in developing a plan. For  
38 the school year beginning July".

39 22. Page 13, by striking lines 25 and 26 and  
40 inserting the following:

41 "A plan adopted by the board of directors of a  
42 school district or area education agency shall be sub-  
43 mitted to the department of".

44 23. Page 14, line 7, by inserting after the word  
45 "agency" the following: "for the school year  
46 beginning July 1, 1987".

47 24. Page 14, line 7, by inserting after the word  
48 "an" the following: "approved phase III plan that are  
49 not expended for that school year shall not revert to  
50 the general fund of the state but may be expended by

## Page 5

1 that school district or area education agency during  
2 the school year beginning July 1, 1988. For school  
3 years thereafter, moneys allocated to a school  
4 district or area education agency for an".

5 25. Page 14, by inserting before line 11 the  
6 following:

7 "Sec. \_\_\_\_\_. NEW SECTION. 294A.16A VOCATIONAL  
8 AGRICULTURE.

9 A supplemental pay plan that provides for  
10 supplementing the costs of vocational agriculture  
11 programs may include providing for:

12 1. Teacher salary costs beyond the regular school  
13 year for twelve-month contracts for vocational  
14 agriculture teachers in order for them to develop and  
15 provide summer programs.

16 2. Travel costs of the teachers.

17 3. Supervision costs of the teachers for  
18 intracurricular student organizations and  
19 associations.

20 4. Costs of coordination of continuing education  
21 programs for adult young farmers and agribusiness  
22 personnel.

23 5. Replacing and updating vocational education  
24 instructional equipment in school districts.

25 6. Revising vocational agriculture curricula to  
26 include the instruction of diversified enterprises.

27 7. Developing and implementing additional  
28 instructional programs for vocational agriculture.

29 8. Developing curriculum guides that incorporate  
30 exploratory and career awareness for vocational  
31 agriculture into the educational programs for grades  
32 kindergarten through eight."

33 26. Page 14, line 22, by striking the words and  
34 figure "for phase III" and inserting the following:  
35 "and allocated to phase III under section 294A.3".

36 27. Page 14, by striking lines 33 and 34 and  
37 inserting the following: "program shall be made by  
38 the department of revenue and finance on a quarterly  
39 basis, and the payments shall be separate from state  
40 aid payments made pursuant to sections 442.25 and  
41 442.26. For the school year beginning July 1, 1987,  
42 the first quarterly payment shall be made not later  
43 than October 15, 1987 taking into consideration the  
44 relative budget and cash position of the state  
45 resources."

46 28. Page 15, by inserting after line 9 the  
47 following:

48 "Sec. \_\_\_\_\_. NEW SECTION. 294A.21A MINIMUM SALARY  
49 FOR SUBSTITUTE TEACHERS.

50 In addition to the minimum salary requirements

## Page 6

1 specified in section 294A.5, the minimum daily salary  
2 paid to a substitute teacher for the school year  
3 beginning July 1, 1987 and succeeding school years is  
4 seventy-five dollars."

5 29. Page 15, by inserting after line 9 the  
6 following:

7 "Sec. \_\_\_\_\_. NEW SECTION. 294A.21B COLLECTIVE  
8 BARGAINING.

9 For the school year beginning July 1, 1987 only,  
10 section 20.17, subsection 3, relating to the exemption  
11 from chapter 21 and presentation of initial bargaining  
12 positions of the public employer and certified  
13 bargaining representative for certificated employees,  
14 does not apply to collective bargaining for moneys  
15 received under phases II and III, and an agreement  
16 between the board of directors and the certified  
17 bargaining representative for certificated employees  
18 need not be ratified by the employees or board."

19 30. Page 15, by striking lines 10 through 17.

20 31. Page 15, by inserting after line 19 the  
21 following:

22 "Sec. \_\_\_\_\_. Section 20.16, Code 1987, is amended by  
23 adding the following new unnumbered paragraph:

24 NEW UNNUMBERED PARAGRAPH. Upon mutual agreement of  
25 all parties affected, the public employers who are  
26 boards of directors of school districts and their  
27 corresponding certified teacher employee organizations  
28 within the boundaries of an area education agency, or  
29 portion of an area education agency, may engage in  
30 collective bargaining to negotiate a single proposed  
31 collective bargaining agreement for the area.

32 Sec. \_\_\_\_\_. NEW SECTION. 20.22A NEGOTIATIONS FOR  
33 SCHOOL DISTRICTS.

34 Notwithstanding the deadline dates prescribed in  
35 section 20.17, and sections 20.19 through 20.22, the  
36 negotiations for a proposed collective bargaining  
37 agreement between the representatives of a school  
38 district and a certified teacher employee organization  
39 may occur after the March 15 certified budget  
40 submission date if the parties comply with this  
41 section. Not later than October 1 of the year  
42 preceding the year for which an agreement is being  
43 negotiated, the representatives of the school district  
44 and a certified teacher employee organization shall  
45 jointly submit to the public employment relations  
46 board a time line for negotiations that contains  
47 proposed deadline dates for impasse procedures,  
48 including appointment of a mediator, appointment of a  
49 fact-finder, request for arbitration, and the final  
50 determination of the panel of arbitrators. The

## Page 7

1 deadline for the final determination of the panel of  
2 arbitrators shall not be later than August 15 and the  
3 determination must be effective retroactive to July 1.

4 The public employment relations board shall approve  
5 or disapprove the request by November 1 of the year  
6 preceding the year for which the agreement is being  
7 negotiated. If the public employment relations board  
8 disapproves the time line submitted by the parties,  
9 the time lines specified in section 20.17 and sections  
10 20.19 through 20.22 apply."

11 32. Page 15, by inserting after line 19 the  
12 following:

13 "Sec. 100. Section 93.20, unnumbered paragraph 2,  
14 Code 1987, is amended to read as follows:

15 School districts shall repay the loans from moneys  
16 in either their general fund or schoolhouse capital  
17 projects fund. Area schools shall repay the loans  
18 from their general fund.

19 Sec. 101. Section 96.31, Code 1987, is amended to  
20 read as follows:

21 96.31 TAX FOR BENEFITS.

22 Political subdivisions may levy a tax outside their  
23 general fund levy limits to pay the cost of  
24 unemployment benefits. For school districts the cost  
25 of unemployment benefits paid outside the general fund  
26 limits shall be included in the liability levy  
27 pursuant to section 298.4."

28 33. Page 15, by inserting after line 19 the  
29 following:

30 "Sec. \_\_\_\_\_. Section 256.7, Code 1987, is amended by  
31 adding the following new subsection:

32 **NEW SUBSECTION. 8.** Develop plans for the approval  
33 of teacher preparation programs that incorporate the  
34 results of recently completed research and national  
35 studies on teaching for the twenty-first century and  
36 develop plans for providing assistance to newly  
37 graduated teachers, including options for internships  
38 and reduced teaching loads. The plans shall be  
39 submitted to the general assembly not later than  
40 October 1, 1988."

41 34. By striking page 15, line 20, through page  
42 16, line 12.

43 35. By striking page 16, line 13, through page  
44 17, line 30, and inserting the following:

45 "Sec. \_\_\_\_\_. Section 256.11, subsections 10, 11, and  
46 12, Code 1987, are amended by striking the subsections  
47 and inserting in lieu thereof the following:

48 10. The state board shall establish an  
49 accreditation process for school districts and  
50 nonpublic schools seeking accreditation pursuant to

## Page 8

1 this subsection and subsections 11 and 12. As  
2 required in section 256.17, by July 1, 1989, all  
3 school districts shall meet standards for  
4 accreditation. For the school year commencing July 1,  
5 1989 and school years thereafter, the department of  
6 education shall use a two-phase process for the  
7 continued accreditation of schools and school  
8 districts.

9 Phase I consists of annual monitoring by the  
10 department of education of all accredited schools and  
11 school districts for compliance with accreditation  
12 standards adopted by the state board of education as  
13 provided by section 256.17. The phase I monitoring  
14 requires that accredited school districts and schools  
15 annually complete accreditation compliance forms  
16 adopted by the state board and file them with the  
17 department of education. In addition, employees of  
18 the department of education shall complete at least  
19 one onsite visit each year to each accredited school  
20 and school district to review the educational programs  
21 and the information included in the compliance forms.

22 Phase II requires the use of an accreditation  
23 committee, appointed by the director of the department  
24 of education, to conduct an onsite visit to an  
25 accredited school or school district if any of the  
26 following conditions exist:

27 a. When the annual monitoring of phase I indicates  
28 that a school or school district may be deficient or  
29 fails to be in compliance with accreditation  
30 standards.

31 b. In response to a petition filed with the  
32 director requesting such a committee visitation that  
33 is signed by twenty percent or more of the registered  
34 voters of a school district.

35 c. In response to a petition filed with the  
36 director requesting such a committee visitation that  
37 is signed by twenty percent or more of the parents or  
38 guardians who have children enrolled in the school or  
39 school district.

40 d. At the direction of the state board of  
41 education.

42 The number and composition of the membership of an  
43 accreditation committee shall be determined by the  
44 director and may vary due to the specific nature or  
45 reason for the visit. In all situations, however, the  
46 chairperson and a majority of the committee membership  
47 shall be from the instructional and administrative  
48 program specialty staff of the department of  
49 education. Other members may include instructional  
50 and administrative staff from school districts, area

## Page 9

1 education agencies, institutions of higher education,  
2 local board members and the general public. An  
3 accreditation committee visit to a nonpublic school  
4 requires membership on the committee from nonpublic  
5 school instructional or administrative staff or board  
6 members. A member of a committee shall not have a  
7 direct interest in the nonpublic school or school  
8 district being visited.

9 Rules adopted by the state board may include  
10 provisions for coordination of the accreditation  
11 process under this section with activities of  
12 accreditation associations.

13 Prior to a visit to a school district or nonpublic  
14 school, members of the accreditation committee shall  
15 have access to all annual accreditation report  
16 information filed with the department by that  
17 nonpublic school or school district.

18 After visiting the school district or nonpublic  
19 school, the accreditation committee shall determine  
20 whether the accreditation standards have been met and  
21 shall make a report to the director, together with a  
22 recommendation whether the school district or  
23 nonpublic school shall remain accredited. The  
24 accreditation committee shall report strengths and  
25 weaknesses, if any, for each standard and shall advise  
26 the school or school district of available resources  
27 and technical assistance to further enhance strengths  
28 and improve areas of weakness. A school district or  
29 nonpublic school may respond to the accreditation  
30 committee's report.

31 11. The director shall review the accreditation  
32 committee's report, and the response of the school  
33 district or nonpublic school, and provide a report and  
34 recommendation to the state board along with copies of  
35 the accreditation committee's report, the response to  
36 the report, and other pertinent information. The  
37 state board shall determine whether the school  
38 district or nonpublic school shall remain accredited.  
39 If the state board determines that a school district  
40 or nonpublic school should not remain accredited, the  
41 director, in cooperation with the board of directors  
42 of the school district, or authorities in charge of  
43 the nonpublic school, shall establish a plan  
44 prescribing the procedures that must be taken to  
45 correct deficiencies in meeting the standards, and  
46 shall establish a deadline date for completion of the  
47 procedures. The plan is subject to approval of the  
48 state board.

49 12. During the period of time specified in the  
50 plan for its implementation by a school district or

## Page 10

1 nonpublic school, the school or school district  
2 remains accredited. The accreditation committee shall  
3 revisit the school district or nonpublic school and  
4 shall determine whether the deficiencies in the  
5 standards have been corrected and shall make a report  
6 and recommendation to the director and the state  
7 board. The state board shall review the report and  
8 recommendation, may request additional information,  
9 and shall determine whether the deficiencies have been  
10 corrected. If the deficiencies have not been  
11 corrected, the state board shall merge the territory  
12 of the school district with one or more contiguous  
13 school districts. Division of assets and liabilities  
14 of the school district shall be as provided in  
15 sections 275.29 through 275.31. Until the merger is  
16 completed, the school district shall pay tuition for  
17 its resident students to an accredited school district  
18 under section 282.24."

19 36. Page 18, lines 8 and 9, by striking the words  
20 "may shall" and inserting the word "may".

21 37. Page 18, by inserting after line 12 the  
22 following:

23 "Sec. \_\_\_\_\_. Section 256.17, unnumbered paragraph 5,  
24 Code 1987, is amended by striking the unnumbered  
25 paragraph."

26 38. Page 18, by inserting after line 12 the  
27 following:

28 "Sec. \_\_\_\_\_. NEW SECTION. 256.18 MODIFIED BLOCK  
29 SCHEDULING.

30 1. The state board of education shall approve  
31 pilot projects, not exceeding four per year, for the  
32 purpose of sharing certificated instructional  
33 personnel between two or more districts, when the  
34 participating districts plan to utilize a modified  
35 block schedule for offering classes in the districts  
36 and sharing the certificated instructional personnel  
37 because of the modified block schedule. One-half of  
38 the approved pilot projects each year shall be  
39 projects of school districts with less than twelve  
40 hundred combined certified enrollment. The approved  
41 pilot projects shall also be as geographically  
42 distributed throughout the state as possible.

43 2. The boards of directors of two or more school  
44 districts may jointly apply to the state board of  
45 education for approval of a pilot project to jointly  
46 utilize a modified block schedule. The application  
47 shall be received by January 1 of the preceding school  
48 year. The state board shall review the applications  
49 and notify school districts with approved applications  
50 not later than February 15 of the preceding school

## Page 11

1 year. The state board may request that a proposal be  
2 amended and resubmitted within the specified time  
3 period, to permit the proposal to comply with the  
4 requirements pursuant to subsection 3.

5 3. The application, pursuant to subsection 2,  
6 shall include the following:

7 a. Demonstration of a projected minimum of fifteen  
8 percent annual combined instructional and support cost  
9 savings of the projected costs if the districts would  
10 not utilize a modified block schedule, through  
11 reduction of employment of certificated instructional  
12 and support personnel.

13 b. Demonstration among the grades participating in  
14 the project of the following: greater student-  
15 certificated instructional personnel ratio, an  
16 increased number of course offerings, and an average  
17 reduction of course preparations per certificated  
18 teacher.

19 c. Demonstration of the acceptance of the modified  
20 block schedule by the administration personnel, the  
21 majority of each board of directors of each school  
22 district participating in the pilot project, and the  
23 certificated instructional personnel.

24 d. Transition and implementation plans regarding  
25 the in-service plan pursuant to subsection 5 and the  
26 changes necessary for a permanent modified block  
27 schedule.

28 e. Sabbatical plan for temporarily displaced  
29 teachers, which may include, but not be limited to,  
30 in-service, postsecondary enrollment, career  
31 advancement, consultant and other teaching positions  
32 in another school district.

33 For purposes of this section "instructional and  
34 support cost" means the general education costs,  
35 including salaries, benefits, contract or purchase  
36 services, supplies, capital outlay, miscellaneous  
37 expenses, and fund transfers.

38 4. Certificated instructional personnel notified,  
39 after approval of the pilot project by the state  
40 board, that the person's position has been temporarily  
41 displaced for the period of the pilot project, shall  
42 continue to be employed by the school district in a  
43 sabbatical capacity as mutually determined by the  
44 person and the board. If the determination is made  
45 that the person may be employed as a teacher in  
46 another school district for the period of the pilot  
47 project, the person shall receive the amount of the  
48 difference between the compensation which would have  
49 been received from the school district participating  
50 in the pilot project and the compensation received

## Page 12

1 from the school district not participating in the  
2 pilot project, from the school district participating  
3 in the pilot project. All other terms of the contract  
4 with the school district participating in the pilot  
5 project shall remain in effect for the school year  
6 affected by the pilot project.

7 5. The school districts participating in the  
8 approved pilot project shall conduct in-service  
9 training for all certificated instructional and  
10 noninstructional personnel regarding the modified  
11 block scheduling, between the date notified by the  
12 state board of education regarding approval of the  
13 pilot project and September 1. Personnel shall  
14 receive compensation for the training, based on the  
15 per diem compensation received under the contract of  
16 the employing school district. The in-service  
17 training shall not be less than ten days.

18 6. The school district shall submit a quarterly  
19 report to the department of education, including but  
20 not limited to, test scores, daily attendance rates,  
21 and resulting ratio between students and certificated  
22 instructional personnel. The state board of education  
23 shall provide consultation and information to the  
24 school districts with approved pilot projects by  
25 providing in-state and out-of-state consultants  
26 familiar with modified block scheduling, research, and  
27 dissemination of information, and any other manner  
28 deemed appropriate. The state board shall encourage  
29 the appropriate school districts to review the concept  
30 of modified block scheduling and to adopt the concept  
31 for school years beginning July 1, 1989 and  
32 thereafter.

33 7. A school district may conduct a pilot project  
34 for only one school year.

35 8. This section does not preclude a school  
36 district from sharing certificated instructional  
37 personnel with one or more other school districts in  
38 order to utilize a modified block schedule for  
39 offering classes in the districts without obtaining  
40 approval from the department of education and  
41 designation as a pilot project.

42 Sec. \_\_\_\_\_. **NEW SECTION. 256.19 PILOT PROJECTS.**

43 For fiscal years in which moneys are appropriated  
44 by the general assembly for the purpose of section  
45 256.18 the state board of education shall notify the  
46 department of revenue and finance of the amounts  
47 necessary for each pilot project in order to reimburse  
48 the certificated instructional personnel pursuant to  
49 section 256.18, subsection 4, for the in-service  
50 training pursuant to section 256.18, subsection 5, and

## Page 13

1 for other costs related to the approved pilot  
2 projects."

3 39. Page 18, by inserting after line 12 the fol-  
4 lowing:

5 "Sec. \_\_\_\_\_. NEW SECTION. 256.20 YEAR AROUND  
6 SCHOOLS.

7 Pursuant to section 279.10, subsection 1, relating  
8 to the maintenance of school during an entire year,  
9 the board of directors of a school district may  
10 request approval from the state board of education for  
11 a pilot project for a year around three semester  
12 school year. The deadlines for approval of a pilot  
13 project under this section are the deadlines specified  
14 in section 256.18 for approval of a modified block  
15 scheduling pilot project.

16 The application shall describe the anticipated  
17 additional costs to the school district and the  
18 benefits to be gained from the three semester school  
19 year. Students would not be required to attend school  
20 more than two semesters each school year.

21 Participation in a pilot project shall not modify  
22 provisions of a master contract negotiated between a  
23 school district and a certified bargaining unit  
24 pursuant to chapter 20 unless mutually agreed upon.

25 If moneys are appropriated by the general assembly  
26 for funding the costs of pilot projects under this  
27 section, the state board of education shall notify the  
28 department of revenue and finance of the amounts to be  
29 paid to each school district with an approved pilot  
30 project."

31 40. Page 18, by inserting after line 12 the fol-  
32 lowing:

33 "Sec. \_\_\_\_\_. NEW SECTION. 256.21 SABBATICAL  
34 PROGRAM.

35 If the general assembly appropriates money for  
36 grants to provide sabbaticals for teachers, a  
37 sabbatical program shall be established as provided in  
38 this section. For the school years commencing July 1,  
39 1988, July 1, 1989, and July 1, 1990, any teacher with  
40 at least seven years of teaching experience in this  
41 state may submit an application for a sabbatical to  
42 the department of education not later than November 1  
43 of the preceding school year.

44 A teacher's application shall include a plan for  
45 the use of the period of the sabbatical, including,  
46 but not limited to, additional education, use of a  
47 fellowship, conducting of research, writing relating  
48 to a particular subject area, or other activities  
49 relating to an enhancement of teaching skills. The  
50 teacher's plan must be accompanied by the written

## Page 14

1 approval of the superintendent of the school district  
2 and a statement by the superintendent describing the  
3 benefits of the sabbatical to the school district.

4 The state board of education shall adopt rules  
5 under chapter 17A relating to submission of sabbatical  
6 plans and criteria for awarding the sabbaticals,  
7 including both the benefit to the teacher and the  
8 benefit to the school district. Sabbaticals shall be  
9 awarded by the department not later than January 1 of  
10 the preceding school year.

11 A sabbatical grant to a teacher shall be equal to  
12 the costs to the school district of the teacher's  
13 regular compensation as defined in section 294A.2 plus  
14 the cost to the district of the fringe benefits of the  
15 teacher. The grant shall be paid to the school  
16 district, and the district shall continue to pay the  
17 teacher's regular compensation as well as the cost to  
18 the district of the substitute teacher. Teachers and  
19 boards of school districts are encouraged to seek  
20 funding from other sources to pay the costs of  
21 sabbaticals for teachers. Grant moneys are  
22 miscellaneous income for purposes of chapter 442.

23 A sabbatical approved by the department may be for  
24 any period of time not exceeding one year.

25 A teacher granted a sabbatical under this section  
26 shall agree either to return to the school district  
27 granting the leave for a period of not less than two  
28 years or to repay to the department of education the  
29 amount of the sabbatical grant received during the  
30 leave.

31 Notwithstanding section 8.33, if moneys are  
32 appropriated by the general assembly for the  
33 sabbatical program for either the fiscal year  
34 beginning July 1, 1988 or July 1, 1989, the moneys  
35 shall not revert at the end of that fiscal year but  
36 shall carry over and may be expended during the next  
37 fiscal year.

38 This section does not preclude a school district  
39 from providing a sabbatical program for its teachers  
40 separate from the sabbatical program provided under  
41 this section."

42 41. Page 18, by inserting after line 12 the  
43 following:

44 "Sec. \_\_\_\_\_. Section 260.6, Code 1987, is amended to  
45 read as follows:

46 260.6 CERTIFICATES REQUIRED.

47 The board of educational examiners shall issue  
48 certificates pursuant to sections 256.7, subsection 3,  
49 and 260.2. A person employed as an administrator,  
50 supervisor, school service person, or teacher in the

## Page 15

1 public schools shall hold a certificate valid for the  
2 type of position in which the person is employed.  
3 Effective July 1, 1990, the board shall only issue an  
4 emergency temporary certificate or endorsement to a  
5 individual employed by a school district or nonpublic  
6 school after the board of that school district or  
7 authorities in charge of that nonpublic school certify  
8 to the board of educational examiners that the board  
9 or authorities attempted to employ a certificated or  
10 endorsed individual to fill the teaching vacancy and,  
11 if the vacancy is in a school district, the board also  
12 attempted to complete a sharing agreement with another  
13 school district for providing the classes or courses.  
14 An emergency temporary certificate or endorsement is  
15 valid for one year after its issuance and shall not be  
16 renewed."

17 42. Page 18, by inserting after line 12 the  
18 following:

19 "Sec. \_\_\_\_\_. NEW SECTION. 260.13 EXAMINATIONS.

20 Effective for certificates issued on or after July  
21 1, 1989, the board shall conduct examinations of  
22 applicants for initial certificates under this  
23 chapter. The examinations shall include a  
24 professional knowledge and general knowledge  
25 examination and may include but shall not be limited  
26 to subject matter proficiency examinations for the  
27 appropriate endorsement and approval areas. The board  
28 may administer as many examinations per year as are  
29 necessary. If the board administers examinations for  
30 subject matter proficiency, it shall administer the  
31 examination for each subject matter proficiency at  
32 least one time per year. The scope of the  
33 examinations and the methods of procedure shall be  
34 prescribed by the board. The board may charge  
35 applicants an examination fee.

36 The examinations required by this section shall be  
37 used as a criteria for issuing an initial teaching  
38 certificate only if the state board determines that  
39 the examinations are valid and reliable indicators of  
40 successful teaching performance for applicants for  
41 initial certificates under this chapter."

42 43. Page 18, by inserting after line 12 the  
43 following:

44 "Sec. \_\_\_\_\_. NEW SECTION. 260.20 NATIONAL  
45 CERTIFICATION.

46 The board of educational examiners shall review the  
47 certification standards for teacher's certificates  
48 adopted by the national board for professional  
49 teaching standards, a nonprofit corporation created as  
50 a result of recommendations of the task force on

## Page 16

1 teaching as a profession of the Carnegie forum on  
2 education and the economy. In those cases in which  
3 the standards required by the national board for an  
4 Iowa endorsement meet or exceed the requirements  
5 contained in rules adopted under this chapter for that  
6 endorsement, the board of educational examiners shall  
7 issue certificates to holders of certificates issued  
8 by the national board who request the certificate."

9 44. Page 18, by striking lines 16 through 21.

10 45. Page 18, line 31, by striking the word "an"  
11 and inserting the following: "a tenth,".

12 46. Page 19, by striking lines 1 through 4 and  
13 inserting the following: "institution, subject to the  
14 approval of the board of directors of the school  
15 district or the designee of the board of directors, to  
16 enroll in a course offered at that eligible insti-  
17 tution. If an".

18 47. Page 19, line 14, by striking the word  
19 "shall" and inserting the word "may".

20 48. Page 19, by striking lines 20 through 27 and  
21 inserting the following: "who successfully completes  
22 a course."

23 49. Page 19, by striking lines 28 through 31 and  
24 inserting the following:

25 "Evidence of successful".

26 50. By striking page 19, line 35 through page 20,  
27 line 17 and inserting the following:

28 "Sec. \_\_\_\_\_. NEW SECTION. 261C.6 TUITION AND  
29 COSTS.

30 Payment by a school district to an eligible insti-  
31 tution for tuition and costs for a pupil enrolled in a  
32 course at the institution shall be determined by the  
33 board of directors of the school district in  
34 cooperation with the institution. If an eligible  
35 postsecondary institution is an area school  
36 established under chapter 280A and the area school  
37 counts the contact hours of high school pupils under  
38 this chapter as contact hours eligible for general aid  
39 under chapter 286A, the area school is not eligible to  
40 receive the payment by a school district under this  
41 section for those contact hours."

42 51. Page 20, line 21, by striking the word  
43 "shall" and inserting the following: "may be required  
44 to".

45 52. Page 20, by inserting after line 29 the  
46 following:

47 "Sec. \_\_\_\_\_. Section 273.1, Code 1987, is amended to  
48 read as follows:

49 273.1 INTENT.

50 It is the intent of the general assembly to provide

## Page 17

1 an effective, efficient, and economical means of  
 2 identifying and serving children from under five years  
 3 of age through grade twelve who require special  
 4 education and any other children requiring special  
 5 education as defined in section 281.2; to provide for  
 6 media services and other programs and services for  
 7 pupils in grades kindergarten through twelve and  
 8 children requiring special education as defined in  
 9 section 281.2; to provide a method of financing the  
 10 programs and services; and to avoid a duplication of  
 11 programs and services provided by any other school  
 12 corporation in the state; and to provide services to  
 13 school districts under a contract with those school  
 14 districts."

15 53. Page 20, by striking lines 31 through 34 and  
 16 inserting the following:

17 "Nothing in this chapter shall be construed to  
 18 prohibit a pupil from enrolling in a course at an  
 19 eligible postsecondary institution at the expense of  
 20 the pupil or the pupil's parent or guardian. The  
 21 board of directors of a school district shall not  
 22 prohibit a pupil from enrolling in a course at an  
 23 eligible postsecondary institution when expenses for  
 24 the course, including tuition, transportation costs,  
 25 expenses for textbooks and materials, and other fees,  
 26 are paid by the pupil or the pupil's parent or  
 27 guardian."

28 54. By striking page 20, line 35 through page 21,  
 29 line 13.

30 55. By striking page 21, line 14 through page 22,  
 31 line 24.

32 56. Page 22, by striking lines 25 through 35.

33 57. Page 23, by inserting before line 1 the  
 34 following:

35 "Sec. \_\_\_\_\_. NEW SECTION. 273.7A SERVICES TO  
 36 SCHOOL DISTRICTS.

37 The board of an area education agency may provide  
 38 services to school districts located in the area  
 39 education agency under contract with the school  
 40 districts. These services may include, but are not  
 41 limited to, superintendency services, personnel  
 42 services, business management services, specialized  
 43 maintenance services, and transportation services. In  
 44 addition, the board of the area education agency may  
 45 provide for furnishing expensive and specialized  
 46 equipment for school districts. School districts  
 47 shall pay to area education agencies the cost of  
 48 providing the services.

49 The board of an area education agency may also  
 50 provide services authorized to be performed by area

## Page 18

1 education agencies to other area education agencies in  
2 this state and to provide a method of payment for  
3 these services."

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

6 "Sec. 102. Section 274.37, unnumbered paragraph 2,  
7 Code 1987, is amended to read as follows:

8 The boards in the respective districts, the  
9 boundaries of which have been changed under this  
10 section, complete in all respects, except for the  
11 passage of time prior to the effective date of the  
12 change, and when all the right of appeal of the change  
13 has expired, may enter into joint contracts for the  
14 construction of buildings for the benefit of the  
15 corporations whose boundaries have been changed, using  
16 funds accumulated under section 278.1, subsection 7  
17 from the capital projects and equipment amount. The  
18 district in which the building is to be located may  
19 use any funds authorized in accordance with chapter  
20 75. Nothing in this section shall be construed to  
21 This section does not permit the changed districts to  
22 expend any funds jointly which they are not entitled  
23 to expend acting individually."

24 59. Page 23, by inserting before line 1 the fol-  
25 lowing:

26 "Sec. 103. Section 275.12, subsection 5, Code  
27 1987, is amended by striking the subsection."

28 60. Page 23, by inserting before line 1 the  
29 following:

30 "Sec. 104. Section 275.20, Code 1987, is amended  
31 to read as follows:

32 275.20 SEPARATE VOTE IN EXISTING DISTRICTS.

33 The voters shall vote separately in each existing  
34 school district affected and voters residing in the  
35 entire existing district are eligible to vote both  
36 upon the proposition to create a new school  
37 corporation and the proposition to levy the  
38 schoolhouse tax under section 278.1, subsection 7, if  
39 the petition included a provision for a vote to levy  
40 the schoolhouse tax. If a proposition receives a  
41 majority of the votes cast in each of at least  
42 seventy-five percent of the districts, and also a  
43 majority of the total number of votes cast in all of  
44 the districts, the proposition is carried."

45 61. Page 23, by inserting before line 1 the  
46 following:

47 "Sec. 105. Section 275.32, Code 1987, is amended  
48 to read as follows:

49 275.32 SCHOOL BUILDINGS - TAX LEVY.

50 The board of any a school corporation shall

## Page 19

1 establish attendance centers and provide suitable  
2 buildings for each school in the district, and may at  
3 the regular or a special meeting call a special  
4 election to submit to the qualified electors of the  
5 district the question of ~~voting a tax or~~ authorizing  
6 the board to issue bonds, ~~or both~~, for any or all of  
7 the following purposes:

8 1. To secure sites, build, purchase, or equip  
9 school buildings.

10 2. To build or purchase a superintendent's or  
11 teacher's house or houses.

12 3. To repair or improve any a school building or  
13 grounds, or superintendent's or teacher's house or  
14 houses, ~~when the cost will exceed five thousand~~  
15 ~~dollars~~.

16 ~~All moneys~~ Moneys received for ~~such~~ the purposes  
17 listed in this subsection shall be placed in the  
18 schoolhouse capital projects fund of said the  
19 corporation and shall be used only for the purpose for  
20 which voted."

21 62. Page 23, by inserting before line 1 the  
22 following:

23 "Sec. \_\_\_\_\_. Section 275.33, subsection 2,  
24 unnumbered paragraph 1, Code 1987, is amended to read  
25 as follows:

26 The collective bargaining agreement of the district  
27 with the largest basic enrollment, as defined in  
28 section 442.4, in the new district shall serve as the  
29 base agreement and the employees of the other  
30 districts involved in the formation of the new  
31 district shall automatically be accreted to the  
32 bargaining unit of that collective bargaining  
33 agreement for purposes of negotiating the contracts  
34 for the following years without further action by the  
35 public employment relations board. If only one  
36 collective bargaining agreement is in effect among the  
37 districts which are party to the reorganization, then  
38 that agreement shall serve as the base agreement, and  
39 the employees of the other districts involved in the  
40 formation of the new district shall automatically be  
41 accreted to the bargaining unit of that collective  
42 bargaining agreement for purposes of negotiating the  
43 contracts for the following years without further  
44 action by the public employment relations board. The  
45 board of the newly formed district, using the base  
46 agreement as its existing contract, shall bargain with  
47 the combined employees of the existing districts for  
48 the school year beginning with the effective date of  
49 the reorganization. The bargaining shall be completed  
50 by March 15 prior to the school year in which the

Page 20

1 reorganization becomes effective or within one hundred  
2 eighty days after the organization of the new board,  
3 whichever is later unless section 20.22A is used If  
4 a bargaining agreement was already concluded by the  
5 board and employees of the existing district with the  
6 contract serving as the base agreement for the school  
7 year beginning with the effective date of the  
8 reorganization, that agreement shall be void.  
9 However, if the base agreement contains multiyear  
10 provisions affecting school years subsequent to the  
11 effective date of the reorganization, the base  
12 agreement shall remain in effect as specified in the  
13 agreement."

14 63. Page 23, by inserting before line 1 the  
15 following:

16 "Sec. \_\_\_\_\_. Section 275.51, unnumbered paragraphs 1  
17 and 2, Code 1987, are amended to read as follows:

18 As an alternative to school district reorganization  
19 prescribed in this chapter, the board of directors of  
20 a school district may establish a school district  
21 dissolution commission to prepare a proposal of  
22 dissolution of the school district and attachment of  
23 all of the entire school district to one or more  
24 contiguous school districts and to include in the or  
25 the dissolution of a portion of a school district and  
26 attachment of that portion to one or more contiguous  
27 school districts if the remaining portion of the  
28 district contains at least three hundred one pupils in  
29 the year in which the dissolution will take effect and  
30 if there are no outstanding bonds in existence in the  
31 school district. The proposal shall include a  
32 division of the assets and liabilities of the  
33 dissolving school district. A dissolution commission  
34 may be established for dissolving a portion of a  
35 district on the board's own motion and shall be  
36 established upon the receipt of a petition signed by  
37 at least sixty percent of the qualified electors  
38 residing within the portion of a district that desires  
39 to be dissolved.

40 The dissolution commission shall consist of seven  
41 members appointed by the board for a term of office  
42 ending either with a report to the board that no  
43 proposal can be approved or on the date of the  
44 election on the proposal. If the dissolution proposal  
45 is for a portion of a school district, four members  
46 must be residents of the portion of the district that  
47 is dissolving. Members of the dissolution commission  
48 must be eligible electors who reside in the school  
49 district, not more than three of whom may be members  
50 of the board of directors of the school district.

## Page 21

1 Members shall be appointed from throughout the school  
2 district and should represent the various  
3 socioeconomic factors present in the school district.

4 Sec. \_\_\_\_\_. Section 275.54, unnumbered paragraph 1,  
5 Code 1987, is amended to read as follows:

6 Within ten days following the filing of the  
7 dissolution proposal with the board for the  
8 dissolution of an entire school district, the board  
9 shall fix a date for a hearing on the proposal which  
10 shall not be more than sixty days after the  
11 dissolution petition was filed with the board. The  
12 board shall publish notice of the date, time, and  
13 location of the hearing at least ten days prior to the  
14 date of the hearing by one publication in a newspaper  
15 in general circulation in the district. The notice  
16 shall include the content of the dissolution proposal.  
17 A person residing or owning land in the school  
18 district may present evidence and arguments at the  
19 hearing. The president of the board shall preside at  
20 the hearing. The board shall review testimony from  
21 the hearing and shall adopt or amend and adopt the  
22 dissolution proposal. If the dissolution proposal is  
23 for the dissolution of a portion of a school district,  
24 the board shall call a special election under section  
25 275.55. The board shall notify by registered mail the  
26 boards of directors of all school districts to which  
27 area of the affected school district will be attached  
28 and the director of the department of education of the  
29 contents of the dissolution proposal adopted by the  
30 board. If the board of a district to which area of  
31 the affected school district will be attached objects  
32 to the attachment, that portion of the dissolution  
33 proposal will not be included in the proposal voted  
34 upon under section 275.55 and the director of the  
35 department of education shall attach the area to a  
36 contiguous school district. If the board of a  
37 district to which area of the affected school district  
38 will be attached objects to the division of assets and  
39 liabilities contained in the dissolution proposal,  
40 section 275.30 applies for the division of assets and  
41 liabilities to that district.

42 Sec. \_\_\_\_\_. Section 275.55, unnumbered paragraph 1,  
43 Code 1987, is amended to read as follows:

44 The board of the school district shall call a  
45 special election to be held not later than forty days  
46 following the date of the final hearing on the  
47 dissolution proposal. The special election may be  
48 held at the same time as the regular school election.  
49 The proposition submitted to the voters residing in  
50 the school district at the special election shall

## Page 22

1 describe each separate area to be attached to a  
2 contiguous school district and shall name the school  
3 district to which it will be attached. If the special  
4 election is for the dissolution of a portion of a  
5 school district, only electors residing in the portion  
6 of the school district proposing to be dissolved are  
7 eligible to vote.

8 Sec. \_\_\_\_\_. Section 275.55, unnumbered paragraph 3,  
9 Code 1987, is amended to read as follows:

10 The proposition to dissolve an entire school  
11 district shall be adopted if a majority of the  
12 electors voting on the proposition approve its  
13 adoption. The proposition to dissolve a portion of a  
14 school district shall be adopted if a sixty-five  
15 percent majority of the electors residing in the  
16 portion of the district proposing to dissolve who vote  
17 on the proposition approve its adoption. If the  
18 dissolution of a portion of a school district is not  
19 approved, a new proposal shall not be offered for at  
20 least twelve months following the date of the  
21 election."

22 64. Page 23, by inserting before line 1 the  
23 following:

24 "Sec. 106. Section 276.11, Code 1987, is amended  
25 by striking the section and inserting in lieu thereof  
26 the following:

27 276.11 FUNDING OF COMMUNITY EDUCATION.

28 Moneys received from the capital projects and  
29 equipment amount may be expended for community  
30 education purposes.

31 Sec. 107. Section 277.2, Code 1987, is amended to  
32 read as follows:

33 277.2 SPECIAL ELECTION.

34 The board of directors in any a school corporation  
35 may call a special election at which election the  
36 voters shall have the powers exercised at the regular  
37 election with reference to the sale of school property  
38 and the application to be made of the proceeds, the  
39 authorization of seven members on the board of  
40 directors, the authorization to establish or change  
41 the boundaries of director districts, and the  
42 authorization of a schoolhouse tax or indebtedness, as  
43 provided by law."

44 65. Page 23, by inserting before line 1 the fol-  
45 lowing:

46 "Sec. \_\_\_\_\_. Section 277.27, Code 1987, is amended  
47 to read as follows:

48 277.27 QUALIFICATION.

49 A school officer or member of the board shall, at  
50 the time of election or appointment, be an eligible

## Page 23

1 elector of the corporation or subdistrict.  
2 Notwithstanding any contrary provision of the Code, no  
3 a member of the board of directors of any a school  
4 district, or director's spouse, shall not receive  
5 compensation directly from the school board. No  
6 director or spouse affected by this provision on July  
7 1, 1972, whose term of office for which elected has  
8 not expired, or whose contract of employment has a  
9 fixed date of expiration and has not expired, shall be  
10 affected by this provision until the expiration of the  
11 term of office to which elected, or the expiration  
12 date of the contract for which employed."

13 66. Page 23, by inserting before line 1 the fol-  
14 lowing:

15 "Sec. 108. Section 278.1, subsection 5, Code 1987,  
16 is amended to read as follows:

17 5. Direct the transfer of any surplus in the  
18 schoolhouse capital projects fund to the general fund.

19 Sec. 109. Section 278.1, subsection 7, Code 1987,  
20 is amended by striking the subsection.

21 Sec. 110. Section 278.1, unnumbered paragraph 2,  
22 Code 1987, is amended to read as follows:

23 The board may, with approval of sixty percent of  
24 the voters, voting in a regular or special election in  
25 the school district, make extended time contracts not  
26 to exceed twenty years in duration for rental of  
27 buildings to supplement existing schoolhouse  
28 facilities; and where if it is deemed advisable for  
29 buildings to be constructed or placed on real estate  
30 owned by the school district, such the contracts may  
31 include lease-purchase option agreements, such  
32 contracts, with the amounts to be paid out of the  
33 schoolhouse capital projects fund using revenues from  
34 the voted levy."

35 67. Page 23, line 17, by inserting after the word  
36 "years" the following: "However, the board's initial  
37 contract with a superintendent shall not exceed one  
38 year if the board is obligated to pay a former  
39 superintendent under an unexpired contract."

40 68. Page 23, by inserting after line 21 the  
41 following:

42 "Sec. 111. Section 279.26, Code 1987, is amended  
43 to read as follows:

44 279.26 LEASE ARRANGEMENTS.

45 The board of directors of a local school district  
46 for which a schoolhouse tax for a lease-purchase  
47 option has been voted pursuant to section 278.1,  
48 subsection 7, may enter into a rental or lease  
49 arrangement, consistent with the purposes for which  
50 the schoolhouse tax has been voted, for a period not

## Page 24

1 exceeding ten years and not exceeding the period for  
2 which the schoolhouse tax for a lease-purchase option  
3 has been authorized by the voters."

4 69. Page 23, by striking lines 22 through 34.

5 70. Page 24, by striking line 9 and inserting the  
6 following: "performed. The schedule of bills allowed  
7 may be published on a once monthly basis in lieu of  
8 publication with the proceedings of each meeting of  
9 the board. The list of claims allowed shall include  
10 the name of the person or".

11 71. Page 24, by striking lines 16 through 18 and  
12 inserting the following: "weeks following the  
13 adjournment of the meeting."

14 72. Page 24, line 22, by striking the words and  
15 figure "sections 279.34 and" and inserting the  
16 following: "section".

17 73. Page 24, line 27, by striking the words and  
18 figure "sections 279.34 and" and inserting the fol-  
19 lowing: "section".

20 74. Page 24, by inserting before line 35, the  
21 following:

22 "Sec. 112. Section 279.41, Code 1987, is amended  
23 to read as follows:

24 279.41 SCHOOLHOUSES AND SITES SOLD — FUNDS.

25 Any fund received from the condemnation, sale, or  
26 other disposition for public purposes of schoolhouses,  
27 school sites or both schoolhouses and school sites may  
28 be deposited in the schoolhouse capital projects fund  
29 and may without a vote of the electorate be used for  
30 the purchase of school sites or the erection or repair  
31 of schoolhouses or both as ordered by the board of  
32 directors of such the school district, provided,  
33 however, that. However, the board shall comply with  
34 section 297.7.

35 Sec. 113. Section 279.42, Code 1987, is amended to  
36 read as follows:

37 279.42 GIFTS TO SCHOOLS.

38 The board of directors of any school district which  
39 receives funds through gifts, devises and bequests may  
40 utilize the same funds, unless limited by the terms of  
41 the grant, in the general or schoolhouse capital  
42 projects fund expenditures.

43 Sec. 114. Section 279.43, subsection 1, Code 1987,  
44 is amended to read as follows:

45 1. The board of directors may pay the actual cost  
46 of removal or encapsulation of asbestos existing in  
47 its school buildings from any funds in the general  
48 fund of the district, funds received from the  
49 schoolhouse tax authorized under section 278.1,  
50 subsection 7 capital projects and equipment amount,

## Page 25

1 funds from the tax levy certified under section 297.5  
2 or moneys obtained through a federal asbestos loan  
3 program, to be repaid from any of the funds specified  
4 in this subsection."

5 75. Page 26, by striking lines 23 through 27 and  
6 inserting the following: "school district may enroll  
7 the parent's".

8 76. Page 27, line 4, by inserting after the word  
9 "residence." the following: "The notification shall  
10 list the educational opportunities that the parent or  
11 guardian believes are necessary for the child and  
12 shall describe the manner in which the contiguous  
13 district can provide those educational opportunities.  
14 The state board of education shall adopt rules under  
15 chapter 17A that define educational opportunity."

16 77. Page 27, by striking lines 5 through 14.

17 78. Page 27, by striking lines 17 through 21 and  
18 inserting the following: "period. However, if a  
19 parent or guardian chooses to reenroll the child in  
20 the district of residence, or to enroll the child in  
21 another school district, during the four-year period,  
22 the parent or guardian shall pay the maximum tuition  
23 fee to the district pursuant to section 282.24."

24 79. Page 27, by inserting after line 29 the fol-  
25 lowing:

26 "Following approval of the transfer, the board of  
27 the district of residence shall transmit a copy of the  
28 form to the contiguous school district. The board of  
29 the contiguous school district shall enroll the pupil  
30 in a school in the contiguous district for the  
31 following school year unless the contiguous district  
32 does not have classroom space for the pupil or unless  
33 enrolling the pupil in the contiguous district will  
34 adversely affect the minority enrollment in a school  
35 district in which there is voluntary or court-ordered  
36 desegregation."

37 80. Page 28, by striking lines 26 through 28 and  
38 inserting the following: "have been achieved. The  
39 committee appointed by the board under section 280.12  
40 shall advise the board concerning the".

41 81. Page 29, by striking lines 16 through 26.

42 82. Page 30, by inserting after line 34 the  
43 following:

44 "4. A whole grade sharing agreement shall be  
45 signed by the boards of the districts involved in the  
46 agreement not later than February 1 of the school year  
47 preceding the school year for which the agreement is  
48 to take effect."

49 83. Page 31, by striking lines 5 through 11, and  
50 inserting the following: "district that is a party to

## Page 26

1 a proposed sharing agreement shall hold a public  
2 hearing at which the proposed agreement is described,  
3 and at which the parent or guardian of an affected  
4 pupil shall have an opportunity to comment on the  
5 proposed agreement."

6 84. Page 31, line 21, by inserting after the word  
7 "factors." the following: "An appeal shall specify a  
8 contiguous school district to which the parent or  
9 guardian wishes to send the affected pupil."

10 85. Page 31, line 24, by inserting after the word  
11 "agreement." the following: "The state board may  
12 require the district of residence to pay tuition to  
13 the contiguous school district specified by the parent  
14 or guardian, or may deny the appeal by the parent or  
15 guardian. If the state board requires the district of  
16 residence to pay tuition to the contiguous school  
17 district specified by the parent or guardian, the  
18 tuition shall be equal to the tuition established in  
19 the sharing agreement."

20 86. By striking page 31, line 29 through page 32,  
21 line 3.

22 87. Page 32, by striking lines 8 through 11 and  
23 inserting the following:

24 "2. For one-way sharing, the sending district  
25 shall pay no less than one-half of the district cost  
26 per pupil of the sending district."

27 88. Page 32, by inserting after line 28 the  
28 following:

29 "Sec. 115. Section 283A.9, Code 1987, is amended  
30 to read as follows:

31 **283A.9 BUILDING FOR SCHOOL LUNCH FACILITY.**

32 School districts are authorized to may purchase,  
33 erect, or otherwise acquire a building for use as a  
34 school lunch facility, and to equip such a building  
35 for such that use, and pay for same the acquisition or  
36 equipping from unencumbered funds on hand in the  
37 schoolhouse fund derived from taxes voted under  
38 authority of section 278.1, subsection 7, or 275.32  
39 capital projects fund, subject to the terms of this  
40 section, or may pay for same the facility or equipment  
41 from the proceeds of the sale of school property sold  
42 under section 297.22, or from surplus remaining in the  
43 schoolhouse capital projects fund after retirement of  
44 a bond issue, or from a tax voted for said purposes.  
45 Funds expended by a school district for new  
46 construction of a school lunch facility must first be  
47 approved by the voters of the district."

48 89. Page 32, by inserting after line 28 the  
49 following:

50 "Sec \_\_\_\_\_. Section 290.1, Code 1987, is amended to

## Page 27

1 read as follows:

2 290.1 APPEAL TO STATE BOARD.

3 Any A person aggrieved by any a decision or order  
4 of the board of directors of any a school corporation  
5 in a matter of law or fact, or a decision or order of  
6 a board of directors under section 280.16 may, within  
7 thirty days after the rendition of such the decision  
8 or the making of such the order, appeal therefrom the  
9 decision or order to the state board of education; the  
10 basis of the proceedings shall be an affidavit filed  
11 with the state board by the party aggrieved within the  
12 time for taking the appeal, which affidavit shall set  
13 forth any error complained of in a plain and concise  
14 manner."

15 90. Page 32, by inserting after line 28 the fol-  
16 lowing:

17 "Sec. 116. Section 291.13, Code 1987, is amended  
18 to read as follows:

19 291.13 GENERAL AND SCHOOLHOUSE, CAPITAL PROJECTS,  
20 AND LIABILITY FUNDS.

21 The money collected by a tax authorized by the  
22 electors for the capital projects and equipment amount  
23 or the proceeds of the sale of bonds authorized by law  
24 or the proceeds of a tax estimated and certified by  
25 the board for the purpose of paying interest and  
26 principal on lawful bonded indebtedness or for the  
27 purchase of sites as authorized by law, shall be  
28 called the schoolhouse capital projects fund and,  
29 except when authorized by the electors, may be used  
30 only for the purpose for which originally authorized  
31 or certified. The money collected by the liability  
32 levy authorized by the board shall be called the  
33 liability fund and may be used only for the purposes  
34 for which it is authorized or certified. All other  
35 moneys received for any other purpose shall be called  
36 the general fund. The treasurer shall keep a separate  
37 account with each fund, paying no order that fails to  
38 state the fund upon which it is drawn and the specific  
39 use to which it is to be applied.

40 Sec. 117. Section 291.15, Code 1987, is amended to  
41 read as follows:

42 291.15 ANNUAL REPORT.

43 The treasurer shall make an annual report to the  
44 board at its regular July meeting, which shall show  
45 the amount of the general fund and the schoolhouse,  
46 the capital projects fund, and the liability fund held  
47 over, received, paid out, and on hand, the several  
48 funds to be separately stated, and the treasurer shall  
49 immediately file a copy of this report with the  
50 director of the department of education and a copy

Page 28

1 with the county treasurer.

2 Sec. 118. Section 296.7, Code 1987, is amended to  
3 read as follows:

4 296.7 INDEBTEDNESS FOR INSURANCE AUTHORIZED - TAX  
5 LEVY.

6 A school district or merged area school corporation  
7 is authorized to contract indebtedness and to issue  
8 general obligation bonds or enter into insurance  
9 agreements obligating the school district or  
10 corporation to make payments beyond its current budget  
11 year to procure or provide for a policy of insurance,  
12 a self-insurance program, or a local government risk  
13 pool to protect the school district or corporation  
14 from tort liability, loss of property, or any other  
15 risk associated with the operation of the school  
16 district or corporation. Taxes for the payment of the  
17 principal, premium, or interest on such a bond, the  
18 payment of such an insurance policy, the payment of  
19 the costs of such a self-insurance program, the  
20 payment of the costs of such a local government risk  
21 pool, and the payment of any amounts payable under any  
22 such insurance agreement may be levied in excess of  
23 any tax limitation imposed by statute. For a school  
24 district, a tax levied under this section shall be  
25 included in the liability levy under section 298.4.

26 Such a self-insurance program or local government risk  
27 pool is not insurance and is not subject to regulation  
28 under chapters 505 through 523C. However, those self-  
29 insurance plans regulated pursuant to section 509A.14  
30 shall remain subject to the requirements of section  
31 509A.14 and rules adopted pursuant to that section.

32 Sec. 119. Section 297.5, unnumbered paragraph 1,  
33 Code 1987, is amended to read as follows:

34 The directors in a high school district maintaining  
35 a program kindergarten through grade twelve may, by  
36 March 15 of each year certify an amount not exceeding  
37 twenty-seven cents per thousand dollars of assessed  
38 value to the board of supervisors, who shall levy the  
39 amount so certified, and the tax so levied shall be  
40 placed in the schoolhouse capital projects fund to be  
41 used for the purchase and improvement of sites, or for  
42 major building repairs for transportation equipment  
43 for transporting students if the district has fewer  
44 than three pupils per square mile and the regular  
45 school routes consist of a single round trip per child  
46 per day, or for educational technology equipment  
47 including telecommunications equipment and computer  
48 equipment. Any funds expended by a school district  
49 for new construction of school buildings or school  
50 administration buildings must first be approved by the

## Page 29

1 voters of the district.

2 Sec. 120. Section 297.22, unnumbered paragraph 2,

3 Code 1987, is amended to read as follows:

4 Proceeds from the sale, lease or disposition of  
5 real property shall be placed in the schoolhouse  
6 capital projects fund and proceeds from the sale,  
7 lease or disposition of property other than real  
8 property shall be placed in the general fund.

9 Sec. 121. NEW SECTION. 297.35 CONTINUATION OF  
10 LOAN AGREEMENT.

11 A loan agreement between a school district and a  
12 bank, investment banker, trust company, insurance  
13 company, or insurance group that was made under  
14 section 297.36 prior to July 1, 1987, in order to make  
15 immediately available proceeds of the schoolhouse tax  
16 approved by the voters prior to July 1, 1987 shall  
17 continue in effect for the duration of the loan  
18 agreement.

19 Sec. 122. Section 297.36, Code 1987, is amended to  
20 read as follows:

21 297.36 LOAN AGREEMENTS.

22 In order to make immediately available proceeds of  
23 the schoolhouse tax which has been approved by the  
24 voters as provided in section 278.1, subsection 7  
25 capital projects and equipment amount authorized in  
26 section 298.2, the board of directors may, with or  
27 without notice the approval of the voters at a regular  
28 school election using the procedure specified in  
29 section 278.2, borrow money and enter into loan  
30 agreements of not to exceed ten years in duration if  
31 approved by the board, or the period of years approved  
32 at an election if an election is held, in anticipation  
33 of the collection of the tax amount with a bank,  
34 investment banker, trust company, insurance company,  
35 or insurance group.

36 By resolution, the board shall provide for an  
37 annual levy and income surtax imposition which is  
38 within the limits of the tax approved by the voters  
39 amount authorized in section 298.2 to pay for the  
40 amount of the principal and interest due each year  
41 until maturity. The board shall file a certified copy  
42 of the resolution with the auditor of each county in  
43 which the district is located and with the director of  
44 the department of revenue and finance. The filing of  
45 the resolution with the auditor shall make and  
46 director of the department of revenue and finance  
47 makes it the duty of the auditor to annually levy the  
48 amount certified for collection and the duty of the  
49 director of the department of revenue and finance to  
50 annually impose the surtax, until funds are realized

## Page 30

1 to repay the loan and interest on the loan in full.

2 The loan must mature within the period of time  
3 authorized by the voters and shall bear interest at a  
4 rate which does not exceed the limits provided under  
5 chapter 74A. A loan agreement entered into pursuant  
6 to this section shall be in a form as the board of  
7 directors shall by resolution provide and the loan  
8 shall be payable as to both principal and interest  
9 from the proceeds of the annual levy and imposition of  
10 the voted tax pursuant to section 278.1, subsection 7  
11 capital projects and equipment amount, or so much  
12 thereof as will be sufficient to pay the loan and  
13 interest on the loan.

14 The proceeds of a loan must be deposited in a fund  
15 which is separate from other district funds. Warrants  
16 paid from this fund must be for purposes authorized by  
17 the voters as provided in section 278.1, subsection 7  
18 for the capital projects and equipment amount.

19 This section does not limit the authority of the  
20 board of directors to levy and impose the full amount  
21 of the voted tax capital projects and equipment  
22 amount, but if and to whatever extent the tax is  
23 levied in any year in excess of the amount of  
24 principal and interest falling due in that year under  
25 a loan agreement, the first available proceeds, to an  
26 amount sufficient to meet maturing installments of  
27 principal and interest under the loan agreement, shall  
28 be paid into the sinking fund for the loan before the  
29 taxes are otherwise made available to the school  
30 corporation for other school purposes, and the amount  
31 required to be annually set aside to pay principal of  
32 and interest on the money borrowed under the loan  
33 agreement shall constitute constitutes a first charge  
34 upon the proceeds of the special voted tax capital  
35 projects and equipment levy and income surtax, which  
36 tax shall be pledged to pay the loan and the interest  
37 on the loan.

38 This section is supplemental and in addition to  
39 existing statutory authority to finance the purposes  
40 specified in section 278.1, subsection 7 298.2, and  
41 for the borrowing of money and execution of loan  
42 agreements in connection with that section and  
43 subsection, and is not subject to any other law. The  
44 fact that a school corporation may have previously  
45 borrowed money and entered into loan agreements under  
46 authority of this section does not prevent the school  
47 corporation from borrowing additional money and  
48 entering into further loan agreements if the aggregate  
49 of the amount payable under all of the loan agreements  
50 does not exceed the proceeds of amount approved by the

Page 31

1 voters for anticipation of collection of the tax from  
2 the voted tax capital projects and equipment amount.  
3 Sec. 123. NEW SECTION. 298.2 CAPITAL PROJECTS  
4 AND EQUIPMENT AMOUNT.

5 The board of directors of a school district may  
6 approve the raising of a capital projects and  
7 equipment amount not exceeding the amount that could  
8 be raised if a property tax of eighty-one cents per  
9 thousand dollars of assessed valuation were levied on  
10 all taxable property in the school district. The  
11 amount shall be raised by a combination of a property  
12 tax and an income surtax imposed on the state income  
13 tax in any proportion determined by the board except  
14 that the income surtax rate shall not exceed ten  
15 percent of the state income tax. Within the limits of  
16 the maximum income surtax rate, the property tax rate  
17 shall not exceed forty and one-half cents per thousand  
18 dollars of assessed valuation of taxable property in  
19 the district except as otherwise provided in this  
20 section. The property tax rate levied pursuant to a  
21 loan agreement continued under section 297.35 shall be  
22 subtracted from the limitation of this section.

23 Within thirty days following the decision of a  
24 board to approve a capital projects and equipment  
25 amount, if a petition signed by at least twenty  
26 percent of the qualified electors residing within the  
27 district is received by the board, or on the board's  
28 own motion, then the proposal to raise the capital  
29 projects and equipment amount shall be placed on the  
30 ballot at a regular or special election, as determined  
31 by the board. The board may specify a different  
32 proportion between the property tax and the income  
33 surtax on the state individual income tax for the  
34 election, within the limits of the maximum income  
35 surtax rate, and the board may provide that any  
36 portion of the capital projects and equipment amount  
37 may be raised by a property tax levy or an income  
38 surtax. If an election is required, the proposition  
39 to approve the amount is approved with a simple  
40 majority vote. The proposition may include a  
41 provision for approval of the amount for a specified  
42 number of years not to exceed ten.

43 Notice of the election shall be given by the county  
44 commissioner of elections by publication in accordance  
45 with section 49.53.

46 The board of directors shall estimate and certify  
47 to the board of supervisors of the proper county for  
48 the capital projects fund, the amount required from  
49 property tax revenues based upon the decision of the  
50 board. The board of directors shall estimate and

## Page 32

1 certify to the director of revenue and finance for the  
2 capital projects fund, the amount required from the  
3 income surtax to pay the remaining portion of the  
4 capital projects and equipment amount. Annually the  
5 director of revenue and finance shall establish the  
6 rate of the income surtax based upon an average of the  
7 income tax collections in the school district for the  
8 three preceding years.

9 The income surtax shall be imposed on the state  
10 individual income tax for each calendar year, or for a  
11 taxpayer's fiscal year ending during the second half  
12 of that calendar year or the first half of the  
13 succeeding calendar year, and shall be imposed on all  
14 individuals residing in the school district on the  
15 last day of the applicable tax year. As used in this  
16 section, "state individual income tax" means the tax  
17 computed under section 422.5, less the deductions  
18 allowed in sections 422.10, 422.11, and 422.12.

19 Sections 442.16, 442.17, 442.19, and 442.20 apply  
20 to the income surtax established in this section. The  
21 director of revenue and finance shall deposit all  
22 moneys received as income surtax to the credit of each  
23 district from which the moneys are received, in an  
24 "income surtax fund" which is established in the  
25 office of the treasurer of state.

26 Annually, after crediting to the department of  
27 revenue and finance a reasonable amount for costs of  
28 administration, the treasurer of state shall remit to  
29 the school districts which have imposed an income  
30 surtax their share of the balance in the income surtax  
31 fund. The proceeds of the tax shall be pledged for  
32 the payment of the capital projects and equipment  
33 amount. The costs of administration shall be  
34 determined by the department of revenue and finance,  
35 and shall be based on a share of the total cost of  
36 administering the department, in the same proportion  
37 as the amount of income surtax collected is to the  
38 amount of state income taxes collected.

39 The department of revenue and finance shall supply  
40 appropriate forms, or provide space on the regular  
41 state income tax forms, for reporting school district  
42 income tax liability, and shall administer the income  
43 surtax as nearly as possible in conjunction with the  
44 administration of the state income tax law, for  
45 purposes of economy and efficiency. The department of  
46 revenue and finance shall adopt rules to carry out the  
47 income surtax. The amount of income surtax collected  
48 above the amount estimated to be collected shall be  
49 placed in a separate income surtax account in the  
50 capital projects fund to be used to supplement the

## Page 33

1 surtax portion during years in which the amount of  
2 income surtax collected is less than the amount  
3 estimated to be collected.

4 In any year that the amount of income surtax  
5 collected plus the amount in the separate account are  
6 insufficient, the board of directors shall deduct the  
7 remainder from moneys in the general fund of the  
8 school district and the board of directors shall repay  
9 the amount borrowed when funds are available in the  
10 separate account.

11 Sec. 124. NEW SECTION. 298.3 PURPOSES OF CAPITAL  
12 PROJECTS AND EQUIPMENT AMOUNT.

13 The revenue from the property tax and income surtax  
14 shall be placed in the capital projects fund and  
15 expended only for the following purposes:

16 1. The purchase and improvement of grounds.

17 "Purchase of grounds" includes: Legal costs  
18 relating to the property acquisition, costs of surveys  
19 of the property, costs of relocation assistance under  
20 state and federal law, and other costs incidental to  
21 the property acquisition. "Improvement of grounds"  
22 includes: Grading, landscaping, seeding, and planting  
23 of shrubs and trees; constructing sidewalks, roadways,  
24 retaining walls, sewers and storm drains, and  
25 installing hydrants; surfacing and soil treatment of  
26 athletic fields and tennis courts; furnishing and  
27 installing flagpoles, gateways, fences, and  
28 underground storage tanks which are not parts of  
29 building service systems; demolition work; and special  
30 assessments against the school district for capital  
31 improvements such as streets, curbs, and drains.

32 2. Opening roads to schoolhouses or buildings.

33 3. The purchase of equipment for buildings or  
34 schoolhouses, including the purchase of educational  
35 technology equipment.

36 4. Procuring or acquisition of libraries but not  
37 library buildings.

38 5. The purchase of school textbooks if under  
39 chapter 301 the school district is loaning the  
40 textbooks to pupils at no charge.

41 6. Repairing, remodeling, reconstructing, or  
42 improving the schoolhouse or buildings.

43 For the purpose of this section, "repairing" means  
44 to restore an existing structure or thing to its  
45 original condition, as near as may be, after decay,  
46 waste, injury, or partial destruction, but does not  
47 include maintenance or customary repainting; and  
48 "reconstruction" means to rebuild or to restore as an  
49 entity a thing which was lost or destroyed.

50 7. The rental of facilities under chapter 28E.

## Page 34

1 Annually, the board must reapprove the rental.  
2 8. Purchase of transportation equipment for trans-  
3 porting students if the district has fewer than three  
4 pupils per square mile and the regular school routes  
5 consist of a single round trip per child per day.

6 9. Public educational and recreational purposes  
7 authorized in chapter 300.

8 10. Community education purposes authorized in  
9 chapter 276.

10 Interest earned on money in the capital projects  
11 fund may be expended for a purpose listed in this  
12 section.

13 Sec. 125. NEW SECTION. 298.4 LIABILITY LEVY.

14 The board of directors of a school district may  
15 certify for levy by March 15 of a school year, a tax  
16 on all taxable property in the school for a liability  
17 levy. The revenue from the tax levied in this section  
18 shall be placed in the liability fund of the school  
19 district and expended only for the following purposes:

20 1. To pay the cost of unemployment benefits as  
21 provided in section 96.31.

22 2. To pay the costs of tort liability insurance  
23 and the costs of a judgment or settlement relating to  
24 tort liability together with interest accruing on the  
25 judgment or settlement to the expected date of payment  
26 under sections 613A.7 and 613A.10.

27 3. To pay the costs of insurance agreements under  
28 section 296.7.

29 Sec. 126. Section 298.16, Code 1987, is amended to  
30 read as follows:

31 298.16 JUDGMENT TAX.

32 If the proper fund is not sufficient, then, unless  
33 its board has provided by the issuance of bonds for  
34 raising the amount necessary to pay such a judgment,  
35 the voters thereof shall at their regular election  
36 vote a sufficient tax for the purpose cost of the  
37 judgment shall be included in the liability levy as  
38 provided in section 613A.10.

39 Sec. 127. Section 298.18, unnumbered paragraph 1,  
40 Code 1987, is amended to read as follows:

41 The board of each school corporation shall, when  
42 estimating and certifying the amount of money required  
43 for general purposes, estimate and certify to the  
44 board of supervisors of the proper county for the  
45 schoolhouse capital projects fund the amount required  
46 to pay interest due or that may become due for the  
47 fiscal year beginning July 1, thereafter, upon lawful  
48 bonded indebtedness, and in addition thereto such the  
49 amount as the board may deem necessary to apply on the  
50 principal.

## Page 35

1 Sec. 128. Section 300.2, Code 1987, is amended by  
2 striking the section and inserting in lieu thereof the  
3 following:

4 300.2 FUNDING FOR RECREATIONAL PURPOSES.

5 Moneys received from the capital projects and  
6 equipment levy may be expended for the purposes listed  
7 in section 300.1."

8 91. Page 33, by striking lines 4 through 17 and  
9 inserting the following:

10 "Sec. \_\_\_\_\_. Section 442.4, subsection 3, paragraphs  
11 a and b, Code 1987, are amended to read as follows:

12 a. Twenty-five percent of the basic enrollment for  
13 the school year beginning July 1, 1979. However, if  
14 the basic enrollment of a school district for a budget  
15 year is more than fifteen percent higher than the  
16 basic enrollment of the district for the base year,  
17 the school district's basic enrollment for the budget  
18 year shall be used thereafter for the calculation  
19 required under this paragraph in lieu of using the  
20 basic enrollment for the school year beginning July 1,  
21 1979. However, for the school year beginning July 1,  
22 1988, the twenty-five percent portion shall be reduced  
23 to twenty percent, and for the school year beginning  
24 July 1, 1989 and each succeeding school year, the  
25 twenty-five percent portion shall be reduced to  
26 fifteen percent.

27 b. Seventy-five percent of the adjusted enrollment  
28 computed under subsection 2, paragraph "a," of this  
29 section. However, for the school year beginning July  
30 1, 1988, the seventy-five percent portion shall be  
31 increased to eighty percent, and for the school year  
32 beginning July 1, 1989 and each succeeding school  
33 year, the seventy-five percent portion shall be  
34 increased to eighty-five percent."

35 92. By striking page 33, line 20 through page 34,  
36 line 4, and inserting the following:

37 "5. For the school year beginning July 1, 1984 and  
38 each succeeding school year, if an amount equal to the  
39 district cost per pupil for the budget year minus the  
40 amount included in the district cost per pupil for the  
41 budget year to compensate for the cost of special  
42 education support services for a school district for  
43 the budget year times the budget enrollment of the  
44 school district for the budget year is less than one  
45 hundred two percent times an amount equal to the  
46 district cost per pupil for the base year minus the  
47 amount included in the district cost per pupil for the  
48 base year to compensate for the cost of special  
49 education support services for a school district for  
50 the base year times the budget enrollment for the

Page 36

1 school district for the base year, the department of  
2 management shall increase the budget enrollment for  
3 the school district for the budget year to a number  
4 which will provide that one hundred two percent  
5 amount. For each of the school years beginning July  
6 1, 1988 and July 1, 1989, the one hundred two percent  
7 amount shall be reduced by five-tenths of one percent  
8 so that for the school year beginning July 1, 1989 and  
9 each succeeding school year, the guarantee amount for  
10 the budget year is one hundred one percent times an  
11 amount equal to the district cost per pupil for the  
12 base year minus the amount included in the district  
13 cost per pupil for the base year to compensate for the  
14 cost of special education support services for a  
15 school district for the base year times the budget  
16 enrollment for the school district for the base year."

17 93. Page 34, line 7, by striking the figure  
18 "1980" and inserting the following: "1990 1988".

19 94. By striking page 34, line 13 through page 35,  
20 line 28.

21 95. Page 35, by inserting before line 29 the  
22 following:

23 "Sec. 129. Section 442.5, subsection 1, paragraph  
24 a, Code 1987, is amended to read as follows:

25 a. "Miscellaneous income" means all receipts  
26 deposited to the general fund of a school district  
27 which are not obtained from state aid provided under  
28 section 442.1 or from property tax authorized under  
29 section 442.2 or 442.9. Miscellaneous income includes  
30 property tax levied under the provisions of section  
31 613A-7, to fund the costs of tort liability insurance  
32 for the school district.

33 Sec. 130. Section 442.5, subsection 1, paragraph  
34 b, Code 1987, is amended by striking the paragraph and  
35 inserting in lieu thereof the following:

36 b. "Expenditures" means the total amounts paid out  
37 of the general fund of a school district.

38 Sec. 131. Section 442.13, subsection 7, Code 1987,  
39 is amended to read as follows:

40 7. The committee may authorize a district to spend  
41 a reasonable and specified amount from its unexpended  
42 cash balance for the purpose or purposes of  
43 furnishing, equipping, and contributing to the  
44 construction of a new building or structure for which  
45 the voters of the district have approved a bond issue  
46 as provided by law or a tax as provided in chapter 278  
47 and for major building repairs as defined in section  
48 297-5, and for the purposes listed in section 298.2,  
49 subsections 2, 3, 4, and 7. No other expenditure,  
50 including but not limited to expenditures for salaries

## Page 37

1 or recurring costs, shall be is authorized under this  
2 subsection. Expenditures authorized under this  
3 subsection shall not be included in allowable growth  
4 or district cost, and the portion of the unexpended  
5 cash balance which is authorized to be spent shall be  
6 regarded as if it were miscellaneous income. Any part  
7 of such the amount which is not actually spent for the  
8 authorized purpose shall revert reverts to its former  
9 status as part of the unexpended cash balance."

10 96. Page 35, by inserting before line 29 the  
11 following:

12 "Sec. \_\_\_\_\_. Section 442.14, subsection 1, Code  
13 1987, is amended to read as follows:

14 1. For the budget year beginning July 1, 1980, and  
15 each succeeding school year, if a school board wishes  
16 to spend more than the amount permitted under sections  
17 442.1 to 442.13, and the school board has not  
18 attempted by resolution to raise an additional  
19 enrichment amount for that budget year, the school  
20 board may raise an additional enrichment amount not to  
21 exceed ten percent of the state cost per pupil  
22 multiplied by the budget enrollment in the district,  
23 as provided in this section. For the budget year  
24 beginning July 1, 1988 and each succeeding school  
25 year, the additional enrichment amount that may be  
26 raised is an amount not to exceed fifteen percent of  
27 the state cost per pupil multiplied by the budget  
28 enrollment in the district. The additional five  
29 percent is to provide additional moneys for districts  
30 because of budget reductions incurred beginning July  
31 1, 1988 under sections 442.4, subsections 3 and 5.

32 Sec. \_\_\_\_\_. Section 442.14, subsection 4, Code 1987,  
33 is amended to read as follows:

34 4. The additional enrichment amount for a district  
35 is limited to the amount which may be raised by a  
36 combination tax in the prescribed proportion which  
37 does not exceed a property tax of one dollar and eight  
38 sixty-two cents per thousand dollars of assessed  
39 valuation and an income surtax of twenty thirty  
40 percent.

41 Sec. \_\_\_\_\_. Section 442.15, unnumbered paragraph 3,  
42 Code 1987, is amended to read as follows:

43 An additional enrichment amount authorized under  
44 section 442.14 or a lesser amount than the amount so  
45 authorized may be continued as provided in this  
46 section for a period of five school years. If the  
47 amount authorized is less than the maximum of ten  
48 fifteen percent of the state cost per pupil and the  
49 board wishes to increase the amount, it shall re-  
50 establish its authority to do so in the manner

## Page 38

1 provided in section 442.14. If the board wishes to  
2 continue any additional enrichment amount beyond the  
3 five-year period, it shall re-establish its authority  
4 to do so in the manner provided in section 442.14  
5 within the twelve-month period prior to termination of  
6 the five-year period."

7 97. Page 35, by inserting before line 29 the  
8 following:

9 "Sec. \_\_\_\_\_. Section 442.39, subsection 4,  
10 unnumbered paragraph 1, Code 1987, is amended to read  
11 as follows:

12 Pupils enrolled in a school district in which one  
13 or more administrators are employed jointly under  
14 section 280.15, or in which one or more administrators  
15 are employed under section 273.7A, are assigned a  
16 weighting of one plus five-hundredths for each  
17 administrator who is jointly employed times the  
18 percent of the administrator's time in which the  
19 administrator is employed in the school district.  
20 However, the total additional weighting assigned under  
21 this subsection for a budget year for a school  
22 district is fifteen.

23 Sec. \_\_\_\_\_. Section 442.39, subsection 4, paragraph  
24 b, Code 1987, is amended to read as follows:

25 b. School administrators, which includes  
26 principals if the principal is not also assigned the  
27 duties of a superintendent, assistant principals, and  
28 other assistants in general supervision of the  
29 operations of the school. School administrators does  
30 not include principals."

31 98. Page 35, by inserting before line 29 the  
32 following:

33 "Sec. 132. Section 453.14, unnumbered paragraph 2,  
34 Code 1987, is amended to read as follows:

35 Earnings and interest from investments authorized  
36 by this section shall be used either to retire the  
37 bonded indebtedness or to be credited to the  
38 schoolhouse capital projects fund for the purpose of  
39 financing the construction or equipping of the school  
40 building for which the bonds were sold."

41 99. By striking page 35, line 29 through page 36,  
42 line 8.

43 100. Page 36, by inserting after line 8 the  
44 following:

45 "Sec. 133. Section 613A.7, Code 1987, is amended  
46 to read as follows:

47 613A.7 INSURANCE:

48 The governing body of any municipality may purchase  
49 a policy of liability insurance insuring against all  
50 or any part of liability which might be incurred by

Page 39

1 such municipality or its officers, employees and  
2 agents under the provisions of section 613A.2 and  
3 section 613A.8 and may similarly purchase insurance  
4 covering torts specified in section 613A.4. The  
5 governing body of any municipality may adopt a self-  
6 insurance program, including but not limited to the  
7 investigation and defense of claims, the establishment  
8 of a reserve fund for claims, the payment of claims,  
9 and the administration and management of the self-  
10 insurance program, to cover all or any part of the  
11 liability. The governing body of any municipality may  
12 join and pay funds into a local government risk pool  
13 to protect itself against any or all liability. The  
14 governing body of any municipality may enter into  
15 insurance agreements obligating the municipality to  
16 make payments beyond its current budget year to  
17 provide or procure such policies of insurance, self-  
18 insurance program, or local government risk pool. The  
19 premium costs of such insurance, the costs of such a  
20 self-insurance program, the costs of a local  
21 government risk pool, and the amounts payable under  
22 any such insurance agreements may be paid out of the  
23 general fund or any available funds or may be levied  
24 in excess of any tax limitation imposed by statute.  
25 For school districts, the costs in excess of any tax  
26 limitation imposed by statute shall be included in the  
27 liability levy as provided in section 296.7. Any  
28 independent or autonomous board or commission in the  
29 municipality having authority to disburse funds for a  
30 particular municipal function without approval of the  
31 governing body may similarly enter into insurance  
32 agreements, procure liability insurance, adopt a self-  
33 insurance program, or join a local government risk  
34 pool within the field of its operation. The  
35 procurement of such insurance constitutes a waiver of  
36 the defense of governmental immunity as to those  
37 exceptions listed in section 613A.4 to the extent  
38 stated in such policy but shall have no further effect  
39 on the liability of the municipality beyond the scope  
40 of this chapter, but if a municipality adopts a self-  
41 insurance program or joins and pays funds into a local  
42 government risk pool such action does not constitute a  
43 waiver of the defense of governmental immunity as to  
44 the exceptions listed in section 613A.4. The  
45 existence of any insurance which covers in whole or in  
46 part any judgment or award which may be rendered in  
47 favor of the plaintiff, or lack of any such insurance,  
48 shall not be material in the trial of any action  
49 brought against the governing body of any  
50 municipality, or its officers, employees or agents and

Page 40

1 any reference to such insurance, or lack of same,  
2 shall be grounds for a mistrial. A self-insurance  
3 program or local government risk pool is not insurance  
4 and is not subject to regulation under chapters 505  
5 through 523C.

6 Sec. 134. Section 613A.10, Code 1987, is amended  
7 to read as follows:

8 **613A.10 TAX TO PAY JUDGMENT OR SETTLEMENT.**

9 When a final judgment is entered against or a  
10 settlement is made by a municipality for a claim  
11 within the scope of section 613A.2 or 613A.8, payment  
12 shall be made and the same remedies shall apply in the  
13 case of nonpayment as in the case of other judgments  
14 against the municipality. If said a judgment or  
15 settlement is unpaid at the time of the adoption of  
16 the annual budget, ~~it~~ the municipality shall budget an  
17 amount sufficient to pay the judgment or settlement  
18 together with interest accruing ~~thereon~~ on it to the  
19 expected date of payment. ~~Such~~ A tax may be levied in  
20 excess of any limitation imposed by statute. For  
21 school districts the costs of a judgment or settlement  
22 under this section in excess of any limitation imposed  
23 by statute shall be included in the liability levy  
24 pursuant to section 298.4."

25 101. Page 36, by inserting after line 8 the  
26 following:

27 "Sec. \_\_\_\_\_. RETIREMENT INCENTIVES. The board of  
28 directors of a school district may adopt a program for  
29 payment of a monetary bonus, continuation of health or  
30 medical insurance coverage, or other incentives for  
31 encouraging its employees to retire before the normal  
32 retirement date as defined in chapter 97B. The  
33 program is available only to employees between fifty-  
34 nine and sixty-five years of age who notify the board  
35 at any time between the effective date of this Act and  
36 March 1, 1988 that they intend to retire not later  
37 than June 30, 1988. An employee retiring under this  
38 section shall apply for a retirement allowance under  
39 chapter 97B or chapter 294. If the total estimated  
40 accumulated cost to a school district of the bonus or  
41 other incentives for employees who retire under this  
42 section does not exceed the estimated savings in  
43 salaries and benefits for employees who replace the  
44 employees who retire under the program, the board may  
45 certify for levy not later than March 15, 1988 a tax  
46 on all taxable property in the school district to pay  
47 the costs of the program provided in this section.  
48 The levy certified under this section is in addition  
49 to any other levy authorized for that school district  
50 by law and is not subject to budget limitations

## Page 41

1 otherwise provided by law. A board may amend its  
2 certified budget during a fiscal year to provide for  
3 payments required under this section. Moneys received  
4 from the levy imposed under this section are  
5 miscellaneous income for purposes of chapter 442."

6 102. Page 36, by inserting after line 8 the  
7 following:

8 "Sec. \_\_\_\_\_. The legislative council is requested to  
9 appoint a task force consisting of members of the  
10 house and senate committees on education and  
11 representatives from various education interest groups  
12 and institutions providing approved teacher  
13 preparation programs to study the role of teachers in  
14 the school district, assistance to teachers to foster  
15 the development of effective schools, provision for  
16 teachers to assume a more active role in educational  
17 planning in a school district, and the requirements  
18 for teacher preparation programs for the twenty-first  
19 century based upon recent recommendations of national  
20 associations and organizations who have studied  
21 teaching as a profession.

22 The task force shall report its recommendations to  
23 the general assembly by February 1, 1988."

24 103. Page 36, by inserting after line 10 the fol-  
25 lowing:

26 "Sec. 135. Sections 298.7, 298.9 and 298.17, Code  
27 1987, are repealed."

28 104. Page 36, by inserting after line 10 the  
29 following:

30 "Sec. \_\_\_\_\_. Section 279.34, Code 1987, is  
31 repealed."

32 105. Page 36, line 11, by striking the figures  
33 and word "46, 52 through 55" and inserting the  
34 following: "and 46".

35 106. Page 36, line 13, by striking the word  
36 "through" and inserting the following: ", 53, and".

37 107. Page 36, by striking lines 15 and 16 and  
38 inserting the following: "effective date of those  
39 sections. Sections 47 and 60 of this Act take effect  
40 for the school year beginning July 1, 1988. Section  
41 280.16, Code 1987, remains in effect for the school  
42 year beginning July 1, 1987."

43 108. Page 36, by inserting after line 16 the  
44 following:

45 "Sec. \_\_\_\_\_. Sections 100 through 135 of this Act  
46 take effect October 1, 1987."

47 109. Title page, line 8, by inserting after the  
48 word "process;" the following: "collective  
49 bargaining; certification of school district  
50 employees; provision of certain services to school

## Page 42

- 1 districts and other area education agencies by area
- 2 education agencies; provision of pilot projects for
- 3 modified block scheduling by school districts and for
- 4 year around schools; election of school board
- 5 directors; elimination of prohibition of employment of
- 6 spouses of school board directors; weighting of school
- 7 administrators; changing the name of the schoolhouse
- 8 fund to the capital projects fund; establishing a
- 9 capital projects and equipment amount to be raised by
- 10 a combination of an income surtax and property tax
- 11 levy; establishing a liability levy; establishing
- 12 sabbatical programs for teachers; the examination of
- 13 teachers; dissolution of a portion of a school
- 14 district; increasing the enrichment amount; retirement
- 15 incentives; studying the role of teachers;"
- 16 110. Title page, by striking lines 11 through 14
- 17 and inserting the following: "school students; date
- 18 of the organizational meeting of".
- 19 111. By renumbering, relettering, or
- 20 redesignating and correcting internal references as
- 21 necessary.

## SPECIAL PRESENTATION

Renaud of Polk presented to the House students from Goodrell Transitional School, Des Moines who are state champions of the 1987 Problem Solving Contest, junior division: Cadry Nelson, Johnanna Day, Erik Ackelson and Michelle Griffith, accompanied by Mrs. Cump-ton and Mrs. Ackelson.

The House rose and expressed its congratulations.

Daggett of Adams offered amendment H-3913, to the Senate amendment H-3878, filed by him and requested division as follows:

H-3913

- 1 Amend the senate amendment, H-3878, to House File
- 2 499, as amended, passed, and reprinted by the House
- 3 as follows:

H-3913A

- 4 1. Page 1, by striking lines 3 through 6.

H-3913B

- 5 2. By striking page 5, line 46 through page 6,
- 6 line 4.

H-3913C

- 7 3. Page 7, by striking lines 28 through 40.

## H-3913D

- 8 4. By striking page 7, line 43 through page 10,  
9 line 18.

## H-3913E

- 10 5. By striking page 10, line 26 through page 13,  
11 line 2.  
12 6. Page 13, by striking lines 3 through 30.  
13 7. By striking page 13, line 31 through page 14,  
14 line 41.

## H-3913F

- 15 8. by striking page 14, line 42 through page 15,  
16 line 16.

On motion by Daggett of Adams, amendment H-3913A was adopted.

Connors of Polk in the chair at 4:30 p.m.

Ollie of Clinton offered amendment H-4089, to the Senate amendment H-3878, filed by him and Haverland of Polk from the floor. Division was requested as follows:

## H-4089

- 1 Amend the Senate amendment, H-3878, to House File  
2 499, as amended, passed, and reprinted by the House,  
3 as follows:

## H-4089A

- 4 1. Page 1, by striking lines 3 through 6.

## H-4089B

- 5 2. Page 1, by striking lines 18 through 23 and  
6 inserting the following: "the allocations of moneys  
7 for phases I and II are made prior to the allocation  
8 of moneys for phase III."

## H-4089C

- 9 3. Page 2, by striking lines 1 through 27 and  
10 inserting the following:  
11 "\_\_\_\_\_. Page 5, by striking lines 23 and 24 and  
12 inserting the following: "teachers. For each fiscal  
13 year, the department of education shall allocate to".  
14 \_\_\_\_\_. By striking page 5, line 27 through page 6,  
15 line 17, and inserting the following: "multiplied by  
16 the district's certified enrollment and to each area  
17 education agency for the purpose of implementing phase  
18 II an amount equal to three dollars and fifty-five  
19 cents multiplied by the enrollment served in the area

H-4089C

20 education agency, if the general assembly has  
 21 appropriated sufficient moneys to the fund so that  
 22 pursuant to section 294A.3, thirty-eight million five  
 23 hundred thousand dollars will be allocated by the  
 24 department to school districts and area education  
 25 agencies for phase II. If, because of the amount of  
 26 the appropriation made by the general assembly to the  
 27 fund, less than thirty-eight million five hundred  
 28 thousand dollars is allocated for phase II, the  
 29 department of education shall adjust the amount for  
 30 each student in certified enrollment and each student  
 31 in enrollment served based upon the amount allocated  
 32 for phase II."

33 \_\_\_\_\_. Page 6, line 19, by inserting after the word  
 34 "allocations" the following: "for each school  
 35 district and area education agency"."

36 4. Page 2, by inserting before line 28 the  
 37 following:

38 "\_\_\_\_\_. Page 7, line 19, by striking the word  
 39 "June" and inserting the following: "July"."

40 5. By striking page 2, line 50 through page 3,  
 41 line 14.

H-4089B

42 6. By striking page 3, line 17 through page 4,  
 43 line 12, and inserting the following:

44 "\_\_\_\_\_. Page 9, by striking lines 15 through 30 and  
 45 inserting the following:

46 "For each fiscal year, the department shall  
 47 allocate the remainder of the moneys appropriated by  
 48 the general assembly to the fund for phase III,  
 49 subject to section 294A.16B. If fifty million dollars  
 50 is allocated for phase III, the payments for an

Page 2

1 approved plan for a school district shall be equal to  
 2 the product of a district's certified enrollment and  
 3 ninety-eight dollars and sixty-three cents, and for an  
 4 area education agency shall be equal to the product of  
 5 an area education agency's enrollment served and four  
 6 dollars and sixty cents. If the moneys allocated for  
 7 phase III are either greater than or less than fifty  
 8 million dollars, the department of education shall  
 9 adjust the amount for each student in certified  
 10 enrollment and each student in enrollment served based  
 11 upon the amount allocated for phase III." "

H-4089C

12 7. Page 4, by striking lines 27 through 29.

## H-4089C

- 13 8. Page 4, by inserting after line 43 the  
 14 following:  
 15 "\_\_\_\_\_. Page 13, line 34, by inserting after the  
 16 word "plan" the following: "and its budget".  
 17 \_\_\_\_\_. Page 14, line 3, by inserting after the word  
 18 "plan" the following: "and budget".  
 19 \_\_\_\_\_. Page 14, by striking lines 5 and 6 and  
 20 inserting the following: "the school districts and  
 21 area education agencies not later than February 15,  
 22 1988 that their plans have been approved by the  
 23 department. Final approval of budgets for approved  
 24 phase III plans shall be determined by the department  
 25 of education after the certification required in  
 26 section 294A.16B but not later than February 15, 1988.  
 27 The department of education shall notify the  
 28 department of revenue and finance of the amounts of  
 29 payments to be made to each school district and area  
 30 education agency that has an approved plan. Moneys"."  
 31 9. Page 5, by striking lines 11 through 32 and  
 32 inserting the following: "programs may provide for  
 33 increasing teacher salary costs for twelve month  
 34 contracts for vocational agriculture teachers."

## H-4089D

- 35 10. Page 5, by inserting before line 33 the  
 36 following:  
 37 "Sec. \_\_\_\_\_. NEW SECTION. 294A.16B DETERMINATION  
 38 OF PHASE III ALLOCATION.  
 39 On February 1, 1988, the governor shall certify to  
 40 the department of education the amount of money  
 41 available for allocation under phase III. If pursuant  
 42 to any provision of law, the governor certifies an  
 43 amount lower than the allocation that would otherwise  
 44 be made under this chapter, the department of  
 45 education shall adjust the amount for each student in  
 46 certified enrollment and each student in enrollment  
 47 served pursuant to section 294A.14 and shall review  
 48 the budgets of the approved plans."

## H-4089C

- 49 11. By striking page 5, line 46 through page 6,  
 50 line 4.

## Page 3

- 1 12. Page 7, by striking lines 11 through 27.

## H-4089E

- 2 13. Page 7, by striking lines 41 and 42, and  
 3 inserting the following:

H-4089E

4 "\_\_\_\_\_. Page 15, by striking lines 25 through 35  
5 and inserting the following: "merged area schools.  
6 The plans shall be reported to the general assembly  
7 not later than October 1, 1987.  
8 In addition, the state board shall develop plans  
9 for redrawing the boundary lines of area education  
10 agencies so that the total number of area education  
11 agencies is no fewer than four and no greater than  
12 twelve. The state board shall also study the  
13 governance structure of the merged area schools,  
14 including but not limited to governance at the state  
15 level with a director of area school education serving  
16 under a state board. The plans relating to the area  
17 education agencies and merged area schools shall be  
18 submitted to the general assembly not later than  
19 January 8, 1990.  
20 PARAGRAPH DIVIDED. The focus of the".  
21 \_\_\_\_\_ Page 16, by striking lines 5 through 12."

H-4089C

22 14. Page 8, by striking lines 33 and 34 and  
23 inserting the following: "is signed by at least  
24 twenty percent of the number of registered voters  
25 voting in the preceding school election."  
26 15. Page 15, by striking lines 17 through 41.

H-4089F

27 16. Page 16, by striking lines 9 through 44.  
28 17. Page 16, line 45, by striking the figure "29"  
29 and inserting the following: "34".  
30 18. Page 17, by striking lines 15 through 27.

H-4089C

31 19. By striking page 18, line 4 through page 19,  
32 line 20.

H-4089G

33 20. By striking page 20, line 14 through page 22,  
34 line 21.

H-4089C

35 21. Page 22, by striking lines 22 through 43.  
36 22. Page 23, by striking lines 13 through 34.  
37 23. By striking page 23, line 40 through page 24,  
38 line 3.

H-4089H

39 24. Page 24, by inserting after line 19, the  
40 following:

H-4089H

41 "\_\_\_\_\_. Page 24, by inserting after line 34 the  
42 following:

43 "Sec. \_\_\_\_\_. NEW SECTION. 279.46 RETIREMENT  
44 INCENTIVES.

45 The board of directors of a school district may  
46 adopt a program for payment of a monetary bonus,  
47 continuation of health or medical insurance coverage,  
48 or other incentives for encouraging its employees to  
49 retire before the normal retirement date as defined in  
50 chapter 97B. The program is available only to

Page 4

1 employees between fifty-nine and sixty-five years of  
2 age who notify the board of directors prior to March 1  
3 of the fiscal year that they intend to retire not  
4 later than the next following June 30. An employee  
5 retiring under this section shall apply for a  
6 retirement allowance under chapter 97B or chapter 294.  
7 If the total estimated accumulated cost to a school  
8 district of the bonus or other incentives for  
9 employees who retire under this section does not  
10 exceed the estimated savings in salaries and benefits  
11 for employees who replace the employees who retire  
12 under the program, the board may certify for levy a  
13 tax on all taxable property in the school district to  
14 pay the costs of the program provided in this section.  
15 The levy certified under this section is in addition  
16 to any other levy authorized for that school district  
17 by law and is not subject to budget limitations  
18 otherwise provided by law. A board may amend its  
19 certified budget during a fiscal year to provide for  
20 payments required under this section. Moneys received  
21 from the levy imposed under this section are  
22 miscellaneous income for purposes of chapter 442." "

H-4089C

23 25. By striking page 24, line 20 through page 25,  
24 line 4.

25 26. Page 25, by striking lines 5 through 7 and  
26 inserting the following:

27 "\_\_\_\_\_. Page 26, by striking lines 21 through 24  
28 and inserting the following:

29 "For the school years commencing July 1, 1988 and  
30 July 1, 1989, a parent or guardian residing in a  
31 school district in which the high".

32 \_\_\_\_\_, Page 26, line 25, by striking the word  
33 "academic".

34 27. Page 25, by striking lines 32 through 36 and  
35 inserting the following: "does not have classroom

## H-4089C

36 space for the pupil."

37 28. Page 26, by striking lines 27 through 47.

38 29. Page 26, line 50, by striking the word "Sec"

39 and inserting the following: "Sec."

40 30. By striking page 27, line 15 through page 35,  
41 line 7.

## H-4089I

42 31. Page 35, by striking lines 22 through 26 and  
43 inserting the following: "1989 and each succeeding  
44 school year, the twenty-five percent portion shall be  
45 reduced to twenty percent."

46 32. Page 35, by striking lines 30 through 34 and  
47 inserting the following: "1, 1989 and each succeeding  
48 school year, the seventy-five percent portion shall be  
49 increased to eighty percent."

## H-4089C

50 33. By striking page 36, line 21 through page 37,

## Page 5

1 line 9.

2 34. Page 37, line 47, by striking the word "ten"

3 and inserting the following: "ten".

## H-4089J

4 35. Page 38, line 22, by inserting after the word  
5 "fifteen" the following: "and the total additional  
6 weighting that may be added cumulatively to the  
7 enrollment of school districts sharing an  
8 administrator is twenty-five".

## H-4089K

9 36. Page 38, by striking lines 23 through 30.

## H-4089C

10 37. Page 38, by striking lines 31 through 40.

11 38. By striking page 38, line 43 through page 40,  
12 line 24.

## H-4089H

13 39. By striking page 40, line 25 through page 41,  
14 line 5.

## H-4089L

15 40. Page 41, by inserting after line 23 the  
16 following:

17 "Sec. \_\_\_\_\_. The legislative council shall appoint a

H-4089L

18 working committee to conduct a comprehensive study of  
 19 school finance and make recommendations for a school  
 20 finance program for Iowa for the 1990's and beyond.  
 21 The study shall include a review of the present school  
 22 finance formula, the property tax burden on taxpayers  
 23 of the various school districts including the property  
 24 assessment practices prescribed in sections 441.18  
 25 through 441.21, and the effect upon the formula of  
 26 additional moneys provided to improve teacher salaries  
 27 as well as a review of the following proposals:  
 28 1. Senate File 2298, introduced during the 1986  
 29 session of the general assembly.  
 30 2. The final report of the excellence in education  
 31 study committee which met during the 1985 interim.  
 32 3. The final report of the property tax issues  
 33 study committee which met during the 1986 interim.  
 34 4. The final report of the state tax reform study  
 35 committee which met during the 1986 interim.  
 36 The working committee appointed by the legislative  
 37 council shall be composed of members of both political  
 38 parties and both houses who are members of the  
 39 committees on education and the committees on ways and  
 40 means and members who represent the department of  
 41 education, education interest groups, and other  
 42 organizations and associations interested in school  
 43 finance.  
 44 The committee shall be staffed by the legislative  
 45 service bureau and the legislative fiscal bureau. The  
 46 committee shall begin its deliberations following the  
 47 adjournment of the 1987 session of the general  
 48 assembly and shall issue its report of recommendations  
 49 which shall include a school aid formula to replace  
 50 the formula within chapter 442, by January 1, 1989.

Page 6

1 It is the intent of the general assembly that the  
 2 general assembly meeting in 1989 shall enact a school  
 3 aid formula to replace the formula contained in  
 4 chapter 442 of the Code. The new formula shall take  
 5 effect for the computations and procedures needed  
 6 during the school year beginning July 1, 1990 in order  
 7 to implement the new formula for the school year  
 8 beginning July 1, 1991."

H-4089M

9 41. Page 41, by inserting after line 23 the  
 10 following:  
 11 "\_\_\_\_\_. Page 36, by inserting after line 8 the  
 12 following:

H-4089M

13 "Sec. 100. For an appeal filed with the state  
14 board of education under chapter 290 between February  
15 18, 1987 and February 20, 1987 relating to a decision  
16 of a board of directors of a school district for  
17 school district restructuring, the state board of  
18 education shall consider all of the following factors:

19 1. The continuity of the educational program of  
20 the district.

21 2. Cost effectiveness when the restructuring is  
22 compared to other alternatives.

23 3. The quality and physical condition of the  
24 school district facilities affected.

25 4. The past and present student enrollment in the  
26 affected area compared to the total past and present  
27 student enrollment in the district.

28 5. Restructuring recommendations of a citizens  
29 task force appointed by the board of directors.

30 6. Transportation changes required because of  
31 restructuring and their impact upon participation in  
32 student activities.

33 7. Presence or absence of violations by the board  
34 of directors of the school district of rules and  
35 guidelines adopted or promulgated by the state  
36 board." "

37 42. Page 41, by inserting after line 23, the  
38 following:

39 "\_\_\_\_\_. Page 36, by inserting after line 8 the  
40 following:

41 "Sec. \_\_\_\_\_. The state board of education shall  
42 study the feasibility of enacting permanent  
43 legislation that would allow school students residing  
44 in school districts to attend school in other school  
45 districts and shall report its conclusions to the  
46 general assembly not later than January 1, 1988. The  
47 state board shall consider, but not be limited to, the  
48 conditions under which such a transfer might be made,  
49 the requirements for an appeal process by either  
50 party, the method and determination of payment,

Page 7

1 transportation efficiency, and impact on the  
2 educational system of the state." "

H-4089C

3 43. Page 41, by striking lines 24 through 27.

4 44. Page 41, by striking lines 32 through 34 and  
5 inserting the following:

6 "\_\_\_\_\_. Page 36, by striking line 11, and inserting  
7 the following:

H-4089C

- 8 "Sec. \_\_\_\_\_, Chapter 294A and section 100 of".  
 9 45. Page 41, by striking lines 43 through 46.

H-4089L

- 10 46. Page 41, by inserting before line 47 the  
 11 following:  
 12 "\_\_\_\_\_. Page 36, by inserting after line 16 the  
 13 following:  
 14 "Sec. \_\_\_\_\_, Chapter 261C, Code 1989, is repealed  
 15 June 30, 1990.  
 16 Sec. \_\_\_\_\_, Chapter 442, Code 1991, is repealed June  
 17 30, 1991." "

H-4089C

- 18 47. Page 42, lines 4 and 5, by striking the words  
 19 "election of school board directors";  
 20 48. Page 42, by striking lines 7 through 14 and  
 21 inserting the following: "administrators;  
 22 establishing sabbatical programs for teachers;  
 23 increasing the enrichment amount; providing for  
 24 appeals of certain decisions of school districts;  
 25 retirement".  
 26 49. Page 42, line 16, by striking the word and  
 27 figures "11 through 14" and inserting the following:  
 28 "13 through 16".  
 29 50. Page 42, by striking lines 17 and 18, and  
 30 inserting the following: "and inserting the  
 31 following: "schools; date of the organizational  
 32 meeting of school corporations; sharing  
 33 interscholastic activity programs;"."

The Speaker ruled that amendment H-4089A was out of order with the adoption of amendment H-3913A.

Carpenter of Polk asked and received unanimous consent to defer action on amendment H-4089B.

On motion by Ollie of Clinton, amendment H-4089C was adopted, placing out of order amendment H-3913B.

Maulsby of Calhoun offered the following amendment H-4097, to the Senate amendment H-3878, filed by him from the floor and moved its adoption:

H-4097

- 1 Amend the Senate amendment, H-3878, to House File  
 2 499, as amended, passed, and reprinted by the House,  
 3 as follows:  
 4 1. Page 2, by inserting after line 27 the

5 following:  
6 "\_\_\_\_\_. Page 6, by inserting before line 18 the  
7 following: "However, in order to be eligible to  
8 receive phase II moneys, the board of directors of a  
9 school district and area education agency shall  
10 require each full-time teacher to complete at least  
11 one hundred ninety working days during that year.  
12 Working days in excess of the number of working days  
13 required for teachers during the school year  
14 commencing July 1, 1986 to meet the one hundred ninety  
15 day requirement shall not require the teacher to teach  
16 students additional days. Moneys appropriated for  
17 phase II may be used to reimburse teachers for  
18 additional contract days required under this  
19 section." "

A non-record roll call was requested.

The ayes were 27, nays 45.

Amendment H-4097 lost.

Corbett of Linn offered the following amendment H-3915, to the Senate amendment H-3878, filed by him and Harbor of Mills and moved its adoption:

H-3915

1 Amend the Senate amendment, H-3878, to House File  
2 499, as amended, passed and reprinted by the House as  
3 follows:  
4 1. Page 3, by striking lines 15 and 16.

Amendment H-3915 lost.

The House resumed consideration of amendment H-4089D.

Ollie of Clinton offered the following amendment H-4101, to amendment H-4089D, to the Senate amendment H-3878, filed by him from the floor and moved its adoption:

H-4101

1 Amend the amendment, H-4089, to the Senate  
2 amendment, H-3878, to House File 499 as amended,  
3 passed and reprinted by the House as follows:  
4 1. Page 2, line 45, by inserting after the word  
5 "shall" the following: ", if necessary,".  
6 2. Page 2, line 47, by inserting after the word  
7 "served" the words "which are included in approved  
8 plans".

Amendment H-4101 was adopted.

Ollie of Clinton moved the adoption of amendment H—4089D, as amended.

Roll call was requested by Daggett of Adams and Bennett of Ida.

On the question "Shall amendment H—4089D, as amended, to the Senate amendment H—3878 be adopted?" (H.F. 499)

The ayes were, 54:

Adams	Arnould	Avenson	Beatty
Bisignano	Black	Blanshan	Brammer
Buhr	Chapman	Connolly	Cooper
Doderer	Dvorsky	Fey	Fogarty
Groninga	Gruhn	Hammond	Hansen, S. D.
Harper	Hatch	Haverland	Holveck
Jay	Jochum	Johnson	Knapp
May	McKinney	Muhlbauer	Neuhauser
Norrgard	Ollie	Osterberg	Parker
Pavich	Peters	Peterson, M. K.	Poncy
Renaud	Rosenberg	Running	Schrader
Sherzan	Shoultz	Skow	Spear
Svoboda	Swartz	Tabor	Teaford
Wise	Mr. Speaker (Connors)		

The nays were, 37:

Beaman	Bennett	Branstad	Carpenter
Clark	Corbett	Corey	Daggett
De Groot	Diemer	Eddie	Garman
Halvorson, R. A.	Hanson, D. R.	Hermann	Hummel
Kremer	Lageschulte	Lundby	Maulsby
McKean	Metcalf	Miller	Mullins
Paulin	Pellett	Petersen, D. F.	Plasier
Renken	Royer	Schneklath	Shoning
Siegrist	Stromer	Stueland	Van Camp
Van Maanen			

Absent or not voting, 9:

Cohoon	Fuller	Halvorson, R. N.	Harbor
Hester	Koenigs	Platt	Swearingen
Tyrrell			

Amendment H—4089D, as amended, was adopted.

Doderer of Johnson in the chair at 5:39 p.m.

Connors of Polk in the chair at 5:46 p.m.

Harbor of Mills offered the following amendment H—3916, to the Senate amendment H—3878, filed by him and Halvorson of Clayton and moved its adoption:

H—3916

- 1 Amend the Senate amendment, H—3878, to House File
- 2 499, as amended, passed, and reprinted by the House,
- 3 as follows:
- 4 1. By striking page 6, line 20 through page 7,
- 5 line 10.
- 6 2. By striking page 19, line 21 through page 20,
- 7 line 13.

Roll call was requested by Hummel of Benton and Harbor of Mills.

On the question "Shall amendment H—3916, to the Senate amendment H—3878, be adopted?" (H.F. 499)

The ayes were, 36:

Beaman	Bennett	Branstad	Carpenter
Clark	Corbett	Corey	Daggett
De Groot	Diemer	Eddie	Garman
Halvorson, R. A.	Hanson, D. R.	Harbor	Hermann
Hummel	Kremer	Lageschulte	Lundby
Maulsby	McKean	Metcalf	Miller
Paulin	Pellett	Petersen, D. F.	Plasier
Platt	Renken	Royer	Schnekloth
Stromer	Stueland	Van Camp	Van Maanen

The nays were, 54:

Adams	Arnould	Beatty	Bisignano
Blanshan	Buhr	Chapman	Cohoon
Connolly	Cooper	Dvorsky	Fey
Fogarty	Groninga	Gruhn	Hammond
Hansen, S. D.	Harper	Hatch	Haverland
Holveck	Jay	Jochum	Johnson
Knapp	Koenigs	May	McKinney
Muhlbauer	Mullins	Neuhauser	Norrgard
Ollie	Parker	Pavich	Peters
Peterson, M. K.	Poncy	Renaud	Rosenberg
Running	Schrader	Sherzan	Shoning
Shoultz	Siegrist	Skow	Spear
Svoboda	Swartz	Tabor	Teaford
Wise	Mr. Speaker (Connors)		

Absent or not voting, 10:

Avenson	Black	Brammer	Doderer
Fuller	Halvorson, R. N.	Hester	Osterberg
Swearingen	Tyrrell		

Amendment H—3916 lost.

The House resumed consideration of amendment H—3913C.

Speaker Avenson in the chair at 6:05 p.m.

Daggett of Adams moved the adoption of amendment H—3913C, to the Senate amendment H—3878.

Amendment H—3913C lost.

The House resumed consideration of amendment H—4089E.

On motion by Ollie of Clinton amendment H—4089E, to the Senate amendment H—3878, was adopted.

The House resumed consideration of amendment H—3913D.

Daggett of Adams moved the adoption of amendment H—3913D, to the Senate amendment H—3878.

A non-record roll call was requested.

The ayes were 31, nays 42.

Amendment H—3913D lost.

Running of Linn called up for consideration the motion to reconsider amendment H—3916 filed by him from the floor and moved to reconsider the vote by which amendment H—3916, to the Senate amendment H—3878, failed to be adopted by the House on April 30, 1987.

The motion prevailed and the House reconsidered amendment H—3916, to the Senate amendment H—3878, found on page 1825 of the House Journal.

On motion by Harbor of Mills, amendment H—3916 was adopted.

The House resumed consideration of amendment H—3913E.

Daggett of Adams moved the adoption of amendment H—3913E, to the Senate amendment H—3878.

A non-record roll call was requested.

The ayes were 25, nays 37.

Amendment H—3913E lost.

The House resumed consideration of amendment H—3913F.

Daggett of Adams moved the adoption of amendment H—3913F, to the Senate amendment H—3878.

Amendment H—3913F lost.

Daggett of Adams offered amendment H-3912, to the Senate amendment H-3878, filed by him and requested division as follows:

H-3912

- 1 Amend the Senate amendment, H-3878, to House File
- 2 499, as amended, passed, and reprinted by the House
- 3 as follows:

H-3912A

- 4 1. Page 15, by striking lines 17 through 41.

H-3912B

- 5 2. By striking page 15, line 42 through page 16,
- 6 line 8.

H-3912C

- 7 3. Page 41, by striking lines 6 through 23.

The Speaker announced that amendment H-3912A was out of order.

Johnson of Winneshiek in the chair at 6:53 p.m.

Daggett of Adams moved the adoption of amendment H-3912B, to the Senate amendment H-3878.

Amendment H-3912B lost.

The House resumed consideration of amendment H-4089F.

Haverland of Polk offered the following amendment H-4119, to amendment H-4089F, to the Senate amendment H-3878, filed by him from the floor and moved its adoption:

H-4119

- 1 Amend the amendment, H-4089, to the Senate
- 2 amendment, H-3878, to House File 499 as amended,
- 3 passed and reprinted by the House as follows:
- 4 1. Page 3, by striking line 27 and inserting the
- 5 following:
- 6 " \_\_\_\_\_ Page 16, by striking lines 9 through 17.
- 7 " \_\_\_\_\_ Page 16, by striking lines 23 through 44."

Amendment H-4119 was adopted.

On motion by Haverland of Polk amendment H-4089F, as amended, to the Senate amendment H-3878, was adopted.

Speaker Avenson in the chair at 7:12 p.m.

Carpenter of Polk offered the following amendment H—4115, to the Senate amendment H—3878, filed by her from the floor and moved its adoption:

H—4115

- 1 Amend the Senate amendment, H—3878, to House File
- 2 499 as amended, passed and reprinted by the House as
- 3 follows:
- 4 1. Page 16, by inserting before line 45 the
- 5 following:
- 6 "\_\_\_\_\_. Page 19, by inserting after line 34 the
- 7 following:
- 8 "The state board of education shall adopt rules
- 9 under chapter 17A which specify the conditions for
- 10 which high school credit may be granted for courses at
- 11 eligible postsecondary institutions."

Amendment H—4115 lost.

Daggett of Adams offered the following amendment H—4088, to the Senate amendment H—3878, filed by him from the floor and moved its adoption:

H—4088

- 1 Amend the Senate amendment, H—3878, to House File
- 2 499 as amended, passed, and reprinted by the House as
- 3 follows:
- 4 1. By striking page 16, line 45 through page 17,
- 5 line 14.
- 6 2. By striking page 17, line 33 through page 18,
- 7 line 3.
- 8 3. Page 38, by striking lines 9 through 22.

A non-record roll call was requested.

The ayes were 36, nays 46.

Amendment H—4088 lost.

Maulsby of Calhoun offered the following amendment H—4104, to the Senate amendment H—3878, filed by him from the floor and moved its adoption:

H—4104

- 1 Amend the Senate amendment, H—3878, to House File
- 2 499, as amended, passed, and reprinted by the House,
- 3 as follows:
- 4 1. Page 18, by inserting after line 3 the
- 5 following:
- 6 "\_\_\_\_\_. Page 23, by inserting before line 1, the
- 7 following:

8 "Sec. \_\_\_\_\_. NEW SECTION. 274.3 INTENT OF GENERAL  
9 ASSEMBLY.

10 It is the intent of the general assembly that the  
11 general assembly will only direct the imposition of  
12 sanctions on a school district for noncompliance with  
13 a directive of the general assembly if the sanctions  
14 are specified prior to the deadline for compliance  
15 with the directive." "

Amendment H—4104 lost.

Harper of Black Hawk asked and received unanimous consent to withdraw amendment H—4055 filed by Harper, et al., on April 28, 1987.

The House resumed consideration of amendment H—4089G.

On motion by Ollie of Clinton amendment H—4089G, to the Senate amendment H—3878, was adopted.

Carpenter of Polk offered the following amendment H—4105, to the Senate amendment H—3878, filed by her from the floor and moved its adoption:

H—4105

1 Amend the Senate amendment, H—3878, to House File  
2 499, as amended, passed, and reprinted by the House,  
3 as follows:  
4 1. Page 22, by striking lines 44 through page 23,  
5 line 12.

A non-record roll call was requested.

The ayes were 31, nays 42.

Amendment H—4105 lost.

Sherzan of Polk offered the following amendment H—4107, to the Senate amendment H—3878, filed by him from the floor and moved its adoption:

H—4107

1 Amend the Senate amendment, H—3878, to House File  
2 499, as amended, passed, and reprinted by the House,  
3 as follows:  
4 1. Page 24, by striking lines 4 through 19 and  
5 inserting the following:  
6 \_\_\_\_\_. By striking page 23, line 22, through page  
7 24, line 34."  
8 2. Page 41, by striking lines 28 through 31.

Roll call was requested by Miller of Cherokee and Daggett of Adams.

On the question "Shall amendment H—4107, to the Senate amendment H—3878, be adopted?" (H.F. 499)

The ayes were, 40:

Adams	Arnould	Brammer	Buhr
Carpenter	Chapman	Cohoon	Connolly
Corbett	Diemer	Doderer	Dvorsky
Fogarty	Groninga	Halvorson, R. N.	Hammond
Hansen, S. D.	Harper	Hatch	Haverland
Holveck	Jay	Jochum	Johnson
Metcalf	Muhlbauer	Neuhausser	Parker
Pavich	Peters	Peterson, M. K.	Poncy
Renaud	Running	Sherzan	Shoultz
Spear	Tabor	Teaford	Mr. Speaker

The nays were, 52:

Beaman	Beatty	Bennett	Black
Blanshan	Branstad	Clark	Cooper
Corey	Daggett	De Groot	Eddie
Fey	Garman	Gruhn	Halvorson, R. A.
Hanson, D. R.	Harbor	Hermann	Hummel
Knapp	Koenigs	Kremer	Lageschulte
Lundby	Maulsby	May	McKean
McKinney	Miller	Mullins	Norrgard
Ollie	Paulin	Pellett	Petersen, D. F.
Plasier	Platt	Renken	Rosenberg
Royer	Schneklath	Schrader	Shoning
Siegrist	Skow	Stromer	Stueland
Svoboda	Swartz	Van Camp	Van Maanen

Absent or not voting, 8:

Bisignano	Connors	Fuller	Hester
Osterberg	Swearingen	Tyrrell	Wise

Amendment H—4107 lost.

The House resumed consideration of amendment H—4089H.

Ollie of Clinton moved the adoption of amendment H—4089H, to the Senate amendment H—3878.

Roll call was requested by Maulsby of Calhoun and Carpenter of Polk.

On the question "Shall amendment H—4089H, to the Senate amendment H—3878, be adopted?" (H.F. 499)

The ayes were, 49:

Adams	Arnould	Beatty	Blanshan
Brammer	Buhr	Chapman	Cohoon
Connolly	Cooper	Doderer	Dvorsky

Fey	Fogarty	Gruhn	Hansen, S. D.
Harper	Hatch	Haverland	Holveck
Jay	Jochum	Johnson	Knapp
Koenigs	May	McKinney	Muhlbauer
Neuhauser	Norrgard	Ollie	Parker
Pavich	Peters	Poncy	Renaud
Rosenberg	Running	Schrader	Shoultz
Siegrist	Skow	Spear	Svoboda
Swartz	Tabor	Teaford	Wise
Mr. Speaker			

The nays were, 42:

Beaman	Bennett	Black	Branstad
Carpenter	Clark	Corbett	Corey
Daggett	De Groot	Diemer	Eddie
Garman	Halvorson, R. A.	Halvorson, R. N.	Hammond
Hanson, D. R.	Harbor	Hermann	Hummel
Kremer	Lageschulte	Lundby	Maulsby
McKean	Metcalf	Miller	Mullins
Paulin	Pellett	Petersen, D. F.	Peterson, M. K.
Plasier	Platt	Renken	Royer
Schneklath	Shoning	Stromer	Stueland
Van Camp	Van Maanen		

Absent or not voting, 9:

Bisignano	Connors	Fuller	Groninga
Hester	Osterberg	Sherzan	Swearingen
Tyrrell			

Amendment H—4089H was adopted.

The House resumed consideration of amendment H—4089I.

Haverland of Polk moved the adoption of amendment H—4089I, to the Senate amendment H—3878.

A non-record roll call was requested.

The ayes were 41, nays 27.

Amendment H—4089I was adopted.

The House resumed consideration of amendment H—4089J.

On motion by Haverland of Polk, amendment H—4089J, to the Senate amendment H—3878, was adopted.

The House resumed consideration of amendment H—4089K.

Ollie of Clinton moved the adoption of amendment H—4089K, to the Senate amendment H—3878.

A non-record roll call was requested.

The ayes were 40, nays 25.

Amendment H—4089K was adopted.

The House resumed consideration of amendment H—3912C.

Daggett of Adams moved the adoption of amendment H—3912C, to the Senate amendment H—3878.

Amendment H—3912C lost.

The House resumed consideration of amendment H—4089L.

Ollie of Clinton moved the adoption of amendment H—4089L, to the Senate amendment H—3878.

A non-record roll call was requested.

The ayes were 50, nays 31.

Amendment H—4089L was adopted.

The House resumed consideration of amendment H—4089M.

On motion by Ollie of Clinton amendment H—4089M, to the Senate amendment H—3878, was adopted.

The House resumed consideration of amendment H—4089B, previously deferred.

Corey of Louisa offered amendment H—4108, to amendment H—4089B, to the Senate amendment H—3878, filed by him from the floor and requested division as follows:

H—4108

- 1 Amend the amendment, H—4089, to the Senate
- 2 amendment, H—3878, to House File 499, as amended,
- 3 passed, and reprinted by the House, as follows:

H—4108A

- 4 1. Page 1, line 7, by striking the figure "II"
- 5 and inserting the following: "III".
- 6 2. Page 1, line 8, by striking the figure "III"
- 7 and inserting the following: "II".

H—4108B

- 8 3. Page 1, line 23, by inserting after the word
- 9 "will" the following: "remain to".
- 10 4. Page 1, line 28, by striking the word "is" and
- 11 inserting the following: "remains to be".

H-4108A

12 5. Page 1, line 47, by striking the words  
13 "remainder of the".

H-4108B

14 6. Page 2, by striking lines 23 through 26 and  
15 inserting the following: "department."  
16 7. Page 2, by striking lines 35 through 48.

Corey of Louisa moved the adoption of amendment H-4108A, to amendment H-4089B, to the Senate amendment H-3878.

Amendment H-4108A lost.

The Speaker announced that amendment H-4108B was out of order.

Carpenter of Polk offered amendment H-4116, to amendment H-4089B, to the Senate amendment H-3878, filed by her from the floor and requested division as follows:

H-4116

1 Amend the amendment, H-4089, to the Senate  
2 amendment, H-3878, to House File 499, as amended,  
3 passed, and reprinted by the House, as follows:

H-4116A

4 1. Page 1, by striking lines 5 through 8 and  
5 inserting the following:  
6 "\_\_\_\_\_. Page 1, by striking lines 17 through 23 and  
7 inserting the following: "moneys shall be distributed  
8 in the manner provided in this chapter." "  
9 2. Page 1, line 47, by striking the words  
10 "remainder of the".

H-4116B

11 3. Page 2, by striking lines 23 through 26 and  
12 inserting the following: "department."  
13 4. Page 2, by striking lines 35 through 48.

Carpenter of Polk moved the adoption of amendment H-4116A, to amendment H-4089B, to the Senate amendment H-3878.

A non-record roll call was requested.

The ayes were 33, nays 44.

Amendment H-4116A lost.

The Speaker announced that amendment H-4116B was out of order.

On motion by Ollie of Clinton, amendment H—4089B, to the Senate amendment H—3878, was adopted.

On motion by Ollie of Clinton, the House concurred in the Senate amendment H—3878, as amended.

Ollie of Clinton 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. 499)

The ayes were, 87:

Adams	Arnould	Beaman	Beatty
Bisignano	Black	Blanshan	Brammer
Branstad	Buhr	Chapman	Clark
Cohoon	Connolly	Cooper	Corbett
Corey	Daggett	De Groot	Diemer
Doderer	Dvorsky	Eddie	Fey
Fogarty	Garman	Groninga	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Hansen, S. D.
Hanson, D. R.	Harbor	Harper	Hatch
Haverland	Hermann	Holveck	Jay
Jochum	Johnson	Knapp	Koenigs
Lageschulte	Lundby	May	McKean
McKinney	Metcalf	Muhlbauer	Mullins
Neuhauser	Norrgard	Ollie	Osterberg
Parker	Paulin	Pavich	Pellett
Peters	Petersen, D. F.	Peterson, M. K.	Plasier
Platt	Poncy	Renaud	Rosenberg
Royer	Running	Schneklath	Schrader
Sherzan	Shoning	Shoultz	Siegrist
Skow	Spear	Stromer	Stueland
Svoboda	Swartz	Tabor	Teaford
Van Camp	Wise	Mr. Speaker	

The nays were, 8:

Bennett	Carpenter	Hummel	Kremer
Maulsby	Miller	Renken	Van Maanen

Absent or not voting, 5:

Connors	Fuller	Hester	Swearingen
Tyrrell			

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

### INTRODUCTION OF BILLS

**House File 681**, by committee on appropriations, a bill for an act

relating to obstetrical and newborn indigent patient care.

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

**House File 682**, by committee on ways and means, a bill for an act relating to exemption certificates and processing activities under the state sales, services, and use tax and providing an effective date.

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

**House File 683**, by committee on ways and means, a bill for an act relating to energy assistance to low income households by requiring each gas and electric public utility to create a utility shutoff fund with certain exceptions, by providing for the implementation of pilot projects of an affordable utility payment plan and affordable heating payment plan, making civil penalties applicable, providing a penalty, and providing for a sales tax refund for certain participating gas and electric public utilities and heating fuel supplier.

Read first time and placed on the **ways and means 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 30, 1987 passed the following bill in which the concurrence of the House is asked:

Senate File 513, 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.

JOHN F. DWYER, Secretary

#### SENATE MESSAGES CONSIDERED

**Senate File 501**, by Hutchins and Hultman, a bill for an act relating to the organization and procedures of state government, by making modifications to the authority for and procedures relating to governmental budget and finance administration, by making modifications in the authority for and procedures relating to state personnel administration, by making modifications to the powers, procedures, and structure of certain state governmental agencies, by making adjustments to the 1986 legislation reorganizing state government, by making other related adjustments and modifications, and by providing an effective date.

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

**Senate File 513**, 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**.

### IMMEDIATE MESSAGES

Arnould of Scott asked and received unanimous consent that the following bills be immediately messaged to the Senate: House Files 499 and 675; Senate Files 101 and 342.

### RULES SUSPENDED

Arnould of Scott asked and received unanimous consent to suspend the rules and place the following resolution and bills on the Friday, May 1 Daily Debate Calendar: Senate Concurrent Resolution 35, House File 681, Senate File 510 and House File 680.

### 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 30, 1987, passed the following bill in which the concurrence of the Senate was asked:

House File 142, a bill for an act relating to the operation of motorboats.

Also: That the Senate has on April 30, 1987, amended and passed the following bill in which the concurrence of the House is asked:

House File 210, a bill for an act relating to certain admissions to health care facilities.

Also: That the Senate has on April 30, 1987, passed the following bill in which the concurrence of the Senate was asked:

House File 262, a bill for an act relating to the number of days wherein a vehicle shall not be considered abandoned.

Also: That the Senate has on April 30, 1987, amended and passed the following bill in which the concurrence of the House is asked:

House File 316, a bill for an act relating to park user permits and providing a penalty and an effective date.

Also: That the Senate has on April 30, 1987, 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 371, a bill for an act authorizing the state department of transportation to adopt and administer federal motor carrier safety and hazardous materials transportation regulations, establishing reporting requirements, making technical corrections, providing penalties, and providing an effective date.

Also: That the Senate has on April 30, 1987, passed the following bill in which the concurrence of the Senate was asked:

House File 460, a bill for an act relating to the contract provisions for certain certificated employees of certain institutions governed by the state board of regents.

Also: That the Senate has on April 30, 1987, amended and passed the following bill in which the concurrence of the House is asked:

House File 500, a bill for an act relating to the state civil rights law and the civil rights commission.

Also: That the Senate has on April 30, 1987, passed the following bill in which the concurrence of the Senate was asked:

House File 515, a bill for an act relating to the appointment of court appointed special advocates, and providing an effective date.

Also: That the Senate has on April 30, 1987, amended and passed the following bill in which the concurrence of the House is asked:

House File 533, a bill for an act relating to weight restrictions for vehicles on bridges and culverts and including a penalty.

Also: That the Senate has on April 30, 1987, amended and passed the following bill in which the concurrence of the House is asked:

House File 567, a bill for an act relating to permanency planning for children by providing for dispositional and placement review hearings for certain children subject to the jurisdiction of the juvenile court, by authorizing permanency placement orders for certain children in need of assistance, by modifying certain grounds and procedures for the termination of parental rights, and by establishing an adoption exchange.

Also: That the Senate has on April 30, 1987, amended and passed the following bill in which the concurrence of the House is asked:

House File 620, a bill for an act relating to the acquisition and protection of significant elements of the state's natural open space heritage.

Also: That the Senate has on April 30, 1987, 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 640, a bill for an act relating to revenue adjustments and revised revenue requirements to be reflected in rates and charges to customers of certain public utilities based on the federal Tax Reform Act of 1986, with civil penalties applicable and providing an effective date.

JOHN F. DWYER, Secretary

### EXPLANATIONS OF VOTE

I was necessarily absent from the House chamber on Tuesday, April 28, 1987. Had I been present, I would have voted "aye" on House Files 334, 488, 580, 636 and 654.

CONNOLLY of Dubuque

I was necessarily absent from the House chamber on Wednesday afternoon, April 29, 1987. Had I been present, I would have voted "aye" on amendment H-4056 to Senate File 274.

SIEGRIST of Pottawattamie

**BILLS ENROLLED, SIGNED AND SENT TO GOVERNOR**

The Chief Clerk of the House submitted the following report:

Mr. Speaker: The Chief Clerk of the House respectfully reports that the following bills have been examined and found correctly enrolled, signed by the Speaker of the House and the President of the Senate, and presented to the Governor for his approval on this 30th day of April, 1987: House Files 64, 92, 131, 318, 356, 408, 525, 587 and 615.

**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 29, 1987, he approved and transmitted to the Secretary of State the following bills:

House File 517, an act relating to requirements for lender reporting to the title guaranty division.

House File 568, an act relating to the distribution of federal funds under Title III of the Job Training Partnership Act of 1982.

House File 579, an act allowing issuance of personalized registration plates for travel trailers and for trailers regardless of the trailers' gross weight registrations.

House File 596, an act relating to the time for designating the period for which certain employer payments shall be allocated.

Senate File 420, an act relating to the method to be used by the department of employment services for reporting unemployment statistics.

Also: On April 30, 1987, he approved and transmitted to the Secretary of State the following bills:

House File 585, act relating to including consumer rental purchase agreements in the consumer credit code.

Senate File 423, an act relating to the subcontractor's right to file a mechanic's lien against the property for which labor is performed or material is furnished.

**APPOINTMENT BY THE SPEAKER**

The Speaker announced the following appointment:

**CAPITOL PLANNING COMMISSION**

Representative Dennis Black .....reappointed to a term  
beginning May 1, 1987  
and ending April 30, 1991

**PRESENTATION OF VISITORS**

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

Twenty-seven members of the Iowana Council of Camp Fire from Cedar Rapids and Anamosa, accompanied by Pat Petty and Fran Krzywicki. By McKean of Jones.

### HOUSE STUDY BILL COMMITTEE ASSIGNMENT

#### **H.S.B. 325 Ways and Means**

Relating to the time for claiming urban revitalization tax exemptions.

#### HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENT

##### House Study Bill 325

Ways and Means: Daggett, Chair; De Groot and Koenigs.

#### 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 510**, a bill for an act relating to the conducting of classified research at institutions under the state board of regents.

Fiscal Note is not required.

Recommended Amend and Do Pass with amendment H—4091 April 30, 1987.

**Senate Concurrent Resolution 35**, a concurrent resolution relating to the board of regents ten-year building program.

Fiscal Note is not required.

Recommended Amend and Do Pass with amendment H—4092 and laid over under Rule 25 April 30, 1987.

**Committee Bill** (Formerly House File 535), relating to obstetrical and newborn indigent patient care.

Fiscal Note is not required.

Recommended Amend and Do Pass April 30, 1987.

#### COMMITTEE ON WAYS AND MEANS

**Committee Bill** (Formerly House Study Bill 322), relating to exemption certificates and processing activities under the state sales, services, and use tax and providing an effective date.

Fiscal Note is not required.

Recommended Amend and Do Pass April 30, 1987.

**Committee Bill** (Formerly House Study Bill 323), relating to energy assistance to low income households by requiring each gas and electric public utility to create a utility shutoff fund with certain exceptions, by providing for the implementation of pilot projects of an affordable utility payment plan and affordable heating payment plan, making civil penalties applicable, providing a penalty, and providing for a sales tax refund for certain participating gas and electric public utilities and heating fuel supplier.

Fiscal Note is not required.

Recommended Amend and Do Pass April 30, 1987.

### AMENDMENTS FILED

H-4085	H.F.	678	Bisignano of Polk Fey of Scott
H-4086	S.F.	511	Ollie of Clinton
H-4090	S.F.	511	Ollie of Clinton
H-4091	S.F.	510	Committee on Appropriations
H-4092	S.C.R.	35	Committee on Appropriations
H-4093	S.F.	511	Teaford of Black Hawk
H-4098	H.F.	666	Senate Amendment
H-4099	H.F.	469	Senate Amendment
H-4100	H.F.	518	Senate Amendment
H-4102	S.F.	455	Peterson of Carroll Tabor of Jackson
H-4103	H.F.	599	Senate Amendment
H-4106	H.F.	677	Svoboda of Tama
H-4109	H.F.	600	Shoultz of Black Hawk
H-4111	H.F.	210	Senate Amendment
H-4112	H.F.	316	Senate Amendment
H-4113	H.F.	500	Senate Amendment
H-4114	H.F.	533	Senate Amendment
H-4117	H.F.	620	Senate Amendment
H-4118	H.F.	567	Senate Amendment
H-4120	S.F.	504	Miller of Cherokee Paulin of Plymouth
H-4121	S.F.	455	Parker of Jasper
H-4122	S.F.	455	Parker of Jasper
H-4123	S.F.	455	Parker of Jasper
H-4124	S.F.	455	Swartz of Marshall
H-4125	S.C.R.	35	Osterberg of Linn McKean of Jones Teaford of Black Hawk Adams of Hamilton
			Holveck of Polk Hammond of Story Norrgard of Des Moines

Fey of Scott  
Johnson of Winneshiek

Brammer of Linn  
Clark of Cerro Gordo  
Halvorson of Webster

On motion by Arnould of Scott, the House adjourned at 9:13 p.m.,  
until 9:00 a.m., Friday, May 1, 1987.

# JOURNAL OF THE HOUSE

One Hundred Tenth Calendar Day — Seventy-fifth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Friday, May 1, 1987

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

Prayer was offered by Natalie Neill, House page from Corning, Iowa.

The Journal of Thursday, April 30, 1987 was approved.

## CONSIDERATION OF BILLS Ways and Means Calendar

**House File 672**, a bill for an act relating to the levying of property taxes for school purposes; providing for a capital projects and equipment levy and a liability levy and the execution and continuation of loan agreements for anticipating the collection of certain levies, providing for disposition of gifts to school districts, providing for the expenditure of certain school district moneys following approval at an election, and providing an effective date, was taken up for consideration.

Wise of Lee offered the following amendment H-4007 filed by Wise, et al.:

H-4007

- 1 Amend House File 672 as follows:
- 2 1. By striking everything after the enacting
- 3 clause and inserting the following:
- 4 "Section 1. Section 278.1, subsection 7, Code
- 5 1987, is amended to read as follows:
- 6 7. Vote a schoolhouse tax, not exceeding sixty-
- 7 seven and one-half cents per thousand dollars of
- 8 assessed value in any one year, for the purchase of
- 9 grounds, for construction of schoolhouses or
- 10 buildings, for the payment of debts contracted for the
- 11 erection or construction of schoolhouses or buildings,
- 12 not including interest on bonds, for procuring or
- 13 acquisition of libraries, for opening roads to
- 14 schoolhouses or buildings, for the purchase of
- 15 buildings or equipment for buildings or schoolhouses,
- 16 for the purpose of repairing, remodeling,
- 17 reconstructing, improving or expanding the
- 18 schoolhouses or buildings for the school district, for
- 19 the purpose of landscaping, paving, or improving the
- 20 schoolhouse or building grounds, for the purchase of

21 transportation equipment for transporting students, or  
22 for the rental of facilities pursuant to chapter 28E.  
23 Interest earned from investments of these funds may be  
24 used for the purposes voted. The power to levy a  
25 schoolhouse tax, when voted, shall continue for the  
26 period of time authorized by the voters and shall not  
27 be affected by any change in the boundaries of the  
28 school district, except as otherwise provided in this  
29 section. If each school district involved in a school  
30 reorganization under chapter 275 has voted the  
31 schoolhouse tax and if the voters have not voted upon  
32 the proposition to levy the schoolhouse tax in the  
33 reorganized district, the schoolhouse tax is in effect  
34 for the reorganized district for the least amount and  
35 the shortest time for which it is in effect in any of  
36 the districts. Authorized levies for the period of  
37 time presently approved shall not be affected as a  
38 result of a failure of a proposition proposed to  
39 expand the purposes for which the funds may be  
40 expended. As used in this subsection, "repair" means  
41 to restore the existing structure or thing to its  
42 original condition, as near as may be, after decay,  
43 waste, injury, or partial destruction, but does not  
44 include maintenance or customary repainting; and  
45 "reconstruction" means to rebuild or to restore again  
46 as an entity the thing which was lost or destroyed.  
47 Sec. 2. Section 278.1, unnumbered paragraphs 2 and  
48 3, Code 1987, are amended to read as follows:  
49 The board may, with approval of sixty percent of  
50 the voters, voting in a regular or special election in

Page 2

1 the school district, make extended time contracts not  
2 to exceed twenty years in duration for rental of  
3 buildings to supplement existing schoolhouse  
4 facilities; and where it is deemed advisable for  
5 buildings to be constructed or placed on real estate  
6 owned by the school district, such contracts may  
7 include lease-purchase option agreements, such with  
8 the amounts to be paid out of the schoolhouse fund.  
9 Before entering into a rental or lease-purchase  
10 option contract, authorized by the electors, the board  
11 shall first adopt plans and specifications for a  
12 building or buildings which it considers suitable for  
13 the intended use and also adopt a form of rental or  
14 lease-purchase option contract. The board shall then  
15 invite bids thereon on the project, by advertisement  
16 published once each week for two consecutive weeks, in  
17 a newspaper published in the county in which the  
18 building or buildings are is to be located, and the  
19 rental or lease-purchase option contract shall be

20 awarded to the lowest responsible bidder, but the  
21 board may reject any and all bids and advertise for  
22 new bids.

23 Sec. 3. Section 278.1, unnumbered paragraph 4,  
24 Code 1987, is amended by striking the unnumbered  
25 paragraph.

26 Sec. 4. Section 297.5, unnumbered paragraph 1,  
27 Code 1987, is amended to read as follows:

28 The directors in a high school district maintaining  
29 a program kindergarten through grade twelve may, by  
30 March 15 of each year certify an amount not exceeding  
31 twenty-seven cents per thousand dollars of assessed  
32 value to the board of supervisors, who shall levy the  
33 amount so certified, and the tax so levied shall be  
34 placed in the schoolhouse fund to be used for the  
35 purchase and improvement of sites, or for major  
36 building repairs, for the purchase of computer  
37 equipment, or for the purchase of textbooks. Any  
38 funds expended by a school district for new  
39 construction of school buildings or school  
40 administration buildings must first be approved by the  
41 voters of the district."

Arnould of Scott asked and received unanimous consent that House File 672 be deferred and that the bill retain its place on the calendar.

(Amendment H—4007 pending.)

The House stood at ease at 10:12 a.m., until the fall of the gavel.

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

Connors of Polk in the chair at 11:14 a.m.

### UNANIMOUS CONSENT

Arnould of Scott asked and received unanimous consent to take up out of order Senate File 510 and Senate Concurrent Resolution 35.

### CONSIDERATION OF BILLS Appropriations Calendar

Senate File 510, a bill for an act relating to the conducting of classified research at institutions under the state board of regents, with report of committee recommending amendment and passage was taken up for consideration.

Schrader of Marion offered the following amendment H—4091 filed by the committee on appropriations and moved its adoption:

H—4091

1 Amend Senate File 510 as passed by the Senate as  
2 follows:

3 1. Page 1, line 2, by inserting after the word  
4 "classified" the following: ", strategic defense  
5 initiative, or restricted access".

6 2. Page 1, by striking lines 6 through 9 and  
7 inserting the following: "rules are adopted under  
8 this section, the rules adopted shall specify that all  
9 classified, strategic defense initiative, and  
10 restricted access research is prohibited at all state  
11 universities, except that such research may be allowed  
12 by the president of a respective university following  
13 submittal of intended action to the board only if the  
14 following conditions are met:

15 a. Notice of intended action has been published in  
16 a newspaper of general circulation, and has been  
17 submitted to the legislative council.

18 b. Notice published in a newspaper of general  
19 circulation and notice to the legislative council have  
20 preceded the acceptance of an award for classified,  
21 strategic defense initiative, or restricted access  
22 research, including the acceptance of an award for  
23 which the type of research was unspecified at the time  
24 of application for the award."

The committee amendment H—4091 was adopted.

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

On the question "Shall the bill pass?" (S.F. 510)

The ayes were, 65:

Adams	Arnould	Avenson	Beatty
Bisignano	Black	Blanshan	Buhr
Chapman	Clark	Cohoon	Connolly
Cooper	Doderer	Dvorsky	Fey
Fogarty	Fuller	Groninga	Gruhn
Halvorson, R. A.	Hammond	Hansen, S. D.	Harper
Hatch	Haverland	Holveck	Jay
Jochum	Johnson	Knapp	Koenigs
Lageschulte	Lundby	May	McKean
McKinney	Muhlbauer	Mullins	Neuhauser
Norrgard	Ollie	Osterberg	Parker
Pavich	Peters	Peterson, M. K.	Platt
Poncy	Renaud	Rosenberg	Running
Schrader	Sherzan	Shoning	Shultz
Siegrist	Skow	Spear	Svoboda
Tabor	Teaford	Van Camp	Wise
Mr. Speaker (Connors)			

The nays were, 30:

Beaman	Bennett	Branstad	Corbett
Corey	Daggett	De Groot	Diemer
Eddie	Garman	Halvorson, R. N.	Hanson, D. R.
Harbor	Hermann	Hester	Hummel
Kremer	Maulsby	Metcalf	Miller
Paulin	Pellett	Petersen, D. F.	Plasier
Renken	Royer	Schnekloth	Stueland
Swearingen	Van Maanen		

Absent or not voting, 5:

Brammer	Carpenter	Stromer	Swartz
Tyrrell			

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 35

Hatch of Polk called up for consideration Senate Concurrent Resolution 35, as follows:

1 Senate Concurrent Resolution 35  
 2 By Committee On Appropriations  
 3 A Concurrent Resolution relating to the board of  
 4 regents ten-year building program.  
 5 *Whereas*, pursuant to section 262A.3, the state  
 6 board of regents prepared and within seven days after  
 7 the convening of the Seventy-second General Assembly  
 8 of the State of Iowa, First Session, submitted to the  
 9 Seventy-second General Assembly, First Session, for  
 10 approval the proposed ten-year building program for  
 11 each institution of higher learning under the  
 12 jurisdiction of the board, containing a list of the  
 13 buildings and facilities which the board deems  
 14 necessary to further the educational objectives of the  
 15 institutions, together with an estimate of the cost of  
 16 each of the buildings and facilities and an estimate  
 17 of the maximum amount of bonds which the board expects  
 18 to issue under chapter 262A for each year of the  
 19 fiscal biennium beginning July 1, 1987, and ending  
 20 June 30, 1989; and  
 21 *Whereas*, the projects contained in the building  
 22 program are deemed necessary for the proper  
 23 performance of the instructional, research, and  
 24 service functions of the institutions; and  
 25 *Whereas*, section 262A.4 provides that the state  
 26 board of regents, after authorization by a  
 27 constitutional majority of each house of the General  
 28 Assembly and approval by the Governor, may undertake

29 and carry out at the institutions of higher learning  
30 under the jurisdiction of the board any project as

Page 2

1 defined in chapter 262A; and  
2 *Whereas*, chapter 262A authorizes the state board of  
3 regents to borrow money and to issue and sell  
4 negotiable revenue bonds to pay all or any part of the  
5 cost of carrying out projects at any institution  
6 payable solely from and secured by an irrevocable  
7 pledge of a sufficient portion of the student fees and  
8 charges and institutional income received by the  
9 particular institution; and  
10 *Whereas*, to further the educational objectives of  
11 the institutions, and to foster economic growth in  
12 this state, the state board of regents requests  
13 authorization to undertake and carry out certain  
14 projects at this time and to finance their costs by  
15 borrowing money and issuing negotiable bonds under  
16 chapter 262A in a total amount not to exceed seventy-  
17 five million four hundred ninety-four thousand  
18 dollars, the remaining cost of the projects to be  
19 financed by capital appropriations or by federal or  
20 other funds lawfully available; *Now Therefore*,  
21 *Be It Resolved By The Senate, The House Concurring*,  
22 That the proposed ten-year building program submitted  
23 by the state board of regents for each institution of  
24 higher learning under its jurisdiction is approved;  
25 and  
26 *Be It Further Resolved*, That no commitment is  
27 implied or intended by approval to fund any portion of  
28 the proposed ten-year building program submitted by  
29 the state board of regents beyond the portion that is  
30 financed and approved by the Seventy-second General

Page 3

1 Assembly, First Session, and the Governor; and  
2 *Be It Further Resolved*, That during the biennium  
3 which commences July 1, 1987, and which ends June 30,  
4 1989, the maximum amount of bonds which the state  
5 board of regents expects to issue under chapter 262A,  
6 unless additional bonding is authorized, is seventy-  
7 five million four hundred ninety-four thousand  
8 dollars, up to and including forty-two million two  
9 hundred ninety-six thousand seven hundred seventy-  
10 eight dollars which may be issued at any time during  
11 the fiscal year ending June 30, 1988, and the  
12 remainder of which may be issued on or after January  
13 1, 1988 until December 31, 1988, and if all that  
14 amount should not be issued during that fiscal period,  
15 any remaining balance may be issued during the fiscal

16 year ending June 30, 1989, or thereafter, and this  
 17 plan of financing is approved; and  
 18 *Be It Further Resolved*, That the state board of  
 19 regents is authorized to undertake, plan, construct,  
 20 equip, and otherwise carry out the following projects  
 21 and to pay all or any part of the cost of carrying out  
 22 the projects by borrowing money and issuing negotiable  
 23 revenue bonds under chapter 262A during the fiscal  
 24 year beginning July 1, 1987, except as otherwise  
 25 provided in this resolution, in a total amount not to  
 26 exceed forty-two million two hundred ninety-six  
 27 thousand seven hundred seventy-eight dollars:  
 28 State University of Iowa  
 29 Laser laboratories  
 30 Old law center remodeling

Page 4

1 Library automation  
 2 Cost of issuance of bonds  
 3 Iowa State University  
 4 Molecular biology building — planning  
 5 Meat irradiation facility  
 6 Home economics building — phase I  
 7 Agronomy building equipment  
 8 Animal science, outlying research  
 9 centers — planning  
 10 Veterinary medicine research institute  
 11 laboratory  
 12 Industrial education remodeling  
 13 Library automation  
 14 Cost of issuance of bonds  
 15 University of Northern Iowa  
 16 Latham hall remodeling  
 17 Library automation  
 18 Cost of issuance of bonds; and  
 19 *Be It Further Resolved*, That the state board of  
 20 regents is authorized to undertake, plan, construct,  
 21 equip, and otherwise carry out the following projects  
 22 and to pay all or any part of the cost of carrying out  
 23 the projects by borrowing money and issuing negotiable  
 24 revenue bonds under chapter 262A during the fiscal  
 25 period beginning January 1, 1988 and ending December  
 26 31, 1988, except as otherwise provided in this  
 27 resolution, in a total amount not to exceed thirty-  
 28 three million one hundred ninety-seven thousand two  
 29 hundred twenty-two dollars:  
 30 Iowa State University

Page 5

1 Molecular biology building — construction  
 2 Cost of issuance of bonds; and

3 *Be It Further Resolved*, That for the purpose of  
 4 selecting contractors and subcontractors to undertake  
 5 and carry out the projects authorized in this  
 6 resolution, the state board of regents shall reduce  
 7 the bids of Iowa-based contractors and subcontractors  
 8 by five percent solely in order to compare those bids  
 9 to bids of non-Iowa-based contractors and  
 10 subcontractors, and the state board of regents shall  
 11 make its selection of contractors and subcontractors  
 12 on that basis.

Hatch of Polk offered the following amendment H-4092, filed by the committee on appropriations:

H-4092

1 Amend Senate Concurrent Resolution 35, as passed by  
 2 the Senate, as follows:

3 1. Page 2, by striking lines 16 and 17 and  
 4 inserting the following: "chapter 262A in a total  
 5 amount not exceeding sixty-three million eight hundred  
 6 fifty thousand (63,850,000)".

7 2. Page 3, by striking lines 6 through 13 and  
 8 inserting the following: "unless additional bonding  
 9 is authorized, is sixty-three million eight hundred  
 10 fifty thousand (63,850,000) dollars, all or any part  
 11 of which may be issued during the fiscal year ending  
 12 June 30, 1988, and if all of that".

13 3. Page 3, line 14, by striking the word "period"  
 14 and inserting the following: "year".

15 4. Page 3, by striking lines 26 and 27 and  
 16 inserting the following: "exceed sixty-three million  
 17 eight hundred fifty thousand (63,850,000) dollars:"

18 5. By striking page 3, line 28 through page 4,  
 19 line 18 and inserting the following:

20 "State University of Iowa  
 21 Laser laboratories ..... \$ 23,250,000  
 22 Cost of issuance of bonds  
 23 Iowa State University  
 24 Molecular biology building ..... \$ 30,500,000  
 25 Meat irradiation facility ..... \$ 1,000,000  
 26 Veterinary medicine research  
 27 institute laboratory ..... \$ 1,000,000  
 28 Home economics building - phase I \$ 5,000,000  
 29 Cost of issuance of bonds  
 30 University of Northern Iowa  
 31 Latham hall remodeling ..... \$ 3,100,000  
 32 Cost of issuance of bonds .....  
 33 Total \$ 63,850,000".

34 6. By striking page 4, line 19 through page 5,  
 35 line 12.

Hatch of Polk offered the following amendment H—4126, to the committee amendment H—4092, filed by him from the floor and moved its adoption:

H—4126

- 1 Amend the amendment, H—4092, to Senate Concurrent
- 2 Resolution 35, as passed by the Senate, as follows:
- 3 1. Page 1, by striking lines 5 and 6 and
- 4 inserting the following: "amount not exceeding sixty-
- 5 four million six hundred thousand (64,600,000)".
- 6 2. Page 1, by striking lines 9 and 10 and
- 7 inserting the following: "is authorized, is sixty-
- 8 four million six hundred thousand (64,600,000), all or
- 9 any part".
- 10 3. Page 1, by striking lines 16 and 17 and
- 11 inserting the following: "inserting the following:
- 12 "exceed sixty-four million six hundred thousand
- 13 (64,600,000) dollars:""
- 14 4. Page 1, by inserting after line 28 the
- 15 following:
- 16 "University research park development . . . . . \$ 750,000".
- 17 5. Page 1, by striking line 33 and inserting the
- 18 following:
- 19 "Total \$64,600,000".

Amendment H—4126 was adopted.

On motion by Hatch of Polk, the committee amendment H—4092, as amended, was adopted.

(Senate Concurrent Resolution 35 pending at recess.)

On motion by Arnould of Scott, the House was recessed at 11:56 a.m., until 12:30 p.m.

#### AFTERNOON SESSION

The House reconvened, Speaker Avenson in the chair.

#### QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed seventy-three members present, twenty-seven absent.

#### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Skow of Guthrie, for the remainder of the day, on request of Black of Jasper.

**BUSINESS PENDING AT RECESS**

The House resumed consideration of Senate Concurrent Resolution 35, relating to the board of regents ten-year building program, pending at recess.

Action on amendment H—4125 was temporarily deferred.

Garman of Story offered the following amendment H—4132 filed by her and Carpenter of Polk from the floor and moved its adoption:

H—4132

1 Amend Senate Concurrent Resolution 35, as passed  
2 by the Senate, as follows:  
3 1. Page 4, by inserting after line 18 the  
4 following:  
5 "*Be It Further Resolved*, That the principal  
6 architect employed to design a project approved in  
7 this resolution shall have possessed a valid  
8 certificate of registration as an architect under  
9 chapter 118 for at least one year prior to the  
10 effective date of this resolution; and".

Amendment H—4132 lost.

Stromer of Hancock offered the following amendment H—4131 filed from the floor by Stromer, Halvorson of Clayton and Hummel:

H—4131

1 Amend Senate Concurrent Resolution 35 as passed by  
2 the Senate, as follows:  
3 1. Page 5, by inserting after line 2 the  
4 following:  
5 "*Be It Further Resolved*, That as a condition of the  
6 issuance of any bonding approved pursuant to this  
7 resolution, and in an effort to protect institutions  
8 under the control of the board of regents from  
9 unnecessary liability or exposure to liability from  
10 any research, development, or manufacture of products,  
11 or from any activity by regulated professionals  
12 associated with the institutions, limitations shall be  
13 enacted pertaining to an action arising out of the  
14 performance or nonperformance of a professional  
15 service which is subject to regulation by  
16 certification or licensure of an agency, board, or  
17 court of this state against a person holding a license  
18 or certificate entitling the person to engage in the  
19 regulated activity or an agent or employee of the  
20 person and founded on injury to property, real or  
21 personal, or injury to the person or wrongful death,  
22 shall not be brought more than ten years after the

23 date on which occurred the act or omission of the  
24 defendant alleged in the action to have been the cause  
25 of the injury or death.

26 This limitation shall not apply if any of the  
27 following are true:

28 a. The person engaged in the regulated activity  
29 expressly warrants the activity for a period longer  
30 than ten years, in which case the period of limitation  
31 is deemed to be that period expressly warranted.

32 b. The person engaged in the regulated activity  
33 intentionally misrepresents or fraudulently conceals  
34 facts or information concerning the service, and that  
35 conduct is a proximate cause of the injury or death  
36 upon which the claimant's action is based.

37 c. The nature of the injury or cause of death by  
38 its nature does not naturally manifest itself within  
39 ten years.

40 Limitations shall also be enacted pertaining to  
41 actions founded on injuries to the person or wrongful  
42 death against an assembler, designer, supplier of  
43 specifications, distributor, manufacturer, or seller  
44 for damages arising from an alleged defect in the  
45 design, testing, manufacturing, formulation,  
46 packaging, warning, or labeling of a product, within  
47 two years after the date on which the claimant knew,  
48 or through the use of reasonable diligence should have  
49 known, of the injury or death for which damages are  
50 sought in the action, whichever date occurs first, but

**Page 2**

1 in no event shall an action be brought more than ten  
2 years after the date that the product that is alleged  
3 to have caused the injury or death was first purchased  
4 for use or consumption unless one of the following is  
5 true:

6 a. The assembler, designer, supplier of  
7 specifications, distributor, manufacturer, or seller  
8 expressly warranted that the product could be used  
9 safely for a period longer than ten years, in which  
10 case the period of limitation is deemed to be that  
11 period expressly warranted.

12 b. The assembler, designer, supplier of  
13 specifications, distributor, manufacturer, or seller  
14 intentionally misrepresents facts about the product,  
15 or fraudulently conceals information about the  
16 product, and that conduct was a proximate cause of the  
17 injury or death upon which the claimant's action is  
18 based.

19 c. The injury or death was caused by prolonged  
20 exposure to a defective product for a period exceeding  
21 ten years.

- 22 d. The nature of the injury or cause of death was  
 23 such that it would not naturally manifest itself  
 24 within ten years; and".

Running of Linn rose on a point of order that amendment H—4131 was not germane.

Running of Linn asked and received unanimous consent to withdraw his point of order.

Connors of Polk in the chair at 1:10 p.m.

Stromer of Hancock moved the adoption of amendment H—4131.

Roll call was requested by Stromer of Hancock and Hummel of Benton.

On the question "Shall amendment H—4131 be adopted?" (S.C.R. 35)

The ayes were, 45:

Beaman	Bennett	Black	Branstad
Carpenter	Clark	Corbett	Corey
De Groot	Diemer	Eddie	Fogarty
Garman	Gruhn	Halvorson, R. A.	Hanson, D. R.
Harbor	Hermann	Hester	Hummel
Kremer	Lageschulte	Lundby	Maulsby
May	McKean	Metcalf	Miller
Mullins	Paulin	Pellett	Petersen, D. F.
Plasier	Platt	Renaud	Renken
Royer	Schneklath	Sherzan	Shoning
Siegrist	Stromer	Stueland	Van Camp
Van Maanen			

The nays were, 48:

Adams	Arnould	Beatty	Bisignano
Blanshan	Buhr	Chapman	Cohoon
Connolly	Cooper	Doderer	Dvorsky
Fey	Fuller	Groninga	Halvorson, R. N.
Hammond	Hansen, S. D.	Harper	Hatch
Haverland	Holveck	Jay	Jochum
Johnson	Knapp	Koenigs	McKinney
Muhlbauer	Neuhauser	Norrgard	Ollie
Osterberg	Parker	Pavich	Peters
Peterson, M. K.	Poncy	Rosenberg	Running
Schrader	Spear	Svoboda	Swartz
Tabor	Teaford	Wise	Mr. Speaker (Connors)

Absent or not voting, 7:

Avenson	Brammer	Daggett	Shultz
Skow	Swearingen	Tyrrell	

Amendment H—4131 lost.

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Brammer of Linn on request of Svoboda of Tama.

Van Camp of Scott offered the following amendment H—4133 filed by him from the floor and moved its adoption:

H—4133

1 Amend Senate Concurrent Resolution 35 as passed by  
2 the Senate, as follows:  
3 1. Page 5, by inserting after line 2 the  
4 following:  
5 "*Be It Further Resolved*, That the contracts for the  
6 construction of the projects authorized by this  
7 resolution shall contain a provision to the effect  
8 that the rate of wage for all persons employed by the  
9 contractors or subcontractors on the construction  
10 project shall be not less than the prevailing rate of  
11 wages for work of a similar nature in the locality in  
12 which the work is performed. If a dispute arises as  
13 to what are the prevailing rates of wages for work of  
14 a similar nature applicable to the contracts which  
15 cannot be adjusted by the contracting officer, the  
16 dispute shall be referred to the labor commissioner,  
17 and the labor commissioner's decision shall be  
18 conclusive on all parties to the contract. Such  
19 prevailing rates shall be stated in the invitation for  
20 bids and shall be included in proposals or bids for  
21 the work; and".

A non-record roll call was requested.

The ayes were 24, nays 33.

Amendment H—4133 lost.

Osterberg of Linn offered the following amendment H—4125 filed by Osterberg, et al.:

H—4125

1 Amend Senate Concurrent Resolution 35, as passed by  
2 the Senate, as follows:  
3 1. Page 4, by inserting after line 18 the  
4 following:  
5 "*Be It Further Resolved*, That it is the intent of  
6 the general assembly that the laser laboratories  
7 constructed pursuant to this resolution not be used  
8 for restricted access research; and".

Speaker Avenson in the chair at 2:03 p.m.

Osterberg of Linn moved the adoption of amendment H—4125.

A non-record roll call was requested.

The ayes were 24, nays 64.

Amendment H—4125 lost.

Lundby of Linn offered the following amendment H—4137 filed by her from the floor and moved its adoption:

H—4137

1 Amend Senate Concurrent Resolution 35 as passed by  
2 the Senate, as follows:

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

5 "*Be It Further Resolved*, that the contracts for the  
6 construction of the projects authorized by this  
7 resolution shall contain a provision to the effect  
8 that the rate of wage for all persons employed by the  
9 contractors or subcontractors on the construction  
10 project shall not be less than \$10.00 per hour for  
11 "skilled" employees, \$8.50 per hour for "semi-skilled"  
12 employees, and \$7.00 per hour for "unskilled"  
13 employees. The labor commissioner shall review the  
14 project and determine what job descriptions shall be  
15 included in each classification prior to the  
16 announcement for receiving bids on the contracts and  
17 such information shall be stated in the invitation for  
18 bids and shall be included in proposals of bids for  
19 the work. If a dispute arises as to what job  
20 descriptions should be in a classification, which  
21 cannot be adjusted by the contracting officer, the  
22 dispute shall be referred to the labor commissioner,  
23 and the labor commissioner's decision shall be  
24 conclusive on the parties; and".

Roll call was requested by Van Camp of Scott and Stromer of Hancock.

On the question "Shall amendment H—4137 be adopted?"  
(S.C.R. 35)

The ayes were, 35:

Beaman	Beatty	Bisignano	Black
Branstad	Buhr	Clark	Connors
Corbett	De Groot	Fuller	Halvorson, R. A.
Halvorson, R. N.	Hanson, D. R.	Holveck	Johnson
Lageschulte	Lundby	McKean	Osterberg

Pavich	Pellet	Peters	Peterson, M. K.
Plasier	Poney	Renaud	Running
Sherzan	Siegrist	Stromer	Stueland
Swearingen	Teaford	Van Camp	

The nays were, 57:

Adams	Arnould	Bennett	Blanshan
Carpenter	Chapman	Cohoon	Connolly
Cooper	Corey	Daggett	Diemer
Doderer	Dvorsky	Fey	Fogarty
Garman	Groninga	Gruhn	Hammond
Hansen, S. D.	Harbor	Harper	Hatch
Haverland	Hermann	Hester	Hummel
Jay	Jochum	Knapp	Koenigs
Kremer	Maulsby	May	McKinney
Metcalf	Miller	Muhlbauer	Mullins
Neuhauser	Norrgard	Ollie	Parker
Paulin	Petersen, D. F.	Renken	Rosenberg
Schneklath	Schrader	Shoning	Spear
Svoboda	Swartz	Tabor	Van Maanen
Mr. Speaker			

Absent or not voting, 8:

Brammer	Eddie	Platt	Royer
Shoultz	Skow	Tyrrell	Wise

Amendment H—4137 lost.

Halvorson of Clayton offered the following amendment H—4138 filed by him and Harbor of Mills from the floor:

H—4138

1 Amend Senate Concurrent Resolution 35, as passed by  
 2 the Senate, as follows:  
 3 1. Page 5, line 12, by striking the word "basis"  
 4 and inserting the word "basis; and".  
 5 2. Page 5, by inserting after line 12 the  
 6 following:  
 7 "*Be It Further Resolved, That if the amount of*  
 8 *bonds issued under this resolution exceeds the actual*  
 9 *costs of projects approved in this resolution, the*  
 10 *amount of the difference shall be used to pay the*  
 11 *principal and interest due on bonds issued under*  
 12 *chapter 262A.*"

The Speaker announced that lines 3 and 4 were out of order.

On motion by Halvorson of Clayton, amendment H—4138 was adopted.

Hatch of Polk moved the adoption of Senate Concurrent Resolution 35, as amended.

A non-record roll call was requested.

The ayes were 76, nays 15.

The motion prevailed and the resolution, as amended, was adopted.

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Hammond of Story on request of Holveck of Polk; Kremer of Buchanan and Diemer of Black Hawk on request of Lageschulte of Bremer, all for the remainder of the day.

### CONSIDERATION OF BILLS

#### Unfinished Business Calendar

The House resumed consideration of **Senate File 455**, a bill for an act relating to physical therapy by providing that physical therapy evaluation and treatment may be rendered without a prescription or referral, deferred and retained on the unfinished business calendar April 23, 1987.

Arnould of Scott asked and received unanimous consent to immediately consider the motion to reconsider amendment H-3740, filed by Gruhn of Dickinson on April 23, 1987.

Gruhn of Dickinson moved to reconsider the vote by which amendment H-3740, found on page 1606 of the House Journal, failed to be adopted by the House on April 23, 1987.

A non-record roll call was requested.

The ayes were 45, nays 26.

The motion prevailed and the House reconsidered amendment H-3740, placing out of order the motion to reconsider amendment H-3740 filed by Van Camp of Scott.

Hanson of Delaware offered the following amendment H-4043, to amendment H-3740, filed by Hammond of Story and him:

H-4043

- 1 Amend the amendment, H-3740, to Senate File 455, as
- 2 passed by the Senate, as follows:
- 3 1. Page 1, by inserting after line 10 the
- 4 following:
- 5 "Sec. \_\_\_\_\_. Section 150A.2, subsection 4, Code

6 1987, is amended to read as follows:

7 4. Licensed physicians and surgeons, podiatrists,  
8 osteopaths, chiropractors, physical therapists,  
9 nurses, dentists, optometrists and pharmacists who are  
10 exclusively engaged in the practice of their  
11 respective professions.

12 Sec. \_\_\_\_\_. Section 151.5, Code 1987, is amended to  
13 read as follows:

14 151.5 OPERATIVE SURGERY — DRUGS LIMITATIONS ON  
15 PRACTICE.

16 A license to practice chiropractic ~~shall~~ does not  
17 authorize the licensee to practice operative surgery,  
18 osteopathy, ~~or~~ or physical therapy, or to administer  
19 or prescribe any drug or medicine included in materia  
20 medica."

21 2. Page 1, lines 12 and 13, by striking the words  
22 "specifying limitations on the practice of physical  
23 therapy" and inserting the following: "clarifying  
24 limitations on professional practice".

Beatty of Warren rose on a point of order that amendment H—4043 was not germane.

The Speaker ruled the point well taken and amendment H—4043 not germane.

Blanshan of Greene moved the adoption of amendment H—3740.

A non-record roll call was requested.

The ayes were 45, nays 18.

Amendment H—3740 was adopted.

Parker of Jasper asked and received unanimous consent to withdraw amendments H—4123, H—4122 and H—4121, all filed by him on April 30, 1987.

Peterson of Carroll asked and received unanimous consent to withdraw amendment H—4025 filed by him and Tabor of Jackson on April 27, 1987.

Peterson of Carroll offered the following amendment H—4102 filed by him and Tabor of Jackson:

H—4102

1 Amend Senate File 455, as passed by the Senate, as  
2 follows:

3 1. Page 1, line 23, by inserting after the word  
4 "chiropractor" the following: "except that a  
5 hospital may require that physical therapy evaluation  
6 and treatment provided in the hospital shall be done

7 only upon prior review by and authorization of a  
8 member of the hospital's medical staff".

Doderer of Johnson rose on a point of order that amendment H-4102 was not germane.

The Speaker ruled the point not well taken and amendment H-4102 germane.

Peterson of Carroll moved the adoption of amendment H-4102.

A non-record roll call was requested.

The ayes were 49, nays 18.

Amendment H-4102 was adopted.

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Poncy of Wapello, for the remainder of the day, on request of Hermann of Scott.

Swartz of Marshall offered the following amendment H-4124 filed by him and moved its adoption:

H-4124

1 Amend Senate File 455, as passed by the Senate, as  
2 follows:  
3 1. Page 1, by inserting after line 23, the  
4 following:  
5 "Sec. 2. NEW SECTION. 148A.5 STANDARD OF CARE.  
6 A physical therapist who evaluates or treats a  
7 patient without the referral or prescription of a  
8 physician, podiatrist, or dentist or referral from a  
9 chiropractor shall be held to the standard of care  
10 applicable to a physician in this state."

A non-record roll call was requested.

Rule 75 was invoked.

The ayes were 45, nays 45.

Amendment H-4124 lost.

Connors of Polk in the chair at 4:04 p.m.

Svoboda of Tama called up for consideration the motion to reconsider amendment H-4124 filed by her from the floor and moved to reconsider the vote by which amendment H-4124 failed to be adopted by the House on May 1, 1987.

A non-record roll call was requested.

The ayes were 44, nays 40.

The motion prevailed and the House reconsidered amendment H—4124.

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Neuhauser of Johnson, for the remainder of the day, on request of Dvorsky of Johnson.

Swartz of Marshall moved the adoption of amendment H—4124.

Roll call was requested by Lageschulte of Bremer and Lundby of Linn.

On the question "Shall amendment H—4124 be adopted?" (S.F. 455)

The ayes were, 46:

Adams	Bennett	Bisignano	Branstad
Buhr	Carpenter	Chapman	Clark
Connolly	Corbett	De Groot	Dvorsky
Fogarty	Fuller	Garman	Groninga
Halvorson, R. N.	Hansen, S. D.	Hanson, D. R.	Haverland
Hester	Hummel	Jay	Jochum
Knapp	Koenigs	Maulsby	McKean
McKinney	Metcalfe	Mullins	Ollie
Osterberg	Parker	Paulin	Petersen, D. F.
Schneklath	Sherzan	Shoning	Shoultz
Svoboda	Swartz	Tabor	Van Maanen
Wise	Mr. Speaker (Connors)		

The nays were, 42:

Arnould	Beaman	Beatty	Black
Blanshan	Cohon	Cooper	Corey
Daggett	Fey	Gruhn	Halvorson, R. A.
Harbor	Harper	Hatch	Hermann
Holveck	Johnson	Lageschulte	Lundby
May	Miller	Muhlbauer	Norrgard
Pavich	Pellett	Peters	Peterson, M. K.
Plasier	Platt	Renaud	Renken
Rosenberg	Royer	Running	Schrader
Siegrist	Spear	Stromer	Swearingen
Teaford	Van Camp		

Absent or not voting, 12:

Avenson	Brammer	Diemer	Doderer
Eddie	Hammond	Kremer	Neuhauser
Poncy	Skow	Stueland	Tyrrell

Amendment H—4124 was adopted.

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. 455)

The ayes were, 63:

Adams	Arnould	Avenson	Beaman
Bisignano	Blanshan	Branstad	Carpenter
Chapman	Clark	Connolly	Corbett
Daggett	Dvorsky	Fey	Fogarty
Fuller	Groninga	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hansen, S. D.	Hanson, D. R.	Harbor
Harper	Hatch	Haverland	Hermann
Hester	Holveck	Jay	Johnson
Koenigs	Lageschulte	Lundby	Maulsby
May	McKean	McKinney	Miller
Muhlbauer	Mullins	Norrgard	Ollie
Osterberg	Paulin	Pavich	Pellett
Peters	Plasier	Renaud	Rosenberg
Running	Schneklath	Sherzan	Shultz
Spear	Stromer	Swearingen	Teaford
Van Camp	Wise	Mr. Speaker (Connors)	

The nays were, 26:

Beatty	Bennett	Black	Buhr
Cohoon	Cooper	Corey	De Groot
Garman	Hummel	Jochum	Knapp
Metcalf	Parker	Petersen, D. F.	Peterson, M. K.
Platt	Renken	Royer	Schrader
Shoning	Siegrist	Svoboda	Swartz
Tabor	Van Maanen		

Absent or not voting, 11:

Brammer	Diemer	Doderer	Eddie
Hammond	Kremer	Neuhauser	Poncy
Skow	Stueland	Tyrrell	

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

### IMMEDIATE MESSAGES

(Senate Concurrent Resolution 35 and Senate Files 510 and 455)

Arnould of Scott asked and received unanimous consent that Senate Concurrent Resolution 35 and Senate Files 510 and 455 be immediately messaged to the Senate.

Speaker Avenson in the chair at 4:32 p.m.

**EXPLANATION OF VOTE**

I was necessarily absent from the House chamber on Thursday, April 30, 1987. Had I been present, I would have voted "aye" on Senate Files 101 and 499.

OLLIE of Clinton

**BILLS ENROLLED, SIGNED AND SENT TO GOVERNOR**

The Chief Clerk of the House submitted the following report:

Mr. Speaker: The Chief Clerk of the House respectfully reports that the following bills have been examined and found correctly enrolled, signed by the Speaker of the House and the President of the Senate, and presented to the Governor for his approval on this 1st day of May, 1987: House Files 258, 324, 355, 360, 379, 398, 490, 523, 527, 536 and 576.

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, 1987, he approved and transmitted to the Secretary of State the following bills:

House File 64, an act relating to jury lists.

House File 92, an act relating to the council-manager-ward form of city government.

House File 131, an act relating to transfers to minors by amending the definition of benefit plan to include an individual retirement account and by excluding compensation due a minor for services rendered from the types of property or debt eligible for transfer to the custodian of a minor.

House File 356, an act relating to the transfer of the property or assets of a cooperative association by sale, other disposition, or by merger.

House File 408, an act to authorize the parties to a dissolution to waive the filing of a financial statement only after approval by the court.

House File 525, an act relating to the jurisdiction of the juvenile court in hospital admission of minors and the admission procedures for minors.

House File 587, an act relating to the licensing and regulation of architects, and providing penalties.

House File 615, an act relating to providing workers' compensation coverage for emergency medical personnel and providing authority for their certification.

Senate File 138, an act relating to the extension of the foreclosure moratorium as provided in the Governor's declaration of economic emergency made on October 1, 1985, and providing for the retroactive applicability of the act and an effective date.

Senate File 195, an act relating to the duties of the state board of tax review.

Senate File 222, an act to prohibit the sale or gift of smokeless tobacco to a minor and providing for application of a penalty.

Senate File 264, an act relating to revocation of a property tax exemption and making the act retroactive.

### PRESENTATION OF VISITORS

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

Fifth and sixth grade students from Harris-Lake Park Community Schools, Harris and Lake Park, accompanied by Dave and Nancy Isgrig, John Nelson, Art Schumacher and Judy Brueggeman. By De Groot of Lyon and Gruhn of Dickinson.

Sixty-eight fifth and sixth grade students from Four Mile Elementary School, Des Moines, accompanied by Rodney Hillpipe. By Parker of Jasper.

Twenty-three sixth grade students from Newkirk Elementary School, Hospers, accompanied by Mrs. Bohr. By Plasier of Sioux.

Twenty-five sixth grade students from James Elementary School, Ottumwa, accompanied by Bob Snell and Mary Johnson. By Poncy of Wapello.

Fifty eighth grade students from Williamsburg Junior High School, Williamsburg. By Tyrrell of Iowa and Dvorsky of Johnson.

### AMENDMENTS FILED

H-4127	H.F.	567	Teaford of Black Hawk
H-4128	H.F.	680	Doderer of Johnson
H-4129	H.F.	681	Mullins of Kossuth
H-4130	H.F.	683	Corey of Louisa
H-4134	H.F.	683	Corey of Louisa
H-4135	H.F.	681	Hammond of Story
H-4136	H.F.	681	Hammond of Story
H-4139	H.F.	677	Platt of Muscatine
			Muhlbauer of Crawford
H-4140	H.F.	683	Petersen of Muscatine
H-4141	S.F.	511	Fuller of Hardin
			Svoboda of Tama
			Pavich of Pottawattamie
			Hummel of Benton
			Siegrist of Pottawattamie

H—4142	H.F.	683	Schnekloth of Scott
H—4143	H.F.	681	Groninga of Cerro Gordo
H—4144	H.F.	683	Bennett of Ida
H—4145	H.F.	683	Bennett of Ida
H—4146	S.F.	511	Paulin of Plymouth
			Pellett of Cass
			Beaman of Clarke
			Metcalf of Polk
H—4147	H.F.	683	Petersen of Muscatine
H—4148	H.F.	683	Stromer of Hancock

On motion by Arnould of Scott, the House adjourned at 4:35 p.m., until 10:00 a.m., Monday, May 4, 1987.

# JOURNAL OF THE HOUSE

One Hundred Thirteenth Calendar Day — Seventy-sixth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Monday, May 4, 1987

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 Friday, May 1, 1987 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 30, 1987, 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 167, a bill for an act relating to fees for and duration of motor vehicle licenses and requiring motor vehicle licenses and nonoperator's identification cards issued to persons under twenty-one years of age to contain a profile photograph and providing an effective date and conditional repeal and reenactment.

Also: That the Senate has on May 1, 1987, insisted on its amendment to House File 395, a bill for an act relating to the taking of animals and subjecting violators to penalties, and the members of the conference committee, on the part of the Senate are: The Senator from Linn, Senator Hall, Chair; the Senator from Dallas, Senator Riordan; the Senator from Jones, Senator Hannon; the Senator from Hardin, Senator Taylor; and the Senator from Clayton, Senator Tieden.

Also: That the Senate has on May 1, 1987, amended and passed the following bill in which the concurrence of the House is asked:

House File 671, a bill for an act relating to and making appropriations to agencies, boards, commissions, departments, and programs of state government for health and human rights, human services, the judicial branch, the department of justice, the department of corrections, the board of parole, the auditor of state, campaign finance, employment services, inspections and appeals, employment relations, and commerce, and providing effective dates.

Also: That the Senate has on April 29, 1987, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 276, a bill for an act relating to the regulation of long-term care insurance.

Also: That the Senate has on April 30, 1987, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 359, a bill for an act relating to movement of vehicles of excess size, weight, and load.

Also: That the Senate has on April 29, 1987, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 458, a bill for an act relating to the abatement of taxes by the county.

Also: That the Senate has on April 30, 1987, amended the House amendment, concurred in the House amendment as amended, and passed the following bill in which the concurrence of the House is asked:

Senate File 461, a bill for an act relating to electronic funds transfers by providing for limiting liability of financial institutions for unauthorized electronic funds transfers involving the customer's account, altering restrictions on the establishment, location, and use of satellite terminals, adding definitions, and requiring that all satellite terminals in this state or their data processing centers be directly connected to a central routing unit.

JOHN F. DWYER, Secretary

## RULES SUSPENDED

Arnould of Scott asked and received unanimous consent to suspend the rules and take up out of order House File 683.

## CONSIDERATION OF BILLS

### Ways and Means Calendar

**House File 683**, a bill for an act relating to energy assistance to low income households by requiring each gas and electric public utility to create a utility shutoff fund with certain exceptions, by providing for the implementation of pilot projects of an affordable utility payment plan and affordable heating payment plan, making civil penalties applicable, providing a penalty, and providing for a sales tax refund for certain participating gas and electric public utilities and heating fuel supplier, was taken up for consideration.

Blanshan of Greene in the chair at 10:16 a.m.

Bennett of Ida offered the following amendment H—4144 filed by him and moved its adoption:

H—4144

- 1 Amend House File 683 as follows:
- 2 1. Page 2, line 25, by inserting before the word
- 3 "The" the following: "The board shall select the"
- 4 utilities such that the pilot projects will involve
- 5 only one CA agency."

Amendment H—4144 lost.

Petersen of Muscatine asked and received unanimous consent to withdraw amendment H—4147 filed by him on May 1, 1987.

Petersen of Muscatine offered the following amendment H—4140 filed by him and moved its adoption:

H—4140

- 1 Amend House File 683 as follows:
- 2 1. Page 4, line 33, by inserting after the word
- 3 "period." the following: "Such amount shall be in
- 4 addition to the payment required under paragraph 6
- 5 of this section. Service of a customer who fails to
- 6 maintain these agreed to payments may be terminated."

A non-record roll call was requested.

The ayes were 39, nays 46.

Amendment H—4140 lost.

Schnekloth of Scott offered the following amendment H—4142 filed by him and moved its adoption:

H—4142

- 1 Amend House File 683 as follows:
- 2 1. Page 6, line 35, by striking the words "five
- 3 hundred".
- 4 2. Page 7, by striking line 1 and inserting the
- 5 following: "equal to the amount which is annually
- 6 appropriated for".

Roll call was requested by Corey of Louisa and Stueland of Clinton.

Rule 75 was invoked.

On the question "Shall amendment H—4142 be adopted?"  
(H.F. 683)

The ayes were, 45:

Beaman	Bennett	Black	Branstad
Carpenter	Clark	Corbett	Corey
Daggett	De Groot	Diemer	Eddie
Fogarty	Garman	Halvorson, R. A.	Hansen, S. D.
Hanson, D. R.	Harbor	Hermann	Hester
Hummel	Jochum	Knapp	Kremer
Lageschulte	Lundby	Maulsby	McKean
Metcalf	Miller	Neuhauser	Paulin
Pellett	Petersen, D. F.	Plasier	Renken
Royer	Schnekloth	Sherzan	Shoning
Stueland	Swartz	Swearingen	Tabor
Van Maanen			

The nays were, 45:

Adams	Arnould	Beatty	Bisignano
Brammer	Buhr	Cohoon	Connolly
Cooper	Doderer	Dvorsky	Fey
Fuller	Groninga	Gruhn	Halvorson, R. N.
Hammond	Harper	Hatch	Holveck
Johnson	Koenigs	May	McKinney
Muhlbauer	Mullins	Norrgard	Ollie
Osterberg	Parker	Pavich	Peters
Peterson, M. K.	Poney	Renaud	Rosenberg
Running	Siegrist	Skow	Spear
Svoboda	Teaford	Van Camp	Wise
Mr. Speaker (Blanshan)			

Absent or not voting, 10:

Avenson	Chapman	Connors	Haverland
Jay	Platt	Schrader	Shoultz
Stromer	Tyrrell		

Amendment H—4142 lost.

Schneklath of Scott offered the following amendment H—4149 filed by him from the floor and moved its adoption:

H—4149

- 1 Amend House File 683 as follows:
- 2 1. Page 7, line 1, by inserting after the word
- 3 "appropriated" the following: "from oil overcharge
- 4 funds".

A non-record roll call was requested.

Rule 75 was invoked.

The ayes were 55, nays 39.

Amendment H—4149 was adopted.

Corey of Louisa offered the following amendment H—4134 filed by him and moved its adoption:

H—4134

- 1 Amend House File 683 as follows:
- 2 1. Page 7, line 12, by striking the word "not".

Roll call was requested by Corey of Louisa and Metcalf of Polk.

On the question "Shall amendment H—4134 be adopted?"  
(H.F. 683)

The ayes were, 40:

Beaman	Bennett	Branstad	Carpenter
Clark	Corbett	Corey	Daggett
De Groot	Diemer	Doderer	Eddie
Fuller	Garman	Halvorson, R. A.	Hanson, D. R.
Harbor	Hermann	Hester	Hummel
Kremer	Lageschulte	Maulsby	McKean
Metcalf	Miller	Paulin	Pellett
Petersen, D. F.	Plasier	Platt	Poncy
Renken	Royer	Schnekloth	Schrader
Shoning	Stueland	Swearingen	Van Maanen

The nays were, 55:

Adams	Arnould	Beatty	Bisignano
Black	Brammer	Buhr	Chapman
Cohoon	Connolly	Connors	Cooper
Dvorsky	Fey	Fogarty	Groninga
Gruhn	Halvorson, R. N.	Hammond	Hansen, S. D.
Harper	Hatch	Haverland	Holveck
Jochum	Johnson	Knapp	Koenigs
Lundby	May	McKinney	Muhlbauer
Mullins	Neuhauser	Norrgard	Ollie
Osterberg	Parker	Pavich	Peters
Peterson, M. K.	Renaud	Rosenberg	Running
Sherzan	Siegrist	Skow	Spear
Svoboda	Swartz	Tabor	Teaford
Van Camp	Wise	Mr. Speaker (Blanshan)	

Absent or not voting, 5:

Avenson	Jay	Shoultz	Stromer
Tyrrell			

Amendment H — 4134 lost.

Arnould of Scott asked and received unanimous consent that House File 683 be deferred and that the bill retain its place on the calendar.

### INTRODUCTION OF BILL

**House File 684**, by committee on appropriations, a bill for an act relating to the county juvenile justice base costs.

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

### RULES SUSPENDED

Arnould of Scott asked and received unanimous consent to suspend the rules and take up out of order House File 681.

**CONSIDERATION OF BILLS**  
**Appropriations Calendar**

**House File 681**, a bill for an act relating to obstetrical and newborn indigent patient care, was taken up for consideration.

Groninga of Cerro Gordo offered the following amendment H—4143 filed by him:

H—4143

- 1 Amend House File 681 as follows:
- 2 1. Page 1, by inserting before line 1 the
- 3 following:
- 4 "Section 1. FINDINGS. The general assembly finds
- 5 and declares that it is in the public interest that
- 6 the availability of competent obstetrical care,
- 7 newborn indigent patient care, and other health care
- 8 services be assured and that a mechanism exists for
- 9 providing total compensation of persons injured as a
- 10 result of medical malpractice. The general assembly
- 11 further finds and declares that it is in the public
- 12 interest that high quality medical and hospital
- 13 services be available to indigent patients and all
- 14 citizens of Iowa at reasonable costs. It is essential
- 15 to the public interest to assure continuing
- 16 availability of obstetrical care and other medical
- 17 care to newborn indigent patients and all citizens in
- 18 order to encourage competent obstetricians and other
- 19 physicians to enter into and remain in the practice of
- 20 medicine in this state and to assure the statewide
- 21 availability of newborn indigent patient care in this
- 22 state. It is in the public interest to assure that
- 23 funds are available to compensate an injured party
- 24 while providing for the availability of obstetrical
- 25 and other medical liability insurance.
- 26 The general assembly further finds and declares
- 27 that a critical situation exists impacting on the
- 28 accessibility and affordability of quality obstetrical
- 29 care and other health care for Iowa citizens because
- 30 of the high cost and impending unavailability of
- 31 obstetrical and other medical malpractice insurance.
- 32 Obstetricians and physicians in other speciality and
- 33 high-risk areas are increasingly choosing no longer to
- 34 provide these services as a result of the potential
- 35 liability and the high cost and uncertain availability
- 36 of obstetrical and other medical liability insurance.
- 37 The general assembly further finds that it is in the
- 38 public interest that statistical data be obtained so
- 39 that an analysis of the cause of unavailability and
- 40 unaffordability of liability insurance be undertaken
- 41 in an attempt to determine the cause of such problems
- 42 so that a long-term solution can be found.
- 43 The general assembly further finds that to assure

44 the uninterrupted delivery of affordable health care  
45 services, including indigent patient care, to the  
46 citizens of Iowa it is necessary to carefully balance  
47 the interest of persons who are damaged by medical  
48 accidents and the interest of all persons, who may be  
49 in need of future obstetrical or other medical care,  
50 in keeping medical liability insurance affordable and

Page 2

1 available in this state. The general assembly further  
2 finds that without obstetrical and other medical  
3 liability insurance, obstetricians, other physicians,  
4 other health care providers, and hospitals cannot  
5 provide health care services to the public.

6 The general assembly further finds that the present  
7 critical situation has resulted in a decrease in the  
8 availability of obstetrical care and newborn indigent  
9 patient care and certain other health care services  
10 and that this problem of availability will become more  
11 severe unless addressed. Physicians are discontinuing  
12 their practices and leaving Iowa.

13 The general assembly further finds and declares it  
14 is necessary and essential that the provisions of this  
15 Act be enacted in order to provide for the health and  
16 welfare of the people of Iowa. It is the intent of  
17 this Act to protect the health and welfare of the  
18 people of this state by assuring the availability of  
19 obstetrical and newborn indigent patient care and  
20 other health care services.

21 Sec. 2. NEW SECTION. 147B.1 SHORT TITLE.

22 This Act shall be known as the "Iowa Patient  
23 Compensation Fund Act".

24 Sec. 3. NEW SECTION. 147B.2 PUBLIC POLICY.

25 It is the policy of this state to assure the avail-  
26 ability of quality medical and hospital services to  
27 the citizens of Iowa, and to effectuate that policy it  
28 is essential to assure the availability of medical  
29 liability insurance so that competent physicians will  
30 enter into and remain in the practice of medicine in  
31 this state. This chapter shall be construed to carry  
32 out this policy.

33 Sec. 4. NEW SECTION. 147B.3 DEFINITIONS.

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

36 1. "Administrator" means the patient compensation  
37 fund administrator.

38 2. "Commissioner" means the commissioner of  
39 insurance.

40 3. "Fund" means the patient compensation fund.

41 4. "Health care practitioner" means a health care  
42 provider other than a hospital.

43 5. "Health care provider" means a physician and  
44 surgeon licensed pursuant to chapter 148; an osteopath  
45 licensed pursuant to chapter 150; an osteopathic

46 physician and surgeon licensed pursuant to chapter  
47 150A; a dentist licensed pursuant to chapter 153; an  
48 association, partnership, or professional corporation  
49 composed of or owned by such persons; a hospital and  
50 an employee of such person, association, partnership,

**Page 3**

1 professional corporation, or hospital.

2 6. "Hospital" means a hospital licensed pursuant  
3 to chapter 135B.

4 7. "Medical malpractice" means acts or omissions  
5 of a health care practitioner in the practice of the  
6 practitioner's profession or occupation or acts or  
7 omissions of a hospital in patient treatment or care,  
8 including but not limited to negligence, failure to  
9 provide care, breach of contract relating to providing  
10 care, or claim based upon failure to obtain informed  
11 consent for an operation or treatment.

12 **Sec. 5. NEW SECTION. 147B.4 QUALIFIED PROVIDER.**

13 1. A health care practitioner is qualified to  
14 participate under this chapter if the health care  
15 practitioner does all of the following:

16 a. Files with the commissioner proof that the  
17 health care practitioner is insured with an insurance  
18 company admitted to this state under a policy of  
19 medical liability insurance providing the following  
20 coverage for medical malpractice:

21 (1) Coverage pursuant to subparagraph part (a) or  
22 (b) per occurrence in an amount of one hundred percent  
23 for all sums required to be paid up to and including  
24 one hundred thousand dollars and ten percent of all  
25 sums required to be paid in excess of one hundred  
26 thousand dollars but not exceeding one million  
27 dollars:

28 (a) Under a claims-made form of medical  
29 malpractice insurance for each claim made during the  
30 term of the policy.

31 (b) Under an occurrence form of medical  
32 malpractice insurance for each claim arising out of an  
33 occurrence during the policy period.

34 (2) Coverage pursuant to subparagraph part (a) or  
35 (b) in the aggregate of five hundred seventy thousand  
36 dollars for all occurrences:

37 (a) Under a claims-made form of medical  
38 malpractice liability insurance for all claims made  
39 during the term of the policy.

40 (b) Under an occurrence form of medical  
41 malpractice insurance for all claims arising out of  
42 all occurrences during the policy period.

43 b. Pays a surcharge or special surcharge levied on  
44 health care practitioners pursuant to section 147B.6,  
45 subsection 2, or section 147B.9.

46 c. Agrees to treat victims of medical negligence  
47 for injuries resulting from such negligent acts at the

48 current rate paid in this state pursuant to Title XIX  
49 of the federal Social Security Act.  
50 2. A hospital is qualified to participate under

**Page 4**

1 this chapter if the hospital does both of the  
2 following:  
3 a. Files with the commissioner proof that the  
4 hospital is insured with an insurance company admitted  
5 to this state under a policy of medical liability  
6 insurance providing the following coverage for medical  
7 malpractice:  
8 (1) Coverage pursuant to subparagraph part (a) or  
9 (b) per occurrence in an amount of one hundred percent  
10 for all sums required to be paid up to and including  
11 one hundred thousand dollars and ten percent of all  
12 sums required to be paid in excess of one hundred  
13 thousand dollars but not exceeding one million  
14 dollars:  
15 (a) Under a claims-made form of medical  
16 malpractice insurance for each claim made during the  
17 term of the policy.  
18 (b) Under an occurrence form of medical  
19 malpractice insurance for each claim arising out of an  
20 occurrence during the policy period.  
21 (2) Coverage pursuant to subparagraph part (a) or  
22 (b) in the aggregate of one million dollars for all  
23 occurrences:  
24 (a) Under a claims-made form of medical  
25 malpractice liability insurance for all claims made  
26 during the term of the policy.  
27 (b) Under an occurrence form of medical  
28 malpractice insurance for all claims arising out of  
29 all occurrences during the policy period.  
30 b. Pays a surcharge or special surcharge levied on  
31 hospitals pursuant to section 147B.6, subsection 2, or  
32 section 147B.9.  
33 3. Coverage required under subsections 1 and 2  
34 shall be adjusted in the same manner as provided in  
35 section 147B.8, subsection 3.  
36 4. The commissioner may permit qualification of a  
37 health care practitioner who has retired or ceased  
38 practicing in this state, if the health care  
39 practitioner files proof of insurance and pays any  
40 surcharge or special surcharge levied as required in  
41 subsection 1.  
42 5. A health care provider may qualify to  
43 participate under this chapter with respect to all  
44 medical malpractice claims made subsequent to the  
45 health care provider's qualification. A health care  
46 provider is not eligible to qualify under this chapter  
47 with respect to a medical malpractice claim made prior  
48 to the time of the health care provider's  
49 qualification.

50 6. If at any time prior to the health care

Page 5

1 provider's qualification under this section the health  
2 care provider was insured under an occurrence form of  
3 policy of medical liability insurance for all  
4 occurrences during the term of that policy, for an  
5 occurrence of alleged medical malpractice occurring  
6 during the time that policy was in effect, this  
7 chapter applies only to claims for alleged medical  
8 malpractice covered under the occurrence policy to the  
9 extent the judgment or settlement exceeds the limits  
10 of that policy.

11 Sec. 6. NEW SECTION. 147B.5 PATIENT ELECTION TO  
12 BE BOUND.

13 1. This chapter applies to all occurrences of  
14 alleged medical malpractice occurring prior to the  
15 effective date of this Act for which a medical  
16 malpractice claim has not been made unless the patient  
17 elects not to be bound under this chapter for the  
18 prior occurrence. A patient may elect not to be bound  
19 under this chapter with respect to an occurrence of  
20 alleged medical malpractice occurring prior to the  
21 effective date of this Act by filing an election with  
22 the commissioner and providing notice to any health  
23 care provider alleged to be liable for the occurrence  
24 within one hundred eighty days of the effective date  
25 of this Act according to rules adopted by the  
26 commissioner. Failure to provide the required notice  
27 is deemed to be evidence of the patient's election to  
28 be bound by this chapter for a prior occurrence.

29 2. A patient's exclusive remedy against a health  
30 care provider qualifying under section 147B.4 for  
31 medical malpractice occurring after the effective date  
32 of this Act is the remedy provided for under this  
33 chapter unless the patient has elected not to be bound  
34 by the remedies provided for in this chapter. A  
35 patient may elect not to be bound under this chapter  
36 by filing an election with the commissioner, pursuant  
37 to rules adopted by the commissioner, in advance of  
38 the treatment, act, or omission upon which a claim may  
39 be based, and notifying the health care provider of  
40 the election within a reasonable time before any  
41 treatment begins. Failure to provide the required  
42 notice is deemed to be evidence of the patient's  
43 election to be bound by this chapter. An election by  
44 a patient not to be bound by this chapter is effective  
45 for a period of two years after filing unless the  
46 election is withdrawn. The patient may withdraw the  
47 election in writing at any time by filing the  
48 withdrawal with the commissioner.

49 3. A qualified health care provider must provide a  
50 patient with notice that the health care provider is

## Page 6

1 qualified under this chapter prior to any treatment,  
2 and must inform the patient of the patient's right to  
3 elect not to be bound by this chapter.

4 Sec. 7. NEW SECTION. 147B.6 PATIENT COMPENSATION  
5 FUND.

6 1. A patient compensation fund is created for the  
7 purposes stated in this chapter. The fund and income  
8 from the fund shall be deposited with the treasurer of  
9 state to be used for the payment of qualifying claims  
10 under this chapter, and the fund is appropriated for  
11 that purpose. The fund shall not be used for purposes  
12 other than those of this chapter. Appropriations from  
13 the fund are not subject to reversion under section  
14 8.33.

15 2. An annual surcharge shall be levied on all  
16 qualified health care providers. The surcharge for a  
17 health care provider is determined by the commissioner  
18 subject to the following limitations:

19 a. The annual surcharge shall not exceed fifty  
20 percent of the annual premium paid by the health care  
21 provider for maintenance of current medical liability  
22 insurance as provided in section 147B.4, including the  
23 cost of reinsurance under section 147B.12.

24 b. The charge shall not exceed the amount  
25 necessary to maintain the fund in an amount determined  
26 by the commissioner to be actuarially adequate.

27 3. The surcharge due under this section is due and  
28 payable within thirty days after the surcharge has  
29 been levied on the qualified health care provider.

30 4. If the annual surcharge under this section is  
31 not paid within the time specified in subsection 3,  
32 the qualification of the health care provider shall be  
33 suspended until the annual surcharge is paid. The  
34 suspension is not effective as to patients claiming  
35 against the health care provider unless, at least  
36 thirty days before the effective date of the  
37 suspension, a written notice giving the date upon  
38 which the suspension becomes effective has been  
39 provided by the commissioner to the health care  
40 provider and notice of the suspension has been given  
41 to a patient prior to any treatment.

42 5. All actual expenses of collecting, protecting,  
43 and administering the fund shall be paid from the  
44 fund, including necessary costs of outside legal  
45 counsel. The attorney general is not responsible for  
46 legal defense of the fund.

47 Sec. 8. NEW SECTION. 147B.7 LIABILITY OF FUND.

48 Subject to section 147B.4, subsection 6, the fund  
49 is liable on a following form basis for all sums  
50 required to be paid in excess of the coverage provided

## Page 7

1 by the health care provider's medical liability  
2 insurance specified in section 147B.4, subsection 1 or  
3 2, in a medical malpractice action against a health  
4 care provider qualified to participate under this  
5 chapter by a patient who has elected to be bound under  
6 this chapter with respect to an occurrence within the  
7 state of Iowa to which this chapter applies, except as  
8 provided in section 147B.8. In no event shall the  
9 fund be liable with respect to an occurrence to which  
10 this chapter applies for more than ninety percent of  
11 nine hundred thousand dollars of all sums required to  
12 be paid in excess of one hundred thousand dollars.

13 Sec. 9. NEW SECTION. 147B.8 LIMITATION ON  
14 RECOVERY.

15 1. Except as provided in subsection 3, the total  
16 amount recoverable from all liable health care  
17 providers and the fund for an occurrence to which this  
18 chapter applies resulting in an injury or death of a  
19 patient arising out of medical malpractice shall not  
20 exceed one million dollars.

21 2. Except as provided in subsection 3, a health  
22 care provider qualified under this chapter is not  
23 liable to a patient who has elected to be covered by  
24 this chapter for an amount in excess of one hundred  
25 thousand dollars plus ten percent of all sums required  
26 to be paid in excess of one hundred thousand dollars  
27 but not exceeding one million dollars for all claims  
28 or causes of action for medical malpractice arising  
29 from an occurrence to which this chapter applies.  
30 Subject to limits in this section, an amount due from  
31 a judgment or settlement which is in excess of the  
32 liability of all liable health care providers shall be  
33 paid from the fund pursuant to section 147B.6.

34 3. a. The commissioner shall determine on or  
35 after July 1 but on or before December 31 of each year  
36 an amount by which the total amount recoverable under  
37 subsection 1 and an amount by which the maximum  
38 liability of a health care provider under subsection 2  
39 are adjusted for the calendar year beginning eighteen  
40 months after the July 1 date on which the adjusted  
41 amounts can first be determined. The amount of the  
42 adjustment is equal to the product of the amount  
43 determined for the previous calendar year and the  
44 percentage rate of change in the consumer price index  
45 for goods and services published by the United States  
46 department of labor for the fiscal year ending on June  
47 30 immediately preceding the July 1 date on which the  
48 adjusted amounts can first be determined. However, if  
49 the percentage rate of change in the consumer price  
50 index is less than five percent, adjustments shall not

Page 8

1 be made under this paragraph.

2 b. If adjustments are not made under paragraph "a"  
3 for one or more years, the commissioner shall  
4 determine a cumulative percentage rate of change and  
5 when that cumulative percentage rate of change is five  
6 percent or greater the commissioner shall determine  
7 the adjusted amounts for the next rate adjustment  
8 year.

9 c. The commissioner shall publish on or before  
10 December 31 preceding the next rate adjustment year  
11 any adjusted amounts which will apply to the next rate  
12 adjustment year.

13 4. If a judgment has been entered for an injured  
14 person, as defined in section 147B.10, which exceeds  
15 the amount recoverable as determined under this sec-  
16 tion, the injured person may file a claim pursuant to  
17 chapter 25 for the amount in excess of the amount  
18 recoverable.

19 Sec. 10. NEW SECTION. 147B.9 SPECIAL SURCHARGE.

20 The commissioner may, at any time, analyze the fund  
21 to determine if the amount in the fund is inadequate  
22 to pay in full all claims allowed or to be allowed  
23 during the calendar year. If the fund is determined  
24 to be inadequate, the commissioner may levy a special  
25 surcharge on all health care providers who have  
26 qualified under this chapter on the date of the  
27 special surcharge or at any time during the preceding  
28 twelve months and the special surcharge shall be in an  
29 amount proportionate to the surcharge each health care  
30 provider has paid to the fund. The special surcharge  
31 shall be an amount sufficient to permit full payment  
32 of all claims allowed against the fund during a  
33 calendar year, but shall not exceed fifty percent of  
34 the annual premium paid by the health care provider  
35 for maintenance of current medical liability insurance  
36 as provided in section 147B.4. The special surcharge  
37 shall be levied against all health care providers who  
38 have qualified under this chapter. The special sur-  
39 charge is due and payable within thirty days after the  
40 special surcharge is levied.

41 If the special surcharge under this section is not  
42 paid within the time specified, the qualification of  
43 the health care provider shall be suspended until the  
44 special surcharge is paid. The suspension is not  
45 effective as to patients claiming against the health  
46 care provider unless, at least thirty days before the  
47 effective date of the suspension, a written notice  
48 giving the date upon which the suspension becomes  
49 effective has been provided by the commissioner to the  
50 health care provider and notice of the suspension has

## Page 9

1 been given to a patient prior to any treatment.

2 Sec. 11. NEW SECTION. 147B.9A EVIDENCE OF  
3 ADVANCE PAYMENT NOT CONSTRUED AS ADMISSION TO  
4 LIABILITY.

5 A payment made by a health care provider or the  
6 health care provider's insurer to or for the patient  
7 or any other person on the patient's behalf in advance  
8 of a final determination of liability shall not be  
9 construed as an admission of liability for injuries or  
10 damages suffered in an action brought pursuant to this  
11 chapter. In the event of any advance payment, the  
12 court shall reduce the judgment to the plaintiff by an  
13 amount of the advance payment. If the advance payment  
14 exceeds the liability of the defendant, the court  
15 shall order any adjustment necessary to equalize the  
16 amount under which each defendant is obligated to pay  
17 but in no case shall an advance in excess of the  
18 amount found to be due be repayable to the health care  
19 provider making the advance.

20 Sec. 12. NEW SECTION. 147B.10 STRUCTURED  
21 JUDGMENTS.

22 1. As used in this section, unless the context  
23 requires otherwise:

24 a. "Future injuries" means all legal harm relating  
25 to an injury which the trier of fact determines will  
26 be incurred by the injured party subsequent to the  
27 entry of judgment.

28 b. "Injured person" means the person during whose  
29 medical treatment or care the acts or omissions of  
30 medical malpractice are determined to have occurred.

31 c. "Injured party" means a party plaintiff to a  
32 medical malpractice action, and includes the injured  
33 person if that person is a party to the action.

34 d. "Injury" means a legal harm for which damages  
35 are recoverable in an action arising under this  
36 chapter.

37 2. In a medical malpractice action against a  
38 health care provider arising under this chapter, the  
39 verdict shall be itemized to distribute the monetary  
40 damages, if any, between past loss and future loss.  
41 In a trial to the court, the court shall itemize its  
42 findings in accordance with this section.

43 3. The court, in a medical malpractice action  
44 arising under this chapter in which a damage award for  
45 future injuries to a party exceeds one hundred  
46 thousand dollars, shall enter a judgment ordering the  
47 award to the party to be paid in periodic payments,  
48 subject to the limitations contained in this section.  
49 The court shall make a specified finding as to the  
50 dollar amount of regular payments which will be

## Page 10

1 required to compensate the party periodically for loss  
2 of future income and future noneconomic harm, based  
3 upon the life expectancy of the party and the damages  
4 awarded. The periodic payments shall reflect interest  
5 in accordance with annuity principles. The judgment  
6 shall specify the recipient of the periodic payments,  
7 the dollar amount of each payment, the interval  
8 between payments, and the number of payments required  
9 to be made. The judgment shall specify the amount of  
10 and the purposes for which the balance of the judgment  
11 awarded for the future care and treatment of the party  
12 may be used.

13 4. Attorney fees of the party receiving an award,  
14 if payable out of the judgment, shall be assessed by  
15 the court and applied pro rata against amounts awarded  
16 for past injuries and for future injuries. The amount  
17 determined by the court to be payable out of damages  
18 for future injuries shall be deducted by the court  
19 from the amount to be ordered paid as provided in this  
20 subsection, and shall be deducted pro rata from those  
21 amounts awarded, if any, for loss of future income,  
22 future expenses for care and treatment, and future  
23 noneconomic harm. The amount of attorney fees  
24 attributable to the award for future injuries shall be  
25 payable upon entry of judgment.

26 5. If a judgment has been entered ordering  
27 periodic payments pursuant to this section, the health  
28 care provider's insurer shall pay to the fund the  
29 amount for which the insurer is liable under this  
30 chapter, after apportionment of costs of defense, for  
31 distribution by the fund to the party receiving the  
32 award.

33 6. If a judgment has been entered ordering  
34 periodic payments pursuant to this section, the fund  
35 shall make the payments as ordered or, alternatively,  
36 the fund may purchase an annuity from an insurance  
37 company admitted to Iowa sufficient to make the  
38 periodic payments.

39 7. If the party receiving the award dies, amounts  
40 to be paid for loss of future income are payable to  
41 those persons to whom the party receiving the award  
42 owed a duty of support. If the party receiving the  
43 award dies prior to payment of the amounts for other  
44 than loss of future income, the judgment is satisfied  
45 upon the payment of all obligations incurred up to the  
46 time of death and of the expenses of final illness and  
47 reasonable burial expenses.

48 8. Except with respect to amounts representing  
49 loss of future income, a judgment for future injuries  
50 is a contingent award, and the right to payment vests

## Page 11

1 only at such times and in such amounts as accrue  
2 pursuant to the order specifying the amount of  
3 periodic payments and the interval of those payments.  
4 9. The district court shall retain jurisdiction of  
5 a medical malpractice action in which the judgment in  
6 the action orders periodic payments, and upon the  
7 death of the party receiving the award in the case of  
8 an award for loss of future income, the dependents of  
9 the decedent or any other interested party to the  
10 action or a representative of an interested party, may  
11 petition the court for a modification of the judgment  
12 for a redesignation of the recipient of the payments,  
13 in accordance with the rights of persons established  
14 by this section. Unless otherwise ordered, the  
15 redesignated recipients of payments for loss of future  
16 income shall be paid in those amounts and at those  
17 intervals specified in the original judgment.  
18 Payments shall continue until the remaining amounts  
19 designated for that purpose have been paid, or until  
20 the death of those dependents, whichever occurs first.  
21 If the last surviving dependent dies prior to  
22 depletion of the amount specified for loss of future  
23 income, the judgment is deemed satisfied upon payment  
24 of amounts accrued up to the time of death.

25 Sec. 13. NEW SECTION. 147B.11 COSTS OF DEFENSE.

26 1. The fund may employ the services of outside  
27 legal counsel to defend the fund against claims and to  
28 assist the health care provider's insurer in defending  
29 the claim.

30 2. The fund may by agreement with the health care  
31 provider's insurer, allow the health care provider's  
32 insurer to provide a defense for a claim against the  
33 health care provider and the fund. The fund and the  
34 health care provider's insurer may agree to any  
35 apportionment of the costs of defense.

36 Sec. 14. NEW SECTION. 147B.12 REINSURANCE.

37 The commissioner may cause all or any part of the  
38 potential liability of the fund to be reinsured, if  
39 reinsurance is available on a fair and reasonable  
40 basis. The cost of the reinsurance shall be paid by  
41 the fund and the fact of the reinsurance shall be  
42 taken into account in determining the surcharge under  
43 section 147B.6, subsection 2, or the special surcharge  
44 under section 147B.9.

45 Sec. 15. NEW SECTION. 147B.13 NOTICE –  
46 APPLICATION FEE.

47 1. Prior to consideration for coverage pursuant to  
48 this chapter, a health care provider shall first give  
49 notice to the commissioner of the provider's intention  
50 to apply for coverage. The notice of intention shall

**Page 12**

1 be accompanied by a one-time application fee of fifty  
2 dollars for health care providers and five hundred  
3 dollars for hospitals.

4 2. Funds received by the commissioner pursuant to  
5 subsection 1 shall only be expended for purposes of  
6 payment of the reasonable expenses incurred or to be  
7 incurred in the implementation of this chapter.

8 3. To the extent that funds received pursuant to  
9 subsection 1 are in excess of the expenses of  
10 implementation of this chapter, the commissioner shall  
11 transfer such excess funds to the fund.

12 4. Notice and application fees received subsequent  
13 to the implementation of this chapter shall be placed  
14 in the fund upon receipt.

15 **Sec. 16. NEW SECTION. 147B.14 PATIENT**  
16 **COMPENSATION FUND ADMINISTRATOR.**

17 The commissioner may appoint an administrator to  
18 perform all duties and responsibilities pursuant to  
19 this chapter. The administrator shall serve as  
20 administrator at the pleasure of the commissioner.  
21 The salary and expenses of the administrator shall be  
22 paid from the fund.

23 **Sec. 17. NEW SECTION. 147B.15 ADMINISTRATION.**

24 The commissioner shall either provide staff  
25 services necessary for the operation of this chapter  
26 or may contract with an insurance company licensed to  
27 do business in this state, or both, to perform any  
28 administrative duties and responsibilities of the  
29 commissioner pursuant to this chapter. The  
30 commissioner shall retain supervisory control over all  
31 matters for which a contract is entered into. All  
32 reasonable costs and charges incurred in the  
33 administration of this chapter shall be paid from the  
34 fund.

35 The administrator and all persons employed or  
36 contracted with to provide staff services necessary  
37 for the operation of this chapter shall not be  
38 considered employees of the state except for purposes  
39 of chapter 25A.

40 **Sec. 18. NEW SECTION. 147B.16 RECIPROCITY.**

41 The commissioner may enter into reciprocity  
42 agreements with the authorized representatives of any  
43 jurisdiction to allow health care providers from that  
44 jurisdiction to become qualified health care providers  
45 for purposes of the fund and to the extent that a  
46 claim against the health care provider arises in this  
47 state.

48 An agreement shall only be entered into with a  
49 jurisdiction to the same extent as the other  
50 jurisdiction allows Iowa health care providers to

## Page 13

1 participate in a similar program in the other  
2 jurisdiction. The agreement shall include any  
3 conditions, restrictions, and privileges the  
4 commissioner deems necessary.

5 Sec. 19. NEW SECTION. 147B.17 ANNUAL REPORT.

6 The commissioner shall, pursuant to rules issued by  
7 the commissioner, on or before the first day of  
8 February of each year, provide to the chairs, vice  
9 chairs, and ranking members of the senate standing  
10 committees on judiciary and commerce, and the house of  
11 representatives standing committees on judiciary and  
12 law enforcement, and small business and commerce, a  
13 report regarding claims filed against the fund and  
14 claims closed involving the fund for the previous  
15 calendar year. The report shall contain to the extent  
16 the information is available the following  
17 information:

- 18 1. Parties to the claims.
- 19 2. Cause or causes of action.
- 20 3. Amounts reserved or paid per claim, including  
21 the present value for structured settlements or  
22 awards.
- 23 4. Legal fees, expert witness fees, court costs,  
24 or other associated costs of judgments or decrees per  
25 claim.
- 26 5. Other claims information as deemed necessary by  
27 the commissioner.
- 28 6. The report shall be a public record.

29 Sec. 20. NEW SECTION. 147B.17A REPORT TO HEALTH  
30 DATA COMMISSION.

31 It is the intent and expectation of the general  
32 assembly that health care providers will pass on to  
33 patients, third-party payors, and self-insurers,  
34 savings realized by the health care providers  
35 resulting from this Act. The health data commission  
36 shall analyze the physician billing information  
37 collected pursuant to section 145.3, subsection 3,  
38 paragraph "h", to determine whether the savings  
39 resulting from this Act are being passed on. The  
40 health data commission shall report its findings to  
41 the general assembly by July 1, 1989.

42 Sec. 21. NEW SECTION. 147B.18 RULES.

43 The commissioner shall establish rules relating to  
44 the administration of this chapter as deemed necessary  
45 by the commissioner to promote the efficient operation  
46 of this chapter in accordance with its terms and  
47 intent.

48 Sec. 22. Section 25.1, Code 1987, is amended to  
49 read as follows:

50 25.1 RECEIPT, INVESTIGATION, AND REPORT.

## Page 14

1 When a claim is filed or made against the state, on  
2 which in the judgment of the director of management  
3 the state would be liable except for the fact of its  
4 sovereignty or which has no appropriation available  
5 for its payment, the director of management shall  
6 deliver said claim to the state appeal board. The  
7 state appeal board shall make a record of the receipt  
8 of said claim and forthwith deliver same to the  
9 special assistant attorney general for claims who  
10 shall, with a view to determining the merits and  
11 legality thereof, fully investigate said claim,  
12 including the facts upon which it is based and report  
13 in duplicate findings and conclusions of law to the  
14 state appeal board. Notwithstanding this section, any  
15 claim made for an amount recoverable pursuant to  
16 section 147B.8, subsection 4, shall be delivered  
17 directly to the state appeal board.

18 Sec. 23. Section 25.2, Code 1987, is amended to  
19 read as follows:

20 25.2 EXAMINATION OF REPORT -- APPROVAL OR  
21 REJECTION -- PAYMENT.

22 The state appeal board with the recommendation of  
23 the special assistant attorney general for claims may  
24 approve or reject claims against the state of less  
25 than ten years covering the following: Outdated  
26 warrants; outdated sales and use tax refunds; license  
27 refunds; additional agricultural land tax credits;  
28 outdated invoices; fuel and gas tax refunds; outdated  
29 homestead and veterans' exemptions; outdated funeral  
30 service claims; tractor fees; registration permits;  
31 outdated bills for merchandise; services furnished to  
32 the state; claims by any county or county official  
33 relating to the personal property tax credit; and  
34 refunds of fees collected by the state; and amounts  
35 recoverable pursuant to section 147B.8, subsection 4.  
36 Payments authorized by the state appeal board shall be  
37 paid from the appropriation or fund of original  
38 certification of the claim, except, that if such  
39 appropriation or fund has since reverted under section  
40 8.33 or the claim is made for an amount recoverable  
41 pursuant to section 147B.8, subsection 4, then such  
42 payment authorized by the state appeal board shall be  
43 out of any money in the state treasury not otherwise  
44 appropriated. Notwithstanding the provisions of this  
45 section, the state comptroller may reissue outdated  
46 warrants."

47 2. Page 10, by inserting after page 2 the  
48 following:

49 "Sec. \_\_\_\_\_. Notwithstanding section 4.12, if any  
50 provision of this Act is held invalid, the whole Act.

## Page 15

- 1 is invalid, and to this end the provisions of the Act  
 2 are not severable.  
 3 Sec. \_\_\_\_\_. Sections 1 through 23 of this Act take  
 4 effect upon enactment, and the commissioner shall take  
 5 all actions necessary to implement the provisions of  
 6 sections 1 through 23 of this Act on or before January  
 7 1, 1988.”  
 8 3. Renumber as necessary.

Black of Jasper in the chair at 11:48 a.m.

Jochum of Dubuque rose on a point of order that amendment H—4143 was not germane.

The Speaker ruled the point well taken and amendment H—4143 not germane.

Groninga of Cerro Gordo moved that the rules be suspended to consider amendment H—4143.

Roll call was requested by Stromer of Hancock and Hanson of Delaware.

Rule 75 was invoked.

On the question “Shall the rules be suspended to consider amendment H—4143?” (H.F. 681)

The ayes were, 55:

Beaman	Bennett	Blanshan	Branstad
Carpenter	Chapman	Clark	Cooper
Corbett	Daggett	De Groot	Diemer
Eddie	Fogarty	Fuller	Garman
Groninga	Hanson, D. R.	Harbor	Hermann
Hester	Hummel	Johnson	Knapp
Koenigs	Kremer	Lageschulte	Lundby
Maulsby	May	Metcalf	Miller
Mullins	Ollie	Osterberg	Paulin
Pellet	Petersen, D. F.	Plasier	Platt
Poncy	Renken	Royer	Running
Schnekloth	Shoning	Siegrist	Skow
Stromer	Stueland	Svoboda	Swearingen
Tabor	Van Camp	Van Maanen	

The nays were, 39:

Adams	Arnould	Beatty	Brammer
Buhr	Cohoon	Connolly	Connors
Corey	Doderer	Dvorsky	Fey
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Hansen, S. D.	Harper	Hatch	Haverland

Holveck	Jochum	McKean	McKinney
Muhlbauer	Neuhauser	Norrgard	Parker
Pavich	Peters	Peterson, M. K.	Renaud
Rosenberg	Schrader	Spear	Swartz
Teaford	Wise	Mr. Speaker (Black)	

Absent or not voting, 6:

Avenson	Bisignano	Jay	Sherzan
Shoultz	Tyrrell		

The motion prevailed and the rules were suspended to consider amendment H—4143.

Speaker Avenson in the chair at 11:59 a.m.

Arnould of Scott asked and received unanimous consent that House File 681 be deferred and that the bill retain its place on the calendar.

(Amendment H—4143 pending.)

On motion by Arnould of Scott, the House was recessed at 12:02 p.m., until 1:00 p.m.

#### AFTERNOON SESSION

The House reconvened, Speaker Avenson in the chair.

The House stood at ease at 2:12 p.m., until the fall of the gavel.

The House resumed session at 3:28 p.m., Speaker Avenson in the chair.

#### 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 511**, a bill for an act relating to and making appropriations to agencies, boards, commissions, departments, and programs of state government relating to elected officials, the executive council, management, revenue and finance, personnel, general services, economic development, agriculture, natural resources, and education, providing effective dates, and making certain provisions retroactive.

Fiscal Note is not required.

Recommended **Do Pass** May 1, 1987.

**RULES SUSPENDED**

Arnould of Scott asked for unanimous consent to suspend the rules for the immediate consideration of Senate File 511.

**CONSIDERATION OF BILLS**  
**Appropriations Calendar**

**Senate File 511**, a bill for an act relating to and making appropriations to agencies, boards, commissions, departments, and programs of state government relating to elected officials, the executive council, management, revenue and finance, personnel, general services, economic development, agriculture, natural resources, and education, providing effective dates, and making certain provisions retroactive, with report of committee recommending passage was taken up for consideration.

Corbett of Linn offered the following amendment H—4158 filed by him from the floor and moved its adoption:

H—4158

- 1 Amend Senate File 511, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, line 14, by striking the figure
- 4 "1,308,292" and inserting the following: "1,260,292".

Amendment H—4158 lost.

Harbor of Mills offered the following amendment H—4163 filed from the floor by Harbor, Carpenter and Hummel and moved its adoption:

H—4163

- 1 Amend Senate File 511, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, line 14, by striking the figure
- 4 "1,308,292" and inserting the following: "1,230,399".

Amendment H—4163 lost.

Harbor of Mills offered the following amendment H—4162 filed from the floor by Harbor, Halvorson of Clayton and Hummel and moved its adoption:

H—4162

- 1 Amend Senate File 511, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 5, line 3, by striking the figure
- 4 "5,379,627" and inserting the following: "5,898,627".

- 5 2. Page 5, by inserting after line 13 the
- 6 following:
- 7 "\_\_\_\_\_. For capital building
- 8 restoration ..... \$1,000,000".
- 9 3. Page 5, line 19, by striking the figure
- 10 "1,639,067" and inserting the following: "1,748,222".

Amendment H—4162 lost.

Swartz of Marshall offered the following amendment H—4171 filed by him from the floor and moved its adoption:

H—4171

1 Amend Senate File 511, as amended, passed, and re-  
2 printed by the Senate, as follows:

3 1. Page 17, by inserting after line 22 the  
4 following:

5 "Sec. \_\_\_\_\_. NEW SECTION. 12.40 TARGETED SMALL  
6 BUSINESS LINKED DEPOSIT PROGRAM.

7 The treasurer of state shall adopt rules to  
8 implement a targeted small business linked deposit  
9 program to increase the availability of lower cost  
10 funds to inject needed capital into small businesses  
11 owned and operated by women or minorities, which is  
12 the public policy of the state. The rules shall be in  
13 accordance with the following:

14 1. "Targeted small business" means a business as  
15 defined in section 220.111, subsection 1.

16 2. A linked deposit shall only be approved in  
17 connection with a loan application for a targeted  
18 small business which has been certified pursuant to  
19 section 15.108, subsection 7, paragraph "c",  
20 subparagraph (4).

21 3. Loan applications for a targeted small business  
22 shall be for the purchase of land, machinery,  
23 equipment, or licenses, or patent, trademark, or  
24 copyright fees and expenses, but not inventory.

25 4. The maximum size of a targeted small business  
26 loan is one hundred thousand dollars per borrower for  
27 intangible property and two hundred fifty thousand  
28 dollars per borrower for tangible personal or real  
29 property.

30 Sec. \_\_\_\_\_. NEW SECTION. 12.41 IOWA SATISFACTION  
31 AND PERFORMANCE BOND PROGRAM.

32 The treasurer of state shall set aside up to one  
33 hundred fifty thousand dollars of the interest earned  
34 on the moneys in the Iowa plan fund to establish a  
35 state of Iowa satisfaction and performance bond  
36 program for targeted small businesses which are unable  
37 to obtain a satisfaction and performance bond required  
38 for a specific project or business because of a lack

39 of experience. The bond program shall not provide a  
 40 state-backed bond to a business with a record of  
 41 repeated failure of substantial performance or  
 42 material breach of prior contracts. The program is  
 43 intended to enable targeted small businesses lacking  
 44 sufficient experience or history for the commercial  
 45 bond market to enter a business requiring bonding.  
 46 The state aid will permit a business to obtain the  
 47 necessary experience and establish a satisfactory  
 48 history to later obtain bonding in the commercial bond  
 49 market. The state bond program is not intended to  
 50 perpetuate a business which has previously

**Page 2**

1 demonstrated in the commercial bond market or through  
 2 breach of contracts that it is an unsatisfactorily  
 3 high risk for bonding purposes. The treasurer of  
 4 state shall administer the program pursuant to these  
 5 goals and with reference to appropriate actuarial  
 6 standards. The treasurer of state may adopt rules to  
 7 implement this program."

8 2. Page 39, by inserting after line 26 the  
 9 following:

10 "Sec. \_\_\_\_\_. **NEW SECTION. 15.110 TARGETED SMALL**  
 11 **BUSINESS LOAN AND EQUITY GRANT PROGRAM.**

12 A targeted small business loan and equity grant  
 13 program is established within the Iowa department of  
 14 economic development. The director shall adopt rules  
 15 establishing the standards and procedures for  
 16 distributing grants, providing loans, buying down the  
 17 interest on loans, or buying down the principal on  
 18 loans for newly created small businesses. The total  
 19 amount of assistance to any one business shall not  
 20 exceed five thousand dollars. Standards shall give  
 21 top priority to applicants who establish targeted  
 22 small businesses in industries or fields for which no  
 23 targeted small business has been certified pursuant to  
 24 section 15.108, subsection 7, paragraph "c",  
 25 subparagraph (4).

26 Sec. \_\_\_\_\_. Section 28.120, subsection 6, Code 1987,  
 27 is amended to read as follows:

28 6. If the Iowa department of economic development  
 29 determines that sufficient funds exist in the special  
 30 account provided in subsection 5 for the purposes  
 31 provided in subsection 5, up to twenty-five Fifteen  
 32 percent of the loan repayments for the fiscal year  
 33 received by the Iowa department of economic  
 34 development may shall be deposited in the revolving  
 35 loan fund to operate the self-employment loan program  
 36 as both were established in section 15.241 under the  
 37 department of economic development and five percent of

38 the loan repayments for the fiscal year shall be  
39 deposited in the revolving loan fund to operate the  
40 targeted small business loan and equity grant program  
41 established in section 15.110. Funds in this  
42 revolving loan fund shall not revert to the state  
43 general fund at the end of any fiscal year. Loan  
44 repayments from the self-employment loan program and  
45 the targeted small business loan and equity grant  
46 program shall be deposited in the revolving loan fund.  
47 Deposits of funds under this subsection may shall  
48 occur only for the fiscal years beginning July 1,  
49 1986, July 1, 1987, July 1, 1988, and July 1, 1989."

Amendment H—4171 was adopted.

Paulin of Plymouth offered the following amendment H—4146 filed by Paulin, et al., and moved its adoption:

H—4146

1 Amend Senate File 511 as amended, passed and  
2 reprinted by the Senate as follows:  
3 1. Page 30, line 27, by striking the word  
4 "growing" and inserting the following: "production  
5 and distribution".  
6 2. Page 30, line 31, by striking the words  
7 "growing of" and inserting the following: "production  
8 and distribution of the".  
9 3. Page 30, line 34, by striking the word  
10 "growing" and inserting the following: "production  
11 and distribution".

Amendment H—4146 was adopted.

Swartz of Marshall offered the following amendment H—4168 filed by him from the floor and moved its adoption:

H—4168

1 Amend Senate File 511 as amended, passed, and  
2 reprinted by the Senate as follows:  
3 1. Page 32, by inserting after line 28 the  
4 following:  
5 "The department and the cooperative extension  
6 service in agriculture and home economics of the Iowa  
7 State University of science and technology shall enter  
8 into an agreement under chapter 28E that provides a  
9 procedure for coordinating the economic development  
10 activities of the department with the economic  
11 development activities of the cooperative extension  
12 service in agriculture and home economics of the Iowa  
13 State University of science and technology."  
14 2. Page 55, by inserting after line 5 the

15 following:

16 "The cooperative extension service in agriculture  
17 and home economics and the department of economic  
18 development shall enter into an agreement under  
19 chapter 28E that provides a procedure for coordinating  
20 the economic development activities of the cooperative  
21 extension service in agriculture and home economics  
22 with the economic development activities of the  
23 department of economic development."

Amendment H—4168 was adopted.

Swartz of Marshall offered the following amendment H—4170 filed from the floor by Swartz, Johnson, Osterberg, Rosenberg and Hatch and moved its adoption:

H—4170

1 Amend Senate File 511 as amended, passed, and re-  
2 printed by the Senate, as follows:

3 1. Page 39, by inserting after line 31 the fol-  
4 lowing:

5 "Sec. \_\_\_\_\_. The general assembly recognizes the  
6 numerous environmental hazards which pose a threat to  
7 human and animal life in Iowa and the world. The  
8 technology for the removal of these hazards from our  
9 environment will improve the quality of life for  
10 Iowans and will also be an important body of knowledge  
11 from which promising economic development oppor-  
12 tunities will evolve.

13 In the areas of human health and life, Iowa has  
14 been recognized as a leader in food production,  
15 medical research, and pharmaceutical technology. To  
16 protect the quality of life in Iowa and to enhance  
17 economic opportunities for Iowans it is the policy of  
18 this state that during the next twenty years the Iowa  
19 economic development board shall focus Iowa's  
20 resources and developmental strategies on the basic  
21 strengths of Iowa as they relate to human life and  
22 health. The Iowa economic development board shall use  
23 available resources to enhance the development of  
24 Iowa's industries and bodies of knowledge as they  
25 relate to food production, food processing, food  
26 preservation, nutrition, medicine, pharmacy, chemical-  
27 free water, clean air, and environmental safety.

28 It is the intent of the general assembly that the  
29 Iowa economic development board incorporate the goals  
30 specified in this section into the twenty-year  
31 comprehensive economic development plan to be  
32 developed by the board pursuant to section 15.104,  
33 subsection 1."

Amendment H—4170 was adopted.

Ollie of Clinton offered the following amendment H—4090 filed by him and moved its adoption:

H—4090

- 1 Amend Senate File 511 as amended, passed, and
- 2 reprinted by the Senate as follows:
- 3 1. Page 43, line 22, by striking the words "the
- 4 state board of regents" and inserting the following:
- 5 "institutions of higher education".

Amendment H—4090 was adopted.

Swartz of Marshall offered the following amendment H—4173 filed from the floor by Swartz, Johnson, Osterberg, Rosenberg and Hatch and moved its adoption:

H—4173

- 1 Amend Senate File 511, as amended, passed, and re-
- 2 printed by the Senate, as follows:
- 3 1. Page 48, by striking line 22 and inserting the
- 4 following:
- 5 "and miscellaneous purposes
- 6 and for the establishment of
- 7 a consortium consisting of
- 8 representatives of Iowa State
- 9 University, the University of
- 10 Iowa, and the University of
- 11 Northern Iowa as equal partic-
- 12 ipants to establish and use a
- 13 process for the exchange and
- 14 integration of knowledge among
- 15 the universities in the fields
- 16 including but not limited to
- 17 food production, food proces-
- 18 sing, food preservation,
- 19 nutrition, medicine, pharmacy,
- 20 chemical-free water, clean air,
- 21 and environmental safety. The
- 22 consortium shall also establish
- 23 a means for the integration of
- 24 knowledge across disciplines
- 25 in each of the universities.
- 26 In the establishment of the
- 27 process for integration and
- 28 exchange of knowledge for these
- 29 purposes, the consortium shall
- 30 also develop a process for dis-
- 31 seminating this knowledge to
- 32 the public for personal and
- 33 business use by Iowans . . . . . \$ 483,370".
- 34 2. Page 48, by inserting after line 22 the

35 following:

36 "The state of Iowa recognizes the numerous hazards  
37 which pose a threat to human health and the  
38 environment of Iowa and the world. The technology for  
39 the removal of these hazards from our environment will  
40 improve the quality of life for Iowans and will also  
41 be an important body of knowledge from which promising  
42 economic development opportunities will emerge.

43 Iowa has been recognized as a leader in food  
44 production, medical research, and pharmaceutical  
45 technology. To protect the quality of life in Iowa  
46 and to enhance economic opportunities for Iowans it is  
47 the policy of this state that during the next twenty  
48 years the state board of regents shall focus Iowa's  
49 resources and developmental strategies on the basic  
50 strengths of Iowa as they relate to human health and

Page 2

1 environmental protection. The state board of regents  
2 shall enhance the development of Iowa's industries and  
3 bodies of knowledge as they relate to food production,  
4 food processing, food preservation, nutrition,  
5 medicine, pharmacy, chemical-free water, clean air and  
6 environmental safety."

Amendment H—4173 was adopted.

Skow of Guthrie in the chair at 4:05 p.m.

Teaford of Black Hawk offered the following amendment H—4093  
filed by her and moved its adoption:

H—4093

1 Amend Senate File 511 as amended, passed, and  
2 reprinted by the Senate as follows:  
3 1. Page 56, by striking lines 8 through 10 and  
4 inserting the following: "discriminated against in  
5 having access to an on-campus self-supporting student  
6 operated book exchange."

Amendment H—4093 was adopted.

Poncy of Wapello offered the following amendment H—4182 filed  
by him from the floor and moved its adoption:

H—4182

1 Amend Senate File 511 as amended, passed and  
2 reprinted by the Senate as follows:  
3 1. Page 68, by striking lines 1 through 4 and  
4 inserting the following:  
5 "Sec. \_\_\_\_\_. Section 261.9, subsection 5, Code 1987,

- 6 is amended by adding the following new paragraph:  
7 **NEW PARAGRAPH.** e. Which was eligible to  
8 participate in the tuition grant".  
9 2. Page 68, by striking line 7 and inserting the  
10 following: "will continue to be eligible during the".

Amendment H—4182 was adopted.

Carpenter of Polk offered the following amendment H—4164 filed by her from the floor and moved its adoption:

H—4164

- 1 Amend Senate File 511 as amended, passed and  
2 reprinted by the Senate, as follows:  
3 1. Page 70, line 14, by striking the word  
4 "physical" and inserting the word "occupational".

Amendment H—4164 was adopted.

Van Maanen of Mahaska offered the following amendment H—4172 filed by him and Hatch of Polk from the floor and moved its adoption:

H—4172

- 1 Amend Senate File 511 as amended, passed and  
2 reprinted by the Senate as follows:  
3 1. By striking page 71, line 22 through page 72,  
4 line 5.

Amendment H—4172 was adopted.

Halvorson of Clayton offered the following amendment H—4157 filed from the floor by Halvorson of Clayton, Harbor and Jochum and moved its adoption:

H—4157

- 1 Amend Senate File 511, as amended, passed, and  
2 reprinted by the Senate, as follows:  
3 1. Page 72, by inserting after line 5 the  
4 following:  
5 "Sec. \_\_\_\_\_. Section 262.61, Code 1987, is amended  
6 by adding the following new unnumbered paragraph:  
7 **NEW UNNUMBERED PARAGRAPH.** If the amount of bonds  
8 or notes issued under this chapter exceeds the actual  
9 costs of the projects for which the bonds or notes  
10 were issued, the amount of the difference shall be  
11 used to pay the principal and interest due on bonds or  
12 notes issued under this chapter."  
13 2. Page 72, by inserting after line 5 the  
14 following:  
15 "Sec. \_\_\_\_\_. Section 262A.9, Code 1987, is amended  
16 by adding the following new unnumbered paragraph:

17 NEW UNNUMBERED PARAGRAPH. If the amount of bonds  
 18 issued under this chapter exceeds the actual costs of  
 19 the projects for which bonds were issued, the amount  
 20 of the difference shall be used to pay the principal  
 21 and interest due on bonds issued under this chapter.  
 22 Sec. \_\_\_\_\_. Section 263A.7, Code 1987, is amended by  
 23 adding the following new unnumbered paragraph:  
 24 NEW UNNUMBERED PARAGRAPH. If the amount of bonds  
 25 or notes issued under this chapter exceeds the actual  
 26 costs of the projects for which the bonds or notes  
 27 were issued, the amount of the difference shall be  
 28 used to pay the principal and interest due on bonds or  
 29 notes issued under this chapter.”

Amendment H—4157 was adopted.

Schrader of Marion offered the following amendment H—4169  
 filed by him from the floor and moved its adoption:

H—4169

1 Amend Senate File 511, as amended, passed, and  
 2 reprinted by the Senate, as follows:  
 3 1. Page 72, by inserting after line 5 the  
 4 following:  
 5 “Sec. \_\_\_\_\_. Section 273.3, subsection 6, Code 1987,  
 6 is amended to read as follows:  
 7 6. Area education agencies may co-operate and  
 8 contract between themselves and with other public  
 9 agencies to provide special education programs and  
 10 services, media services, and educational services to  
 11 schools and children residing within their respective  
 12 areas. Area education agencies may provide print and  
 13 nonprint materials to public and private colleges and  
 14 universities that have teacher education programs  
 15 approved by the state board of education.”

Amendment H—4169 was adopted.

Jochum of Dubuque offered the following amendment H—4175  
 filed by him and Siegrist of Pottawattamie from the floor and moved  
 its adoption:

H—4175

1 Amend Senate File 511 as amended, passed and  
 2 reprinted by the Senate as follows:  
 3 1. Page 72, by inserting after line 5 the  
 4 following:  
 5 “Sec. \_\_\_\_\_. NEW SECTION. 269.3 CLASSROOM  
 6 TEACHERS.  
 7 For purposes of chapter 20, classroom teachers  
 8 employed by the Iowa braille and sight-saving school

9 shall be accreted to the faculty employee organization  
10 at the University of Northern Iowa.

11 Sec. \_\_\_\_\_. NEW SECTION. 270.11 CLASSROOM  
12 TEACHERS.

13 For purposes of chapter 20, classroom teachers  
14 employed by the school for the deaf shall be accreted  
15 to the faculty employee organization at the University  
16 of Northern Iowa."

Amendment H—4175 was adopted.

Fuller of Hardin offered the following amendment H—4141 filed  
by Fuller, et al., and moved its adoption:

H—4141

1 Amend Senate File 511, as amended, passed and  
2 reprinted by the Senate as follows:

3 1. Page 82, by inserting after line 12 the  
4 following:

5 "Sec. \_\_\_\_\_. NEW SECTION. 294A.26 COVERAGE OF  
6 CERTAIN TEACHERS.

7 For each fiscal year commencing with the fiscal  
8 year beginning July 1, 1987, there is appropriated  
9 from the general fund of the state to the department  
10 of education the following amounts:

11 1. The amount of ninety-four thousand six hundred  
12 (94,600) dollars to be paid to the state board of  
13 regents for distribution to certificated classroom  
14 teachers at the Iowa braille and sightsaving school  
15 and the Iowa school for the deaf for payments of  
16 minimum salary supplements for phase I and payments  
17 for phase II based upon the average yearly enrollment  
18 at each school as determined by the state board.

19 2. The amount of one hundred fifteen thousand five  
20 hundred (115,500) dollars to be paid to the department  
21 of human services for distribution to its certificated  
22 classroom teachers at institutions under the control  
23 of the department of human services for payments for  
24 phase II based upon the average student yearly  
25 enrollment at each institution as determined by the  
26 department of human services."

Amendment H—4141 lost.

Ollie of Clinton asked and received unanimous consent to defer  
action on amendment H—4086.

Hatch of Polk offered the following amendment H—4183 filed by  
him from the floor and moved its adoption:

H—4183

1 Amend Senate File 511 as amended, passed, and  
2 reprinted by the Senate as follows:

3 1. Page 72, by inserting after line 5 the  
4 following:

5 "Sec. \_\_\_\_\_. Section 262A.4, Code 1987, is amended  
6 to read as follows:

7 262A.4 AUTHORIZATION OF GENERAL ASSEMBLY AND  
8 GOVERNOR.

9 Subject to and in accordance with the provisions of  
10 this chapter, the state board of regents after  
11 authorization by a constitutional majority of each  
12 house of the general assembly and approval by the  
13 governor may undertake and carry out any project as  
14 defined in this chapter at the institutions now or  
15 hereafter under the jurisdiction of the board. The  
16 state board of regents shall request authorization  
17 from the general assembly for a project only after the  
18 planning phase for the project, including the  
19 completion of architectural plans for the project if  
20 architectural plans are required, has been completed.  
21 The state board of regents is authorized to operate,  
22 control, maintain, and manage buildings and facilities  
23 and additions to such buildings and facilities at each  
24 of said institutions. All contracts for the  
25 construction, reconstruction, completion, equipment,  
26 improvement, repair or remodeling of any buildings,  
27 additions, or facilities shall be let in accordance  
28 with the provisions of section 262.34. The title to  
29 all real estate acquired under the provisions of this  
30 chapter and the improvements erected thereon shall be  
31 taken and held in the name of the state of Iowa."

Amendment H—4183 lost.

Jochum of Dubuque offered the following amendment H—4166  
filed by him from the floor:

H—4166

1 Amend Senate File 511 as amended, passed, and  
2 reprinted by the Senate as follows:

3 1. Page 1, line 35, by striking the figure  
4 "79,554" and inserting the following: "68,246".

5 2. Page 3, line 7, by striking the figure  
6 "122,518" and inserting the following: "113,518".

7 3. Page 4, lines 21 and 22, by striking the words  
8 "two hundred thirty-three point six" and inserting the  
9 following: "two hundred thirty point ten".

10 4. Page 4, line 24, by striking the figure  
11 "5,108,985" and inserting the following: "5,043,985".

12 5. Page 4, by striking lines 25 through 28.

13 6. Page 5, line 19, by striking the figure  
14 "1,639,067" and inserting the following: "1,583,067".

15 7. By striking page 9, line 15 through page 10,  
16 line 1 and inserting the following:  
17 "For salaries and support for  
18 not more than six hundred thirteen  
19 point twenty-eight full-time equiv-  
20 alent positions, maintenance, and  
21 miscellaneous purposes . . . . . \$ 17,316,998".

22 8. Page 12, line 21, by striking the word "two"  
23 and inserting the following: "one".

24 9. Page 12, line 22, by striking the figure  
25 "2,475,000" and inserting the following: "1,475,000".

26 10. Page 12, line 24, by inserting after the  
27 figure "422.100." the following: "Notwithstanding  
28 section 422.100, the funds to be allocated to the  
29 counties from the moneys and credits replacement fund  
30 which are to be credited to the county general fund  
31 during the fiscal year beginning July 1, 1987 and  
32 ending June 30, 1988 shall not be distributed to the  
33 counties but shall remain in the moneys and credits  
34 replacement fund. The funds allocated to the counties  
35 from the moneys and credits replacement fund during  
36 the fiscal year beginning July 1, 1987 and ending June  
37 30, 1988, shall be allocated to cities as required by  
38 law by the county treasurer."

39 11. Page 13, by striking lines 15 through 22.

40 12. Page 13, by striking lines 24 through 31 and  
41 inserting the following:

42 "1. There is appropriated from the general fund of  
43 the state to the salary adjustment fund provided for  
44 in section 8.43, for the fiscal year beginning July 1,  
45 1987 and ending June 30, 1988, the following amounts,  
46 or so much thereof as is necessary, to be distributed  
47 to the designated political subdivisions or public  
48 agencies as follows:

49  
50 1987-1988  
Fiscal Year

**Page 2**

1 a. To the various public  
2 agencies and departments in-  
3 cluding nonfaculty salary  
4 increases for the state board  
5 of regents, except those  
6 agencies and departments  
7 allocated funds under  
8 paragraphs "b" and "c" of this  
9 subsection . . . . . \$ 24,014,163

10 b. To the state board of  
11 regents for faculty salary  
12 increases . . . . . \$ 11,459,183

- 13 c. To the judicial dis-  
 14 trict department of correct-  
 15 ional services as defined in  
 16 section 905.1 .....\$ 1,526,654  
 17 If the funds appropriated by this subsection are  
 18 insufficient to meet the obligations for the funds,  
 19 the allocation to each public agency or department may  
 20 be reduced.”  
 21 13. Page 15, lines 8 through 11, by striking the  
 22 words “in the same proportion that the payroll for  
 23 each individual program for the fiscal year ending  
 24 June 30, 1987 is to the annual payroll for all  
 25 programs for that fiscal year”.  
 26 14. Page 17, by inserting after line 34 the  
 27 following:  
 28 “Sec. \_\_\_\_\_. Section 18.134, Code 1987, is amended  
 29 to read as follows:  
 30 18.134 LIMITATION OF COMMUNICATIONS.  
 31 The department of general services shall not  
 32 provide or resell communications services to entities  
 33 other than state agencies. A political subdivision  
 34 receiving communications services from the state as of  
 35 April 1, 1986 may continue to do so until January 1,  
 36 1988. The rates charged to the political subdivision  
 37 shall be the same as the rates charged to state  
 38 agencies.”  
 39 15. Page 18, by striking lines 8 through 27.  
 40 16. Page 19, line 11, by striking the figure  
 41 “774,611” and inserting the following: “810,285”.  
 42 17. Page 19, by striking lines 12 through 14.  
 43 18. Page 19, line 30, by striking the word  
 44 “thirty-two” and inserting the following: “thirty-  
 45 eight”.  
 46 19. Page 19, line 35, by striking the word  
 47 “twenty-two” and inserting the following: “eighteen”.  
 48 20. Page 20, line 2, by striking the figure  
 49 “955,842” and inserting the following: “705,842”.  
 50 21. Page 20, by striking lines 10 through 14.

**Page 3**

- 1 22. Page 20, by inserting after line 20 the  
 2 following:  
 3 “Notwithstanding chapters 162, 163, 167, 192, 195,  
 4 208A, 210, 212, 213, 215, and 215A, the secretary of  
 5 agriculture may increase fees by rule relating to the  
 6 licensing, inspection, and certification provisions of  
 7 those chapters. The receipts resulting from any fee  
 8 increases shall not exceed three hundred thousand  
 9 (300,000) dollars. The department shall report any  
 10 proposed fee increase to the legislative council prior  
 11 to its adoption. The revenue collected as a result of

12 any increase in the fees shall be deposited in a  
13 regulatory trust fund which is hereby created and  
14 appropriated to the department for use by the  
15 regulatory division. The department shall report the  
16 disposition of the fee receipts to the legislative  
17 fiscal bureau and the department of management  
18 monthly. The department of agriculture and land  
19 stewardship shall report to the agriculture and  
20 natural resources appropriations subcommittee by  
21 February 1, 1988 on the amounts of the fee increases  
22 and the projected expenses."

23 23. Page 20, line 24, by striking the figure  
24 "674,472" and inserting the following: "593,578".

25 24. Page 20, by inserting after line 34 the  
26 following:

27 "Notwithstanding chapters 198, 200, 201, and 206,  
28 the secretary of agriculture may increase fees and  
29 tonnage taxes by rule. The receipts from any fee or  
30 tonnage tax increases shall not exceed two hundred  
31 thousand (200,000) dollars. The department shall  
32 report any proposed fee or tonnage tax increase to the  
33 legislative council prior to its adoption. The  
34 department shall report to the legislative fiscal  
35 bureau and the department of management monthly as to  
36 the disposition of the fee and tonnage tax receipts.  
37 The department of agriculture and land stewardship  
38 shall report to the agriculture and natural resources  
39 appropriation subcommittee by February 1, 1988 on the  
40 amounts of the fee and tonnage tax increases and the  
41 projected expenses."

42 25. Page 21, line 3, by striking the words  
43 "eighty-six point seventy-four" and inserting the  
44 following: "eighty-two point zero five".

45 26. Page 21, line 7, by striking the figure  
46 "4,334,184" and inserting the following: "4,155,747".

47 27. Page 21, line 16, by striking the figure  
48 "6,616,519" and inserting the following: "6,546,519".

49 28. Page 22, by striking lines 12 through 15.

50 29. Page 22, by striking lines 23 through 29 and

#### Page 4

1 inserting the following:

2 "Sec. \_\_\_\_\_.

3 1. There is appropriated to the department of  
4 agriculture and land stewardship for the fiscal year  
5 beginning July 1, 1987 and ending June 30, 1988, from  
6 the general fund of the state, the sum of one hundred  
7 twelve thousand (112,000) dollars, or so much thereof  
8 as is necessary, as an advance for volunteer  
9 assistance and not more than three full-time  
10 equivalent positions for the administration of section

11 99D.22.

12 2. There is appropriated from the funds available  
13 under section 99D.13 to the general fund of the state  
14 an amount equal to that expended under subsection 1  
15 during the fiscal year beginning July 1, 1987 and  
16 ending June 30, 1988."

17 30. Page 29, by striking lines 8 through 16 and  
18 inserting the following:

19 "Sec. \_\_\_\_\_. There is appropriated from the general  
20 fund of the state to the department of natural  
21 resources for the fiscal year beginning July 1, 1987  
22 and ending June 30, 1988, the sum of forty thousand  
23 (40,000) dollars, or so much thereof as is necessary,  
24 to conduct a feasibility study of constructing a dam  
25 at Pine Lake state park."

26 31. Page 31, by striking lines 14 through 23.

27 32. Page 32, line 28, by striking the figure  
28 "1,691,788" and inserting the following: "1,641,788".

29 33. Page 33, line 3, by striking the figure  
30 "319,533" and inserting the following: "269,533".

31 34. Page 33, by striking lines 4 through 6.

32 35. By striking page 33, line 12 through page 34,  
33 line 19 and inserting the following:

34 "5. For personal services,  
35 salaries and support for not  
36 more than sixteen point four  
37 full-time equivalent positions,  
38 travel and subsistence of all  
39 staff assigned to tourism promo-  
40 tion including main office,  
41 welcome center, and film office  
42 personnel, office supplies, other  
43 supplies, printing and binding,  
44 communications, rentals, utilities,  
45 outside services and repairs, and  
46 office equipment ..... \$ 580,000

47 6. For tourism and  
48 promotion programs including  
49 contracted advertising and pub-  
50 licity, promotion, and printing

Page 5

1 services and for the state's  
2 share of a cooperative advertis-  
3 ing program ..... \$ 750,000

4 Of the funds appropriated by this subsection, fifty  
5 thousand (50,000) dollars, or so much thereof as is  
6 necessary, may be used to purchase or support the  
7 Grant Wood gothic house in Eldon, Iowa. The  
8 department shall cooperate with the historical  
9 division of the department of cultural affairs to

10 acquire and maintain the Grant Wood gothic house and  
 11 to promote the property as a tourist attraction. Of  
 12 the funds allocated for the purchase of the house,  
 13 unexpended funds shall be credited to the Grant Wood  
 14 gothic house trust fund which is created in the office  
 15 of the treasurer of state. The moneys in this fund  
 16 shall be administered by the historical division of  
 17 the department of cultural affairs and shall be used  
 18 to provide for the maintenance of the house and to  
 19 receive local public and private contributions for the  
 20 promotion and maintenance of the house as a tourist  
 21 site.

22 Of the funds appropriated by this subsection, fifty  
 23 thousand (50,000) dollars, or so much thereof as is  
 24 necessary, may be used for the evaluation of the  
 25 feasibility of preserving the historical significance  
 26 of and establishing tourism and recreation centers in  
 27 existing Iowa railway passenger stations and depots.  
 28 Local communities in which Iowa railway passenger  
 29 stations and depots are located shall match, on an  
 30 equal basis, state funds expended on evaluating the  
 31 respective station or depot.

32 7. For state aid, distributed  
 33 equally to three tourism  
 34 regions for planning and  
 35 operations of regional and  
 36 local tourism development  
 37 programs .....\$ 100,000

38 8. For professional  
 39 preparation of a state-  
 40 wide tourism development,  
 41 marketing, and information  
 42 delivery plan covering needs  
 43 and opportunities for the per-  
 44 iod 1988 through 1992 and for  
 45 implementation of the initial  
 46 phases of the plan, including  
 47 additional professional services,  
 48 travel and expenses, office  
 49 supplies, other supplies,  
 50 printing and binding, communica—

Page 6

1 tions, and other outside services .....\$ 60,000

2 The director of the department of economic  
 3 development shall establish and serve as chairperson  
 4 of a council of representatives of state agencies  
 5 having responsibilities for tourism development in  
 6 Iowa. The primary purposes of the council are to  
 7 improve the delivery of state tourism planning,  
 8 marketing, development, and funding services to the

9 private sector and to increase the efficiency and  
 10 quality of programs conducted by state agencies.  
 11 Council members shall include, but are not limited to,  
 12 representatives from the departments of economic  
 13 development, natural resources, cultural affairs, and  
 14 transportation and representatives of the private  
 15 sector.

16 Preparation of the statewide tourism development,  
 17 marketing, and information delivery plan as described  
 18 in subsection 8 shall involve, but is not limited to,  
 19 representatives of the departments of economic  
 20 development, natural resources, cultural affairs, and  
 21 transportation and representatives of the private  
 22 sector. The department may enter into contracts with  
 23 professional service firms for the preparation of the  
 24 plan. The plan shall be submitted to the Seventy-  
 25 second General Assembly no later than January 15,  
 26 1988, and shall have received the review and approval  
 27 by representative organizations of the recreation and  
 28 tourism industry before being submitted to the general  
 29 assembly."

30 36. Page 40, line 22, by striking the figure  
 31 "1,054,145" and inserting the following: "1,069,145".

32 37. Page 40, line 34, by striking the figure  
 33 "151,367" and inserting the following: "146,931".

34 38. Page 41, line 1, by striking the figure  
 35 "1,450,230" and inserting the following: "1,465,230".

36 39. Page 41, by striking lines 2 through 24.

37 40. Page 42, by inserting after line 8 the  
 38 following:

39 " \_\_\_\_\_ WORK STUDY PROGRAM  
 40 For the work study program  
 41 under sections 261.81 through  
 42 261.84 ..... \$ 1,000,000".

43 41. Page 42, by striking lines 9 through 12.

44 42. Page 43, by striking lines 9 and 10 and  
 45 inserting the following: "not more than one hundred  
 46 twenty-one full-time equiva".

47 43. Page 43, line 12, by striking the figure  
 48 "5,300,708" and inserting the following: "5,250,708".

49 44. Page 43, by striking line 17 and inserting  
 50 the following: "program established by law, four

Page 7

1 hundred thousand (400,000)".

2 45. Page 43, by striking lines 25 through 33.

3 46. Page 45, by striking lines 10 through 13.

4 47. Page 46, line 11, by striking the word  
 5 "seven" and inserting the following: "eight".

6 48. Page 46, by inserting after line 14 the  
 7 following:

8. "\_\_\_\_\_. EDUCATIONAL AID TO
- 9 INDIANS
- 10 For educational aid to
- 11 Indians under section 256.30 .....\$ 100,000".
- 12 49. Page 46, by striking lines 15 through 17.
- 13 50. Page 49, line 20, by striking the figure
- 14 "131,142,205" and inserting the following:
- 15 "128,164,112".
- 16 51. Page 49, by striking lines 21 through 31.
- 17 52. Page 50, line 28, by striking the figure
- 18 "25,529,058" and inserting the following:
- 19 "24,460,018".
- 20 53. Page 50, by striking lines 29 through 33.
- 21 54. Page 53, line 18, by striking the figure
- 22 "5,770,862" and inserting the following: "5,769,709".
- 23 55. Page 53, line 32, by striking the figure
- 24 "4,317,764" and inserting the following: "4,315,783".
- 25 56. Page 54, line 3, by striking the figure
- 26 "2,422,797" and inserting the following: "2,413,191".
- 27 57. Page 54, line 12, by striking the figure
- 28 "108,217,792" and inserting the following:
- 29 "105,974,261".
- 30 58. Page 54, by striking lines 13 through 25.
- 31 59. Page 55, line 13, by striking the word
- 32 "eleven" and inserting the following: "five point
- 33 one".
- 34 60. Page 55, line 14, by striking the figure
- 35 "414,846" and inserting the following: "140,377".
- 36 61. Page 55, line 25, by inserting after the word
- 37 "for" the following: "not more than one thousand".
- 38 62. Page 55, line 29, by striking the figure
- 39 "42,474,679" and inserting the following:
- 40 "41,418,676".
- 41 63. By striking page 55, line 30, through page
- 42 56, line 10.
- 43 64. Page 56, line 16, by striking the figure
- 44 "4,669,620" and inserting the following: "4,666,715".
- 45 65. Page 56, line 23, by striking the figure
- 46 "2,632,055" and inserting the following: "2,630,963".
- 47 66. By striking page 56, line 32 through page 58,
- 48 line 21.
- 49 67. Page 58, by striking lines 22 through 29 and
- 50 inserting the following:

**Page 8**

- 1 "Sec. 410. 1986 Iowa Acts, chapter 1246, section
- 2 111, subsection 7, unnumbered paragraph 2, is amended
- 3 by striking the unnumbered paragraph."
- 4 68. Page 59, by striking lines 26 through 32.
- 5 69. By striking page 59, line 33, through page
- 6 60, line 2.

7 70. Page 60, by striking lines 10 through 30.

8 71. Page 62, by inserting after line 33 the

9 following:

10 "Sec. \_\_\_\_\_. Nothing in this Act is intended by the  
11 general assembly to be the provision of a fair and  
12 equitable funding formula specified in 1985 Iowa Acts,  
13 chapter 249, section 9. Nothing in this Act shall be  
14 construed, is intended, or shall imply a claim of  
15 entitlement to any programs or services specified in  
16 section 225C.28."

17 72. By striking page 63, line 31 through page 66,  
18 line 31.

19 73. Page 67, by inserting after line 31 the  
20 following:

21 "Sec. \_\_\_\_\_. NEW SECTION. 256.30 EDUCATIONAL  
22 EXPENSES FOR INDIANS.

23 The department of education shall provide moneys to  
24 pay the expense of educating Indian children residing  
25 in the Sac and Fox Indian settlement on land held in  
26 trust by the secretary of the interior of the United  
27 States in excess of federal moneys paid to the tribal  
28 council for educating the Indian children when moneys  
29 are appropriated for that purpose. The tribal council  
30 shall administer the moneys distributed to it by the  
31 department and shall submit an annual report to the  
32 department on the expenditure of the moneys."

33 74. Page 69, by striking lines 3 through 11 and  
34 inserting the following:

35 "Sec. \_\_\_\_\_. Section 261.25, subsection 1, Code  
36 1987, is amended to read as follows:

37 1. There is appropriated from the general fund of  
38 the state to the commission for each fiscal year the  
39 sum of twenty twenty-three million six hundred eight  
40 hundred nineteen thousand eighty-four dollars for  
41 tuition grants."

42 75. Page 70, by inserting after line 22 the  
43 following:

44 "Sec. \_\_\_\_\_. Section 261.63, Code 1987, is amended  
45 to read as follows:

46 261.63 APPROPRIATION.

47 Commencing July 1, ~~1984~~ 1988, there is appropriated  
48 from the general fund of the state to the commission  
49 for each fiscal year the sum of one million five  
50 hundred thousand dollars for supplemental grants."

**Page 9**

1 76. Page 70, by striking lines 23 through 33.

2 77. By striking page 72, line 8 through page 73,  
3 line 8.

4 78. Page 82, by inserting after line 12 the  
5 following:

6 "Sec. \_\_\_\_\_. NEW SECTION. 294A.25 APPROPRIATION.

7 For each fiscal year commencing with the fiscal  
8 year beginning July 1, 1987, there is appropriated  
9 from the general fund of the state to the educational  
10 excellence fund to be allocated to school districts  
11 and area education agencies by the department of  
12 education the amount of ninety-two million five  
13 hundred thousand dollars, to be allocated in an amount  
14 to meet the minimum salary requirements of this  
15 chapter for phase I, in an amount of thirty-eight  
16 million five hundred thousand dollars for phase II,  
17 and the remainder of the appropriation for phase III.

18 As a condition of the appropriation in this  
19 section, and notwithstanding section 8.31, if at any  
20 time between July 1, 1987 and February 1, 1988, the  
21 governor determines that the estimated budget  
22 resources of the state will be insufficient to pay all  
23 appropriations in full for the fiscal year beginning  
24 July 1, 1987 and ending June 30, 1988, in lieu of  
25 using section 8.31 to modify allotments on a uniform  
26 basis, the governor shall certify to the department of  
27 education the amount by which budget resources are  
28 insufficient. The department of education shall  
29 notify the governor of the amount of moneys allocated  
30 for phase III under this chapter and pursuant to the  
31 appropriation made in this section. The governor  
32 shall order that the allocation for phase III be  
33 reduced by an amount equal to the amount that the  
34 budget resources are insufficient or by the amount  
35 contained in the department of education's  
36 notification to the governor under this section,  
37 whichever is less and shall certify to the department  
38 of education the amount of money available for phase  
39 III."

40 79. By striking page 82, line 24 through page 83,  
41 line 34.

42 80. Page 84, by striking lines 6 through 13.

43 81. Page 84, by striking lines 22 through 24 and  
44 inserting the following: "enactment."

45 82. Title page, lines 6 and 7, by striking the  
46 words "providing effective dates, and making certain  
47 provisions retroactive" and inserting the following:  
48 "providing a property tax exemption for certain  
49 educational facilities, establishing an office of  
50 state-federal relations, providing for the education

**Page 10**

1 of Indian children, establishing an occupational  
2 therapist loan program, providing for the sale of  
3 certain property and the purchase of certain property,  
4 providing tax exemption for certain property of a

- 5 public television station, and providing effective  
 6 dates".  
 7 83. Renumber as necessary.

Jochum of Dubuque offered the following amendment H—4176, to amendment H—4166, filed by him and Ollie of Clinton from the floor and moved its adoption:

H—4176

- 1 Amend the amendment, H—4166, to Senate File 511 as  
 2 amended, passed, and reprinted by the Senate, as  
 3 follows:  
 4 1. Page 8, line 31, by inserting after the word  
 5 "report" the following: "and other reports as  
 6 required by the department".  
 7 2. Page 8, by inserting after line 32 the  
 8 following:  
 9 "The tribal council shall first use moneys  
 10 distributed to it by the department of education for  
 11 the purposes of this section to pay the additional  
 12 costs of salaries for certificated instructional staff  
 13 for educational attainment and full-time equivalent  
 14 years of experience to equal the salaries listed on  
 15 the proposed salary schedule for the school at the Sac  
 16 and Fox Indian settlement for the school year  
 17 beginning July 1, 1987 as that salary schedule existed  
 18 on May 1, 1987, but the salary for a certificated  
 19 instructional staff member employed on a full-time  
 20 basis shall not be less than eighteen thousand  
 21 dollars. The department of management shall approve  
 22 allotments of moneys appropriated in this section when  
 23 the department of education certifies to the  
 24 department of management that the requirements of this  
 25 section have been met."

Amendment H—4176 was adopted.

Daggett of Adams offered the following amendment H—4178, to amendment H—4166, filed from the floor by Daggett, Siegrist and Halvorson of Clayton and moved its adoption:

H—4178

- 1 Amend amendment H—4166 to Senate File 511, as  
 2 amended, passed and reprinted by the Senate, as  
 3 follows:  
 4 1. Page 9, line 12, by striking the word "ninety-  
 5 two" and inserting the following: "ninety-seven".

Roll call was requested by Daggett of Adams and Halvorson of Clayton.

On the question "Shall amendment H—4178 be adopted?"  
(S.F. 511)

The ayes were, 35:

Beaman	Bennett	Branstad	Carpenter
Clark	Corbett	Corey	Daggett
Diemer	Eddie	Garman	Halvorson, R. A.
Halvorson, R. N.	Hanson, D. R.	Hermann	Hester
Kremer	Lageschulte	Lundby	Maulsby
McKean	Miller	Mullins	Paulin
Pellett	Petersen, D. F.	Plasier	Platt
Schneklath	Shoning	Siegrist	Stromer
Stueland	Swearingen	Van Camp	

The nays were, 55:

Adams	Arnould	Avenson	Beatty
Blanshan	Brammer	Buhr	Chapman
Connolly	Connors	Cooper	De Groot
Doderer	Dvorsky	Fey	Fogarty
Fuller	Groninga	Gruhn	Hammond
Hansen, S. D.	Harper	Hatch	Haverland
Holveck	Hummel	Jay	Jochum
Johnson	Knapp	Koenigs	May
McKinney	Muhlbauer	Neuhauser	Norrgard
Ollie	Osterberg	Parker	Pavich
Peters	Peterson, M. K.	Poncy	Renken
Rosenberg	Running	Schrader	Shoultz
Spear	Svoboda	Swartz	Tabor
Teaford	Van Maanen	Mr. Speaker (Skow)	

Absent or not voting, 10:

Bisignano	Black	Cohoon	Harbor
Metcalf	Renaud	Royer	Sherzan
Tyrrell	Wise		

Amendment H—4178 lost.

Division of amendment H—4166 was requested as follows:

H—4166A — page 1, lines 3 and 4.

H—4166B — page 1, lines 5 through 21 and lines 39 through 50;  
all of page 2; page 3, lines 1 through 24 and lines 47 through 50; page  
4, lines 1 through 28 and lines 31 through 50; all of pages 5, 6 and 7;  
page 8, lines 1 through 32 and lines 42 through 50; all of pages 9 and 10.

H—4166C — page 1, lines 22 through 25.

H—4166D — page 1, lines 26 through 38.

H—4166E — page 3, lines 25 through 41.

H—4166F — page 3, lines 42 through 46.

H—4166G — page 4, lines 29 and 30.

H—4166H — page 8, lines 33 through 41.

Van Maanen of Mahaska asked and received unanimous consent to defer action on amendment H—4166B.

On motion by Jochum of Dubuque, amendment H—4166A was adopted.

Jochum of Dubuque moved the adoption of amendment H—4166C.

Roll call was requested by Bennett of Ida and Lageschulte of Bremer.

On the question "Shall amendment H—4166C be adopted?"  
(S.F. 511)

The ayes were, 51:

Adams	Arnould	Beatty	Bisignano
Black	Blanshan	Brammer	Buhr
Chapman	Cohoon	Connors	Cooper
Diemer	Dvorsky	Fey	Fogarty
Groninga	Gruhn	Hammond	Hansen, S. D.
Harper	Hatch	Haverland	Holveck
Jay	Jochum	Johnson	Knapp
Koenigs	May	McKinney	Neuhauser
Norrsgard	Ollie	Osterberg	Parker
Pavich	Peters	Peterson, M. K.	Poncy
Renaud	Rosenberg	Running	Schrader
Shoultz	Spear	Swartz	Tabor
Teaford	Wise	Mr. Speaker (Skow)	

The nays were, 41:

Beaman	Bennett	Branstad	Carpenter
Clark	Corbett	Corey	Daggett
De Groot	Eddie	Fuller	Garman
Halvorson, R. A.	Halvorson, R. N.	Hanson, D. R.	Harbor
Hermann	Hester	Hummel	Kremer
Lundby	Maulsby	McKean	Metcalf
Miller	Mullins	Paulin	Pellett
Petersen, D. F.	Plasier	Renken	Royer
Schnekloth	Sherzan	Shoning	Siegrist
Stromer	Stueland	Swearingen	Van Camp
Van Maanen			

Absent or not voting, 8:

Avenson	Connolly	Doderer	Lageschulte
Muhlbauer	Platt	Svoboda	Tyrrell

Amendment H—4166C was adopted.

On motion by Jochum of Dubuque, amendment H—4166D was adopted.

Jochum of Dubuque moved the adoption of amendment H—4166E.

A non-record roll call was requested.

The ayes were 38, nays 30.

Amendment H—4166E was adopted.

Jochum of Dubuque moved the adoption of amendment H—4166F.

Roll call was requested by Pellett of Cass and Stueland of Clinton.

Rule 75 was invoked.

On the question "Shall amendment H—4166F be adopted?"  
(S.F. 511)

The ayes were, 52:

Adams	Arnould	Avenson	Beatty
Bisignano	Black	Blanshan	Brammer
Buhr	Chapman	Cohoon	Connolly
Connors	Cooper	Doderer	Dvorsky
Fey	Fogarty	Fuller	Groninga
Hammond	Hansen, S. D.	Harper	Hatch
Haverland	Holveck	Jay	Jochum
Johnson	Knapp	Koenigs	May
McKinney	Muhlbauer	Neuhauser	Norrgard
Ollie	Pavich	Peters	Peterson, M. K.
Poncy	Renaud	Rosenberg	Running
Schrader	Shoultz	Spear	Swartz
Tabor	Teaford	Wise	Mr. Speaker (Skow)

The nays were, 43:

Beaman	Bennett	Branstad	Carpenter
Clark	Corbett	Corey	Daggett
De Groot	Diemer	Eddie	Garman
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hanson, D. R.
Harbor	Hermann	Hester	Hummel
Kremer	Lageschulte	Lundby	Maulsby
McKean	Metcalf	Miller	Mullins
Osterberg	Paulin	Pellett	Petersen, D. F.
Plasier	Renken	Royer	Schneklath
Shoning	Siegrist	Stueland	Svoboda
Swearingen	Van Camp	Van Maanen	

Absent or not voting, 5:

Parker	Platt	Sherzan	Stromer
Tyrrell			

Amendment H—4166F was adopted.

On motion by Jochum of Dubuque, amendment H—4166G was adopted.

Jochum of Dubuque moved the adoption of amendment H—4166H.

Roll call was requested by Lageschulte of Bremer and Halvorson of Clayton.

On the question "Shall amendment H—4166H be adopted?" (S.F. 511)

The ayes were, 52:

Adams	Arnould	Avenson	Bisignano
Black	Blanshan	Brammer	Chapman
Clark	Cohoon	Connolly	Connors
Diemer	Doderer	Dvorsky	Fey
Fuller	Gruhn	Hammond	Hansen, S. D.
Harper	Hatch	Haverland	Jay
Jochum	Knapp	Koenigs	May
McKinney	Muhlbauer	Mullins	Neuhauser
Norrgard	Ollie	Parker	Pavich
Peters	Peterson, M. K.	Platt	Poncy
Rosenberg	Running	Schrader	Sherzan
Siegrist	Spear	Svoboda	Swartz
Tabor	Teaford	Wise	Mr. Speaker (Skow)

The nays were, 46:

Beaman	Beatty	Bennett	Branstad
Buhr	Carpenter	Cooper	Corbett
Corey	Daggett	De Groot	Eddie
Fogarty	Garman	Halvorson, R. A.	Halvorson, R. N.
Hanson, D. R.	Harbor	Hermann	Hester
Holveck	Hummel	Johnson	Kremer
Lageschulte	Lundby	Maulsby	McKean
Metcalf	Miller	Osterberg	Paulin
Pellett	Petersen, D. F.	Plasier	Renaud
Renken	Royer	Schnekloth	Shoning
Shoultz	Stromer	Stueland	Swearingen
Van Camp	Van Maanen		

Absent or not voting, 2:

Groninga	Tyrrell
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Amendment H—4166H was adopted.

The House resumed consideration of amendment H—4166B, previously deferred.

Speaker Avenson in the chair at 5:40 p.m.

Metcalf of Polk offered the following amendment H—4196, to amendment H—4166B, filed by her and Clark of Cerro Gordo from the floor and moved its adoption:

H—4196

- 1 Amend the Jochum amendment, H—4166, to Senate File
- 2 511, as amended, passed, and reprinted by the Senate,
- 3 as follows:
- 4 1. Page 1, by striking lines 7 through 12.

Amendment H—4196 lost.

McKean of Jones offered the following amendment H—4197, to amendment H—4166B, filed by him from the floor and moved its adoption:

H—4197

- 1 Amend amendment, H—4166 to Senate File 511 as
- 2 amended, passed and reprinted by the Senate as
- 3 follows:
- 4 1. Page 5, by inserting after line 21 the
- 5 following:
- 6 "Of the funds appropriated by this subsection,
- 7 fifteen thousand (15,000) dollars, or so much thereof
- 8 as is necessary, shall be used for the construction of
- 9 a storage and multi-use facility in Stone City, Iowa
- 10 for the storage of replicas of Grant Wood ice wagons
- 11 in which artists lived in Stone City, Iowa. The funds
- 12 available under this unnumbered paragraph shall be
- 13 matched on a dollar-for-dollar basis with moneys or
- 14 in-kind contributions from other sources.
- 15 Of the funds appropriated by this subsection,
- 16 twenty-five thousand (25,000) dollars, or so much
- 17 thereof as is necessary, shall be used for providing a
- 18 permanent Grant Wood information center and art
- 19 gallery in Anamosa, Iowa. The funds available under
- 20 this unnumbered paragraph shall be matched on a
- 21 dollar-for-dollar basis with moneys or in-kind
- 22 contributions from other sources."

Amendment H—4197 was adopted.

Black of Jasper offered the following amendment H—4198, to amendment H—4166B, filed from the floor by Black, Branstad, De Groot and Diemer and moved its adoption:

H—4198

- 1 Amend the Jochum amendment, H—4166, to Senate File

2 511, as amended, passed, and reprinted by the Senate,  
3 as follows:

4 1. Page 5, by inserting after line 31 the  
5 following:

6 "Of the funds appropriated by this subsection, one  
7 hundred twenty-five thousand (125,000) dollars, or so  
8 much thereof as is necessary, shall be used by the  
9 historical division of the department of cultural  
10 affairs to acquire by negotiated sale part of the land  
11 encompassing the Blood Run national historic landmark  
12 in Lyon county, Iowa.

13 Of the funds appropriated by this subsection, one  
14 hundred twenty-five thousand (125,000) dollars, or so  
15 much thereof as is necessary, to be used by the state  
16 department of transportation for the planning and  
17 acquisition of recreation trails as provided in House  
18 File 575. Not more than seventy-five thousand  
19 (75,000) dollars of the funds provided in this  
20 unnumbered paragraph shall be used for planning. Not  
21 more than fifty thousand (50,000) dollars shall be  
22 used for acquisition of land for recreation trails."

Amendment H—4198 was adopted.

Mullins of Kossuth offered amendment H—4195, to amendment  
H—4166B, filed by her from the floor and requested division as follows:

H—4195

1 Amend amendment, H—4166, to Senate File 511 as  
2 amended, passed and reprinted by the Senate as  
3 follows:

H—4195A

4 1. Page 7, by striking line 19 and inserting the  
5 following: "24,043,611."

H—4195B

6 2. Page 7, by inserting after line 46 the  
7 following:

8 "\_\_\_\_\_. Page 56, by inserting after line 31 the  
9 following:

10 "Sec. \_\_\_\_\_. There is appropriated from the general  
11 fund of the state to the Iowa department of public  
12 health for the fiscal year beginning July 1, 1987 the  
13 amount of four hundred sixteen thousand four hundred  
14 seven (416,407) dollars to be used for the  
15 decentralized indigent obstetrical program. The  
16 appropriation in this section is in addition to funds  
17 otherwise appropriated to the Iowa department of  
18 public health for the decentralized indigent  
19 obstetrical program."

Mullins of Kossuth moved the adoption of amendment H—4195A, to amendment H—4166B.

Amendment H—4195A was adopted.

Mullins of Kossuth moved the adoption of amendment H—4195B, to amendment H—4166B.

Amendment H—4195B was adopted.

Further division of amendment H—4166B was requested as follows:

Page 2, lines 26 through 38 to be amendment H—4166I.

The House resumed consideration of amendment H—4166B, as amended, previously deferred.

Hanson of Delaware asked and received unanimous consent to defer action on amendment H—4166B, as amended.

On motion by Jochum of Dubuque amendment H—4166I was adopted.

Hanson of Delaware offered the following amendment H—4185 filed by him from the floor:

H—4185

- 1 Amend Senate File 511, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 11, line 10, by striking the word
- 4 "thirty-two" and inserting the following: "thirty-
- 5 five".
- 6 2. Page 11, line 19, by striking the figure
- 7 "1,364,905" and inserting the following: "1,554,939".
- 8 3. Page 12, by striking lines 7 through 17.
- 9 4. By striking page 15, line 25 through page 17,
- 10 line 22 and inserting the following:
- 11 "Sec. \_\_\_\_\_. NEW SECTION. 8.10 PURPOSE.
- 12 The purpose of this Act is to create within the
- 13 department of management an office for state-federal
- 14 relations, and to establish general goals for the
- 15 operation of this office. In doing so, it is the
- 16 intent of the general assembly to develop a state-
- 17 federal relations program which is nonpartisan and
- 18 accessible to all three branches of state government.
- 19 Sec. \_\_\_\_\_. NEW SECTION. 8.11 DEFINITIONS.
- 20 As used in this chapter, unless the context
- 21 otherwise requires:
- 22 1. "Office" means the office for state-federal
- 23 relations as authorized in this Act.

24 2. "Delegation" means the state's elected senators  
25 and representatives to the United States congress, and  
26 their respective staff members.

27 Sec. \_\_\_\_\_. NEW SECTION. 8.12 GOALS.

28 The major goals of the office are:

29 1. To coordinate the development of the state's  
30 state-federal relations efforts which shall include an  
31 annual state-federal program to be presented to the  
32 Iowa delegation, program of regular training sessions  
33 for state government officials, and maintenance of a  
34 management information system.

35 2. To provide state government officials with  
36 greater access to current information on federal  
37 legislative and executive actions affecting state  
38 government.

39 3. To articulate positions or federal policies of  
40 importance to state government.

41 4. To monitor federal budget policies, assess  
42 their impact upon the state, and identify federal  
43 assistance programs which will benefit the state.

44 5. To strengthen the working relationships between  
45 state government officials and the congressional  
46 delegation and federal agencies.

47 6. To improve the state's ability to establish key  
48 contacts with other states, organizations, business  
49 groups, and professional associations to gain  
50 information and form cooperative agreements.

**Page 2**

1 Sec. \_\_\_\_\_. NEW SECTION. 8.13 PERSONNEL.

2 1. The office shall be administered by a director  
3 who shall be appointed by the governor and shall serve  
4 at the pleasure of the governor. If the office of the  
5 director becomes vacant, the vacancy shall be filled  
6 in the same manner as provided for the original  
7 appointment.

8 2. All other personnel of the office shall be  
9 employed in a manner consistent with department of  
10 management policies.

11 3. All employees of the office shall be exempt  
12 from chapter 19A.

13 Sec. \_\_\_\_\_. NEW SECTION. 8.14 ADVISORY COUNCIL.

14 The office shall have an advisory council  
15 consisting of the director of the department of  
16 management, the director of the legislative fiscal  
17 bureau and the administrator for the supreme court of  
18 Iowa. The function of the advisory council shall be  
19 to:

20 1. Promote cooperation among the agencies of the  
21 three branches of government in the development of an  
22 effective state-federal relations program.

23 2. Share appropriate information which will assist  
24 these agencies in the performance of their duties.

25 3. Review the plans and activities of the office,  
26 and make recommendations for improving the state-  
27 federal relations program.

28 Sec. \_\_\_\_\_. NEW SECTION. 8.15 LOCATION.

29 The office shall be located in Washington, D.C.

30 Sec. \_\_\_\_\_. NEW SECTION. 8.16 DEPARTMENT OF  
31 MANAGEMENT DUTIES.

32 The department of management shall provide  
33 administrative support services to the office. It  
34 shall also, to the extent possible, coordinate its  
35 planning, policy and fiscal responsibilities with the  
36 activities of the office.

37 Sec. \_\_\_\_\_. NEW SECTION. 8.17 COOPERATION.

38 All agencies of state government shall cooperate  
39 fully with the office on matters related to the  
40 fulfillment of its goals. Agencies may enter into  
41 agreements with the office to contract where  
42 appropriate for special services.

43 Sec. \_\_\_\_\_. NEW SECTION. 8.18 REPORTING.

44 By February 15, the office shall submit to the  
45 governor, the general assembly, and the supreme court  
46 an annual report detailing the activities and  
47 accomplishments of the office for the previous fiscal  
48 year."

49 5. Renumber sections and correct internal  
50 references as necessary.

Hanson of Delaware asked and received unanimous consent to withdraw lines 13 through 27 on page 2 of amendment H—4185.

Hanson of Delaware moved the adoption of amendment H—4185.

A non-record roll call was requested.

The ayes were 33, nays 45.

Amendment H—4185 lost.

Hanson of Delaware offered the following amendment H—4190 filed by him from the floor and moved its adoption:

H—4190

1 Amend Senate File 511, as amended, passed, and re-  
2 printed by the Senate, as follows:

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

5 "6. It is the intent of the general assembly that  
6 the department of agriculture and land stewardship, in  
7 its operation of the agricultural marketing program,  
8 shall conform its activities to the mission, goals,

9 and objectives provided in this subsection and collect  
10 information pertaining to performance measures  
11 developed by the legislative fiscal bureau. The  
12 department shall provide a report at least quarterly  
13 to the legislative fiscal bureau and the co-  
14 chairpersons and ranking members of the economic  
15 development appropriations subcommittee on the  
16 performance measures. The department shall be  
17 notified by the legislative fiscal bureau by July 1,  
18 1987 of the specific performance measures for which  
19 data shall be collected and reported.

20 The department shall operate an agricultural  
21 marketing program designed to lead to more  
22 advantageous marketing of Iowa agricultural products  
23 to accomplish the following objectives:

24 a. Investigate the subject of marketing  
25 agricultural products and recommend efficient and  
26 economical methods of marketing.

27 b. Promote the sales, distribution, and  
28 merchandising of agricultural products to be indicated  
29 by the number of trade or sales leads originated  
30 through the agricultural marketing programs, by the  
31 number of Iowa companies represented at trade shows,  
32 and by the number of out-of-state buyers contacted  
33 through trade shows and other promotional events.

34 c. Furnish information and assistance to the  
35 public concerning the marketing of agricultural  
36 products to be indicated by the number of Iowa  
37 companies that receive counseling or assistance.

38 d. Cooperate with the college of agriculture of  
39 Iowa State University of science and technology in  
40 farm marketing education and research and avoid  
41 unnecessary duplications to be indicated by the number  
42 of meetings with the university staff to discuss  
43 marketing research and education and number and type  
44 of recommendations generated from these meetings.

45 e. Gather and diffuse useful information  
46 concerning all phases of the marketing of Iowa farm  
47 products in cooperation with other public and private  
48 agencies.

49 f. Ascertain sources of supply of Iowa  
50 agricultural products and prepare and publish from

**Page 2**

1 time to time lists of names and addresses of producers  
2 and consignors and furnish lists to persons applying  
3 for them to be indicated by the number of potential  
4 out-of-state buyers that receive the list of Iowa  
5 suppliers.

6 g. Aid in the promotion and development of the  
7 agricultural processing industry in the state to be

8 indicated by the number of trade or sales leads  
 9 originated through the agricultural marketing  
 10 programs, the number of Iowa companies represented at  
 11 trade shows, the number of out-of-state buyers  
 12 contacted through trade shows and other promotional  
 13 events, and the number of Iowa companies meeting with  
 14 out-of-state buyers brought to Iowa as part of the  
 15 agricultural marketing programs."

Amendment H—4190 was adopted.

Hatch of Polk offered the following amendment H—4186 filed by him and Swartz of Marshall from the floor and moved its adoption:

H—4186

1 Amend Senate File 511, as amended, passed and  
 2 reprinted by the Senate, as follows:

3 1. Page 32, by inserting after line 28 the  
 4 following:

5 "As a condition of the appropriation made in this  
 6 subsection, the department shall enter into a 28E  
 7 agreement with the state board of regents for purposes  
 8 of insuring, to the greatest extent possible, that  
 9 research conducted at institutions under the control  
 10 of the state board of regents may be developed and  
 11 marketed by Iowa businesses."

12 2. Page 48, by inserting after line 22 the  
 13 following:

14 "As a condition of the appropriation made in this  
 15 paragraph, the board of regents shall enter into a 28E  
 16 agreement with the department of economic development  
 17 for purposes of insuring, to the greatest extent  
 18 possible, that research conducted at institutions  
 19 under the control of the board of regents may be  
 20 developed and marketed by Iowa businesses."

Amendment H—4186 was adopted.

Stromer of Hancock offered the following amendment H—4203 filed by him from the floor and moved its adoption:

H—4203

1 Amend Senate File 511, as amended, passed, and  
 2 reprinted by the Senate, as follows:

3 1. By striking page 46, line 23, through page 47,  
 4 line 5, and inserting the following: "struction in  
 5 such schools, the amount of fifty-seven million three  
 6 hundred seventeen thousand four hundred fifty-two  
 7 (57,317,452) dollars to be allocated as follows:

- 8 a. Merged Area I ..... \$2,686,416
- 9 b. Merged Area II ..... \$3,221,222

10	c. Merged Area III	\$3,064,341
11	d. Merged Area IV	\$1,484,411
12	e. Merged Area V	\$3,503,596
13	f. Merged Area VI	\$3,397,203
14	g. Merged Area VII	\$4,541,102
15	h. Merged Area IX	\$4,697,445
16	i. Merged Area X	\$7,661,994
17	j. Merged Area XI	\$7,502,146
18	k. Merged Area XII	\$3,380,999
19	l. Merged Area XIII	\$3,626,244
20	m. Merged Area XIV	\$1,476,463
21	n. Merged Area XV	\$4,370,086
22	o. Merged Area XVI	\$2,703,784"
23	2. Page 47, by striking lines 9 through 11 and	
24	inserting the following: "state financial aid to	
25	merged areas the amount of nineteen million one	
26	hundred five thousand eight hundred seventeen	
27	(19,105,817) dollars, to be accrued as income and used	
28	for".	
29	3. Page 47, by striking lines 15 through 29 and	
30	inserting the following:	
31	1. Merged Area I	\$895,472
32	2. Merged Area II	\$1,073,740
33	3. Merged Area III	\$1,021,447
34	4. Merged Area IV	\$494,804
35	5. Merged Area V	\$1,167,865
36	6. Merged Area VI	\$1,132,401
37	7. Merged Area VII	\$1,513,700
38	8. Merged Area IX	\$1,565,815
39	9. Merged Area X	\$2,553,998
40	10. Merged Area XI	\$2,500,716
41	11. Merged Area XII	\$1,127,000
42	12. Merged Area XIII	\$1,208,748
43	13. Merged Area XIV	\$492,154
44	14. Merged Area XV	\$1,458,695
45	15. Merged Area XVI	\$901,262"

A non-record roll call was requested.

The ayes were 36, nays 42.

Amendment H—4203 lost.

Mullins of Kossuth offered the following amendment H—4194 filed by her from the floor and moved its adoption:

H—4194

- 1 Amend Senate File 511, as amended, passed, and re-
- 2 printed by the Senate, as follows:
- 3 1. Page 81, by inserting after line 22 the
- 4 following:

5 "Sec. \_\_\_\_\_. Section 286A.2, subsection 2, Code  
6 1987, is amended to read as follows:

7 2. "Contact hour eligible for general aid" is a  
8 contact hour as provided in subsection 1 except for  
9 the contact hours of nonresident students; contact  
10 hours of students in avocational or recreational  
11 programs; contact hours of a course offered at a  
12 location other than an area school campus if the  
13 course is primarily sponsored by a state or federal  
14 agency; contact hours of courses that duplicate  
15 programs offered by the cooperative extension service  
16 in agriculture and home economics at Iowa State  
17 University; and contact hours of students in courses  
18 or programs the direct operational costs of which are  
19 entirely paid by federal, state, or other governmental  
20 agencies, or private subsidy, or both."

Amendment H—4194 lost.

Hanson of Delaware offered the following amendment H—4202  
filed by him from the floor and moved its adoption:

H—4202

1 Amend Senate File 511, as amended, passed, and  
2 reprinted by the Senate, as follows:

3 1. By striking page 82, line 24, through page 83,  
4 line 9.

5 2. Page 83, by striking lines 12 and 13 and  
6 inserting the following:

7 "NEW SUBSECTION. For any taxpayer, a tuition  
8 credit equal to seven and three-fourths percent of  
9 the first".

Amendment H—4202 lost.

The House resumed consideration of amendment H—4166B, as  
amended.

On motion by Jochum of Dubuque, amendment H—4166B, as  
amended, was adopted, placing out of order amendment H—4086,  
previously deferred, filed by Ollie of Clinton on April 30, 1987 and  
amendment H—4093, previously adopted and found on page 1892 of  
the House Journal.

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

On the question "Shall the bill pass?" (S.F. 511)

The ayes were, 72:

Adams  
Black

Arnould  
Blanshan

Beatty  
Brammer

Bisignano  
Buhr

Chapman	Clark	Cohon	Connolly
Connors	Cooper	Corbett	Corey
De Groot	Diemer	Doderer	Fey
Fogarty	Fuller	Groninga	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Hansen, S. D.
Harper	Hatch	Haverland	Hester
Holveck	Jay	Jochum	Johnson
Knapp	Koenigs	May	McKean
McKinney	Metcalf	Muhlbauer	Mullins
Neuhauser	Norrgard	Ollie	Osterberg
Parker	Pavich	Peterson, M. K.	Plasier
Platt	Poney	Renaud	Rosenberg
Running	Schrader	Sherzan	Shoning
Shoultz	Siegrist	Skow	Spear
Stueland	Svoboda	Swartz	Tabor
Teaford	Van Camp	Wise	Mr. Speaker

The nays were, 25:

Beaman	Bennett	Branstad	Carpenter
Dvorsky	Eddie	Garman	Hanson, D. R.
Harbor	Hermann	Hummel	Kremer
Lageschulte	Lundby	Maulsby	Miller
Paulin	Pellett	Peters	Petersen, D. F.
Renken	Royer	Schnekloth	Stromer
Van Maanen			

Absent or not voting, 3:

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

#### CONFERENCE COMMITTEE APPOINTED (House File 395)

The Speaker announced the appointment of the conference committee to consider the differences between the House and Senate concerning House File 395: Black of Jasper, Chair; Diemer of Black Hawk, Dvorsky of Johnson, Pellett of Cass and Schrader of Marion.

#### MOTION TO RECONSIDER (Amendment H—4149 to House File 683)

I move to reconsider the vote by which amendment H—4149 to House File 683 was adopted by the House on May 4, 1987.

VAN CAMP of Scott

## EXPLANATION OF VOTE

I was necessarily absent from the House chamber on May 1, 1987. Had I been present, I would have voted "aye" on amendment H — 4124 to Senate File 455 and Senate File 455.

EDDIE of Buena Vista

## PRESENTATION OF VISITORS

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

Eighteen high school students from Bennett High School, Bennett. By Osterberg of Linn.

## CERTIFICATES OF RECOGNITION

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

1987-28 Karen Lynn Hummel, Vinton — Won the Iowa Girls High School Athletic Association's 1986 Overall State High Jump Championship.

1987-29

1987-30

Tatiana Bodine, wife and Tina Hall, daughter, Sioux City — Recognizing Cornelius "Conny" Bodine Jr. for his illustrious service and dedication to the people of Sioux City as mayor and to the State of Iowa as one of its leading statesmen.

## 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** (Formerly House Study Bill 324), a concurrent resolution requesting the legislative council to establish a commission on professional health care practices regulation.

Fiscal Note is not required.

Recommended Amend and Do Pass May 1, 1987.

**Committee Bill**, relating to the county juvenile justice base costs.

Fiscal Note is not required.

Recommended Amend and Do Pass May 1, 1987.

## RESOLUTIONS FILED

**HCR 39**, by committee on appropriations, a concurrent resolution requesting the legislative council to establish a commission on professional health care practices regulation.

Laid over under **Rule 25**.

**HCR 40**, by Knapp, a concurrent resolution requesting a study relating to the state's need for a long-range plan for the renovation and expansion of its correctional facilities.

Laid over under **Rule 25**.

**HCR 41**, by Harper, a concurrent resolution requesting an interim study committee to review the involuntary commitment process for the mentally ill.

Laid over under **Rule 25**.

**HCR 42**, by Skow, Koenigs, Rosenberg, Johnson, and Osterberg, a concurrent resolution urging the Iowa Congressional delegation to support legislation to restore control of the National Guard to each state.

Laid over under **Rule 25**.

## AMENDMENTS FILED

H-4150	H.F.	677	Fuller of Hardin
H-4151	H.F.	567	Brammer of Linn
H-4152	H.F.	683	Metcalf of Polk
H-4153	H.F.	683	Van Camp of Scott
H-4154	H.F.	683	Bennett of Ida
H-4155	S.F.	461	Senate Amendment
H-4156	H.F.	681	Carpenter of Polk
H-4159	H.F.	683	Schnekloth of Scott
H-4160	H.F.	681	Holveck of Polk
			Johnson of Winneshiek
H-4161	H.F.	683	Chapman of Linn
H-4165	H.F.	671	Senate Amendment
H-4167	H.F.	683	Schnekloth of Scott
H-4174	H.F.	677	Lundby of Linn
			Corbett of Linn
H-4177	H.F.	677	Schnekloth of Scott
			Jay of Appanoose
H-4179	H.F.	681	Hansen of Woodbury
H-4180	H.F.	681	Hansen of Woodbury
H-4181	H.F.	681	Hansen of Woodbury

H—4184	S.F.	17	Tabor of Jackson
H—4187	H.F.	681	McKinney of Dallas
H—4188	H.F.	681	McKinney of Dallas
H—4189	H.F.	681	McKinney of Dallas
H—4191	H.F.	681	McKinney of Dallas
H—4192	H.F.	681	McKinney of Dallas
H—4193	H.F.	681	McKinney of Dallas
H—4199	H.F.	567	Peterson of Carroll

On motion by Arnould of Scott, the House adjourned at 6:55 p.m., until 9:00 a.m., Tuesday, May 5, 1987.

# JOURNAL OF THE HOUSE

One Hundred Fourteenth Calendar Day — Seventy-seventh Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Tuesday, May 5, 1987

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

Prayer was offered by the Reverend Perry De Groot, pastor of the Bethany Reformed Church, Des Moines.

The Journal of Monday, May 4, 1987 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, 1987, 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 130, a bill for an act relating to the notice required for forfeiture of real estate contracts.

Also: That the Senate has on May 5, 1987, 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 334, a bill for an act relating to cigarette and tobacco tax assessment periods, penalties and appeal periods, offsetting of claims against the state with a person's liabilities to the state, tax return confidentiality, the filing of sales and services tax refund claims, audit periods for sales, services, and use tax returns, use tax penalty, and penalties for interfering with department of revenue and finance employees in the performance of their duties and providing effective dates.

Also: That the Senate has on May 1, 1987, amended and passed the following bill in which the concurrence of the House is asked:

House File 493, a bill for an act to provide office space and other physical facilities for the district court administrator.

Also: That the Senate has on May 5, 1987, amended and passed the following bill in which the concurrence of the House is asked:

House File 588, a bill for an act relating to child in need of assistance proceedings.

Also: That the Senate has on May 5, 1987, refused to concur in the House amendment to the following bill in which the concurrence of the Senate was asked:

Senate File 342, a bill for an act relating to the assessment of costs to the owner of real estate subject to tax sale.

Also: That the Senate has on May 5, 1987, passed the following bill in which the concurrence of the House is asked:

Senate File 507, a bill for an act relating to the adoption of a benefit ratio unemployment compensation contribution array system and providing for the Act's applicability.

JOHN F. DWYER, Secretary

## RULES SUSPENDED

Arnould of Scott asked and received unanimous consent to suspend the rules and take up out of order House File 683.

## CONSIDERATION OF BILLS Ways and Means Calendar

The House resumed consideration of **House File 683**, a bill for an act relating to energy assistance to low income households by requiring each gas and electric public utility to create a utility shutoff fund with certain exceptions, by providing for the implementation of pilot projects of an affordable utility payment plan and affordable heating payment plan, making civil penalties applicable, providing a penalty, and providing for a sales tax refund for certain participating gas and electric public utilities and heating fuel supplier, previously deferred.

Van Camp of Scott asked and received unanimous consent to withdraw his motion to reconsider amendment H—4149 filed by him on May 4, 1987.

Corey of Louisa offered the following amendment H—4130 filed by him and moved its adoption:

H—4130

- 1 Amend House File 683 as follows:
- 2 1. Page 7, by striking lines 12 through 13 and
- 3 inserting the following: "board. The utility shall
- 4 not include".

Amendment H—4130 was adopted.

Stromer of Hancock asked and received unanimous consent to defer action on amendment H—4167.

Bennett of Ida offered the following amendment H—4145 filed by him and moved its adoption:

H—4145

- 1 Amend House File 683 as follows:
- 2 1. Page 9, by striking line 9 and inserting the
- 3 following: "under subsection 10 and shall make".

Amendment H—4145 was adopted.

Connors of Polk asked and received unanimous consent to defer action on amendment H—4148.

Metcalf of Polk offered the following amendment H—4152 filed by her and moved its adoption:

H—4152

1 Amend House File 683 as follows:

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

4 "Section 1. Section 476.1B, subsection 1, Code  
5 1987, is amended by adding the following new  
6 paragraph:

7 NEW PARAGRAPH. h. Enforcement of section 476.66.

8 Sec. 2. NEW SECTION. 476.66 UTILITY SHUTOFF

9 FUND.

10 1. The utilities board shall adopt rules which  
11 shall require each electric and gas public utility to  
12 create a separate fund called the utility shutoff  
13 fund. Moneys contributed to the fund shall be  
14 equitably distributed among the local agencies which  
15 administer the low income home energy assistance  
16 program and weatherization assistance program in  
17 accordance with the rules of the utilities board to  
18 assist eligible recipients of public energy assistance  
19 programs in the payment of utility billings of Iowa  
20 customers of electric and gas public utilities.

21 2. The utilities board shall require each electric  
22 and gas public utility to provide forms to all of  
23 their customers authorizing the utility to include in  
24 the customers' billing statements a contribution to  
25 the utility shutoff fund. The utility company shall  
26 send a notice to its customers and the notice shall  
27 state that each customer may make a monthly  
28 contribution to the fund with the contribution being  
29 included in the customer's monthly billing statement.  
30 The notice shall explain the uses of the fund and the  
31 match of moneys which will be contributed by the  
32 public utility to the fund, if any. If the utility  
33 company provides for a match of moneys to be  
34 contributed by the utility, the notice shall also  
35 state that the utility's contributions to the fund  
36 will not be assessed or charged to the customers of  
37 the utility.

38 3. A utility may provide for a match of moneys  
39 contributed to the utility shutoff fund by the  
40 utility's customers. Moneys contributed by the  
41 utility to the utility shutoff fund shall not be  
42 included either directly or indirectly in the  
43 utility's charges or rates to its customers.

44 4. The board may exempt a public utility from

45 application of this section if the public utility is  
 46 conducting a program comparable to that required under  
 47 subsections 1 through 3.  
 48 5. After July 1, 1987, unclaimed patronage  
 49 dividends of electric cooperative corporations or  
 50 associations shall be applied to the electric

**Page 2**

1 cooperative corporation's or association's utility  
 2 shutoff fund following the time specified in section  
 3 556.12 for claiming the dividend from the holder."  
 4 2. Title page, by striking lines 3 through 8, and  
 5 inserting the following: "utility shutoff fund with  
 6 certain exceptions."

**Amendment H—4152 lost.**

**Fogarty of Palo Alto in the chair at 9:30 a.m.**

**Chapman of Linn offered the following amendment H—4161 filed by her and moved its adoption:**

**H—4161**

1 Amend House File 683 as follows:  
 2 1. Page 1, by inserting before line 1 the fol-  
 3 lowing:  
 4 "Sec. \_\_\_\_\_. Section 476.1A, unnumbered paragraph 2,  
 5 Code 1987, is amended to read as follows:  
 6 However, sections 476.6A, 476.20, 476.21, 476.41  
 7 through 476.44, 476.51 and 476.61 and chapters 476A  
 8 and 478, to the extent applicable, apply to such  
 9 electric utilities."  
 10 2. Page 1, line 3, by striking the word and  
 11 figure "section 476.66" and inserting the following:  
 12 "sections 476.6A and 476.66".  
 13 3. Page 1, by inserting after line 3 the fol-  
 14 lowing:  
 15 "Sec. \_\_\_\_\_. NEW SECTION. 476.6A BUDGET BILLING  
 16 FOR LIHEAP RECIPIENTS.  
 17 An individual, who is a recipient under the low  
 18 income home energy assistance program and who is a  
 19 customer of a public utility which is the primary  
 20 heating supplier of the individual, shall be placed on  
 21 a budget billing plan with such public utility wherein  
 22 the utility bill shall be in even installments over a  
 23 twelve-month period. However, low income home energy  
 24 assistance program payments shall be credited toward  
 25 paying the budget billing payments in an equally  
 26 distributed manner over the twelve-month period, thus  
 27 reducing the monthly payment amount for the  
 28 individual."

29 4. Title page, line 1, by inserting after the  
 30 word "households" the following: "by requiring budget  
 31 billing for certain utility bills for individuals  
 32 receiving assistance under the low income home energy  
 33 assistance program,".

A non-record roll call was requested.

The ayes were 61, nays 15.

Amendment H—4161 was adopted.

Van Camp of Scott offered amendment H—4153 filed by him and requested division as follows:

H—4153

1 Amend House File 683 as follows:

H—4153A

- 2 1. Page 3, by striking lines 11 through 13 and  
 3 inserting the following:  
 4 "c. "Shortfall" means the amount by which the  
 5 participant's actual energy usage cost exceeds the  
 6 participant's budget billing requirement under  
 7 subsection 6, paragraph "a" or the participant's  
 8 affordable budget billing contribution under  
 9 subsection 6, paragraph "b"."
- 10 2. Page 4, by striking lines 17 through 22, and  
 11 inserting the following: "service shall not be  
 12 terminated or denied. If the utility has been  
 13 notified by the CA agency that a household has been  
 14 approved for a LIHEAP grant, the utility shall not  
 15 terminate services for at least sixty days after such  
 16 notification."
- 17 3. Page 5, line 4, by striking the words  
 18 "paragraphs "b" and "c" " and inserting the following:  
 19 "paragraph "b" ".
- 20 4. Page 5, line 5, by inserting after the word  
 21 "remaining" the following: "three-fifths".
- 22 5. Page 6, by striking lines 1 and 2, and  
 23 inserting the following: "the cost of the actual  
 24 energy usage of a participant and the budget billing  
 25 requirements of paragraph "a" or "b" as applicable,  
 26 the utility shall apply".
- 27 6. Page 7, by striking lines 34 and 35 and in-  
 28 serting the following:  
 29 "(g) Gas utility costs if the primary heating  
 30 source is electricity, electric utility costs if the  
 31 primary heating source is gas, or other utility costs  
 32 if the primary heating source is supplied by a heating  
 33 fuel supplier."
- 34 7. Page 8, line 15, by striking the words

H-4153A

35 "paragraphs "b" and "c" " and inserting the following:

36 "paragraph "b" ".

37 8. Page 11, line 4, by striking the word

38 "either".

39 9. Page 11, by striking lines 6 through 8 and

40 inserting the following: "deliverable fuel, minor

41 heating system repairs or temporary shelter."

42 10. Page 11, line 9, by striking the words "An

43 annual" and inserting the word "A".

H-4153B

44 11. Page 11, by striking lines 11 through 13 and

45 inserting the following: "heating fuel bills."

46 12. Page 11, line 28, by inserting after the word

47 "section." the following: "If the statewide maximum

48 annual sales tax refund is exceeded, the participation

49 of the heating fuel supplier in providing grants under

50 the plan is suspended for the remainder of the twelve-

**Page 2**

1 month period and no more grants shall be certified

2 under the plan by the community action agency for the

3 remainder of the twelve-month period."

On motion by Van Camp of Scott, amendment H-4153A was adopted.

Schnekloth of Scott offered the following amendment H-4159 filed by him and moved its adoption:

H-4159

1 Amend House File 683 as follows:

2 1. Page 4, by inserting after line 27 the

3 following:

4 "A participant who leaves the plan under the

5 provisions of subsection 7, paragraph "b" and fails to

6 enter into a reasonable payment agreement with the

7 utility for payment of all unpaid utility bills

8 accrued since entering into the affordable utility

9 payment plan may be subject to the utility's deposit

10 requirement upon applying for service from that

11 utility at a future date."

Amendment H-4159 was adopted.

Bennett of Ida offered the following amendment H-4154 filed by him and moved its adoption:

H-4154

1 Amend House File 683 as follows:

2 1. Page 6, by striking lines 20 through 22 and

- 3 inserting the following: "under this section."  
 4 2. Page 6, line 35, by striking the words and  
 5 figure "and section 4 of this Act".  
 6 3. Page 7, line 2, by striking the words and  
 7 figure "sections 3 and 4" and inserting the following:  
 8 "section 3".  
 9 4. Page 7, lines 3 and 4, by striking the words  
 10 and figure "and section 4 of this Act".  
 11 5. Page 7, lines 6 and 7, by striking the words  
 12 "and heating fuel supplier".  
 13 6. Page 8, line 35, by striking the words "and  
 14 heating costs from".  
 15 7. Page 9, by striking line 1 and inserting the  
 16 following: "and predicting the"  
 17 8. Page 9, by striking line 32.  
 18 9. By striking page 9, line 33 through page 11,  
 19 line 32.  
 20 10. Title page, line 5, by striking the words  
 21 "and affordable heating payment plan".  
 22 11. Title page, line 8, by striking the words  
 23 "and heating fuel supplier".

A non-record roll call was requested.

The ayes were 22, nays 39.

Amendment H—4154 lost.

Schnekloth of Scott offered the following amendment H—4167, previously deferred, filed by him and moved its adoption:

H—4167

- 1 Amend House File 683 as follows:  
 2 1. Page 8, by inserting after line 4 the  
 3 following:  
 4 "e. The department of human rights, division of  
 5 community action agencies, shall in contracting with  
 6 the CA agencies assure adequate staffing to accept  
 7 LIHEAP applications and conduct crisis resolution  
 8 support activities throughout the year."

Roll call was requested by Schnekloth of Scott and Carpenter of Polk.

Rule 75 was invoked.

On the question "Shall amendment H—4167 be adopted?"  
 (H.F. 683)

The ayes were, 39:

Beaman  
 Clark

Bennett  
 Corbett

Branstad  
 Corey

Carpenter  
 Daggett

De Groot	Diemer	Eddie	Garman
Halvorson, R. A.	Hanson, D. R.	Harbor	Hermann
Hester	Hummel	Kremer	Lageschulte
Lundby	Maulsby	McKean	Metcalf
Miller	Paulin	Pellett	Petersen, D. F.
Plasier	Platt	Renken	Royer
Schnekloth	Shoning	Siegrist	Stromer
Stueland	Swearingen	Van Maanen	

The nays were, 57:

Adams	Arnould	Avenson	Beatty
Bisignano	Black	Blanshan	Brammer
Buhr	Chapman	Cohoon	Connors
Cooper	Doderer	Dvorsky	Fey
Fuller	Groninga	Gruhn	Halvorson, R. N.
Hammond	Hansen, S. D.	Harper	Hatch
Haverland	Holveck	Jay	Jochum
Johnson	Knapp	Koenigs	May
McKinney	Muhlbauer	Mullins	Neuhauser
Norrgard	Ollie	Osterberg	Pavich
Peters	Peterson, M. K.	Poncy	Renaud
Rosenberg	Running	Schrader	Sherzan
Shoultz	Skow	Spear	Svoboda
Tabor	Teaford	Van Camp	Wise
Mr. Speaker (Fogarty)			

Absent or not voting, 4:

Connolly	Parker	Swartz	Tyrrell
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Amendment H—4167 lost.

Stromer of Hancock offered the following amendment H—4148, previously deferred, filed by him and moved its adoption:

H—4148

- 1 Amend House File 683 as follows:
- 2 1. Page 9, by striking lines 12 through 32 and
- 3 inserting the following:
- 4 "a. Two members of the house of representatives,
- 5 one appointed by the majority leader and one appointed
- 6 by the minority leader.
- 7 b. Two members of the senate, one appointed by the
- 8 majority leader and one appointed by the minority
- 9 leader.
- 10 c. Three nonvoting members appointed by the
- 11 legislative council, two of whom shall represent the
- 12 business community and one whom shall represent the
- 13 public accounting profession.
- 14 d. The director or director's designee of the
- 15 following state agencies shall be nonvoting members:

- 16 (1) Utilities board.  
 17 (2) Department of human rights.  
 18 (3) Department of revenue and finance.  
 19 (4) Department of human services.  
 20 e. The executive director or the executive  
 21 director's designee of the following associations  
 22 shall be nonvoting members:  
 23 (1) Iowa association of electric cooperatives.  
 24 (2) Iowa association of municipal utilities.  
 25 (3) Iowa utility association.  
 26 (4) Iowa association of community action directors.  
 27 (5) Petroleum marketers of Iowa.  
 28 (6) Iowa propane dealers association."

Amendment H—4148 lost.

The House resumed consideration of amendment H—4153B.

Van Camp of Scott asked and received unanimous consent to withdraw amendment H—4153B.

Stromer of Hancock rose on a point of order and invoked Joint Rule 17 on House File 683, requiring a fiscal note.

The Speaker ruled the point not well taken and Joint Rule 17 not required.

Speaker Avenson in the chair at 10:25 a.m.

Peterson of Carroll in the chair at 10:31 a.m.

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

On the question "Shall the bill pass?" (H.F. 683)

The ayes were, 73:

Adams	Arnould	Avenson	Beaman
Beatty	Bisignano	Black	Blanshan
Brammer	Branstad	Buhr	Chapman
Clark	Cohoon	Connolly	Connors
Cooper	Corbett	Daggett	De Groot
Doderer	Dvorsky	Eddie	Fey
Fogarty	Fuller	Garman	Groninga
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Hansen, S. D.	Harper	Hatch	Haverland
Holveck	Johnson	Koenigs	Lageschulte
Lundby	May	McKean	McKinney
Muhlbauer	Mullins	Neuhauser	Norrgard
Ollie	Osterberg	Parker	Paulin

Pavich	Peters	Petersen, D. F.	Plasier
Platt	Renaud	Rosenberg	Running
Schneklath	Shoning	Shultz	Siegrist
Skow	Spear	Stueland	Svoboda
Tabor	Teaford	Van Camp	Wise
Mr. Speaker (Peterson of Carroll)			

The nays were, 25:

Bennett	Carpenter	Corey	Hanson, D. R.
Harbor	Hermann	Hester	Hummel
Jay	Jochum	Knapp	Kremer
Maulsby	Metcalf	Miller	Pellett
Poncy	Renken	Royer	Schrader
Stromer	Swartz	Swearingen	Tyrrell
Van Maanen			

Absent or not voting, 2:

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

### SENATE AMENDMENT CONSIDERED House Refused to Concur

Jochum of Dubuque called up for consideration **House File 671**, a bill for an act relating to and making appropriations to agencies, boards, commissions, departments, and programs of state government for health and human rights, human services, the judicial branch, the department of justice, the department of corrections, the board of parole, the auditor of state, campaign finance, employment services, inspections and appeals, employment relations, and commerce, and providing effective dates, amended by the Senate, and moved that the House concur in the following Senate amendment H—4165:

H—4165

- 1 Amend House File 671 as amended, passed, and
- 2 reprinted by the House as follows:
- 3 1. Page 2, by striking lines 32 and 33 and
- 4 inserting the following: "Failure of the commission
- 5 to meet the performance goal shall not be grounds for
- 6 legal action against the commission, nor shall it
- 7 serve as a legislative definition of "prompt" as it is
- 8 used in section 601A.15, subsection 3, nor shall it
- 9 serve as a defense in any civil rights case."
- 10 2. Page 3, line 10, by inserting after the word
- 11 "purposes" the following: ", provided that the funds

12 appropriated in this item shall revert to the general  
13 fund of the state unless section 601K.128, Code 1987,  
14 is repealed by the Seventy-second General Assembly,  
15 1987 Session, and such repeal is approved by the  
16 governor”.

17 3. Page 3, line 13, by striking the figure  
18 “750,000” and inserting the following: “530,000”.

19 4. Page 3, line 13, by inserting after the word  
20 “specified” the following: “, provided that the funds  
21 appropriated in this item shall revert to the general  
22 fund of the state unless section 601K.128, Code 1987,  
23 is repealed by the Seventy-second General Assembly,  
24 1987 Session, and such repeal is approved by the  
25 governor”.

26 5. By striking page 3, line 14 through page 4,  
27 line 11.

28 6. Page 4, line 12, by striking the figure “(2)”  
29 and inserting the following: “(1)”.

30 7. Page 5, by inserting after line 1 the follow-  
31 ing:

32 “The department shall coordinate efforts with the  
33 department of human services in exploring options to  
34 obtain matching federal support for such teams under  
35 the aid to dependent children program, under the work  
36 incentive demonstration program or its successor  
37 program, or under other programs established under  
38 federal law to encourage economic self-sufficiency for  
39 families on public assistance. The department may  
40 transfer funds appropriated under this subsection to  
41 the department of human services in order to qualify  
42 for matching federal support under such programs. The  
43 department shall work with the department of human  
44 services in identifying persons for whom such services  
45 are most appropriate.

46 In using funds appropriated under this subsection,  
47 the department shall work with persons providing  
48 evaluation services to develop a system to assure that  
49 appropriate comparison groups of persons receiving  
50 services and persons not receiving services are

## Page 2

1 available, in order to allow for evaluation of program  
2 effectiveness. It is the intent of the general  
3 assembly that the program be conducted for at least a  
4 three-year period in order to provide for evaluation  
5 of its long-term effectiveness in reducing welfare  
6 dependency.”

7 8. Page 5, line 2, by striking the figure “(3)”  
8 and inserting the following: “(2)”.

9 9. Page 5, line 3, by striking the words and  
10 figure “fifty thousand (50,000)” and inserting the

- 11 following: "thirty thousand (30,000)".  
12 10. Page 5, line 7, by striking the figure "(5)"  
13 and inserting the following: "(4)".  
14 11. Page 5, line 9, by striking the figure "(4)"  
15 and inserting the following: "(3)".  
16 12. Page 5, line 13, by striking the words and  
17 figures "subparagraphs (1) and (2)" and inserting the  
18 following: "subparagraph (1)".  
19 13. Page 5, line 16, by striking the figure "(5)"  
20 and inserting the following: "(4)".  
21 14. Page 5, line 24, by striking the words and  
22 figures "subparagraphs (1) and (2)" and inserting the  
23 following "subparagraph (1)".  
24 15. Page 5, by striking lines 28 through 33.  
25 16. Page 6, line 5, by inserting after the word  
26 "purposes" the following: ", provided that the funds  
27 appropriated in this item shall revert to the general  
28 fund of the state unless section 601K.128, Code 1987,  
29 is repealed by the Seventy-second General Assembly,  
30 1987 Session, and such repeal is approved by the  
31 governor".  
32 17. Page 6, line 12, by inserting after the word  
33 "purposes" the following: ", provided that the funds  
34 appropriated in this item shall revert to the general  
35 fund of the state unless section 601K.128, Code 1987,  
36 is repealed by the Seventy-second General Assembly,  
37 1987 Session, and such repeal is approved by the  
38 governor".  
39 18. Page 6, line 18, by inserting after the word  
40 "purposes" the following: ", provided that the funds  
41 appropriated in this item shall revert to the general  
42 fund of the state unless section 601K.128, Code 1987,  
43 is repealed by the Seventy-second General Assembly,  
44 1987 Session, and such repeal is approved by the  
45 governor".  
46 19. Page 6, line 25, by inserting after the word  
47 "purposes" the following: ", provided that the funds  
48 appropriated in this item shall revert to the general  
49 fund of the state unless section 601K.128, Code 1987,  
50 is repealed by the Seventy-second General Assembly,

**Page 3**

- 1 1987 Session, and such repeal is approved by the  
2 governor".  
3 20. Page 6, line 31, by striking the figure  
4 "230,869" and inserting the following: "234,369".  
5 21. Page 6, by inserting after line 31 the fol-  
6 lowing:  
7 "Of the funds appropriated by this subsection, the  
8 amount of six thousand (6,000) dollars, or so much  
9 thereof as is necessary, shall be used for contracting

10 with interpreters for the deaf.”

11 22. Page 6, line 31, by inserting after the word  
12 “purposes” the following: “, provided that the funds  
13 appropriated in this item shall revert to the general  
14 fund of the state unless section 601K.128, Code 1987,  
15 is repealed by the Seventy-second General Assembly,  
16 1987 Session, and such repeal is approved by the  
17 governor”.

18 23. Page 7, line 3, by inserting after the word  
19 “purposes” the following: “, provided that the funds  
20 appropriated in this item shall revert to the general  
21 fund of the state unless section 601K.128, Code 1987,  
22 is repealed by the Seventy-second General Assembly,  
23 1987 Session, and such repeal is approved by the  
24 governor”.

25 24. Page 7, by striking lines 19 through 21.

26 25. Page 7, by inserting after line 23 the  
27 following:

28 “\_\_\_\_\_ For salaries, support,  
29 and maintenance of the elder law  
30 education program . . . . . \$ 95,000”.

31 26. Page 8, line 6, by striking the figure  
32 “1,027,195” and inserting the following: “1,227,195”.

33 27. Page 8, by inserting after line 21, the  
34 following:

35 “Of the funds appropriated in this subsection, two  
36 hundred thousand (200,000) dollars or so much thereof  
37 as is necessary, are allocated for a respite care  
38 program, administered by the department of elder  
39 affairs.”

40 28. Page 10, line 20, by striking the figure  
41 “115,848” and inserting in lieu thereof the following:  
42 “140,848”

43 29. Page 14, by striking lines 27 and 28 and  
44 inserting the following: “prevent duplication of  
45 services.”

46 30. Page 21, lines 33 and 34, by striking the  
47 word “fifty-five” and inserting the following:  
48 “thirty-seven”.

49 31. Page 21, line 34, by inserting after the word  
50 “positions,” the following: “of these full-time

#### Page 4

1 equivalent positions, not more than five shall be in  
2 the division of the commissioner, not more than two  
3 hundred one and five-tenths shall be in the division  
4 of management and budget, not more than twenty-eight  
5 shall be in the division of planning, not more than  
6 five shall be in the division of community services,  
7 not more than seventy-three shall be in the division  
8 of social services, not more than twenty and ninety-

9 five one hundredths shall be in the division of mental  
10 health, mental retardation, and developmental  
11 disabilities, and not more than four shall be included  
12 in a chapter 28E agreement with the office of the  
13 attorney general, and for”.

14 32. Page 22, line 4, by striking the figure  
15 “6,900,000” and inserting the following: “6,509,454”.

16 33. Page 22, by striking lines 12 through 15 and  
17 inserting the following: “specified in section  
18 225C.22.”

19 34. Page 23, by inserting after line 33 the  
20 following:

21 “The department shall report on a monthly basis to  
22 the fiscal committee of the legislative council and to  
23 the chairpersons and ranking members of the human  
24 services appropriations subcommittee regarding the  
25 number of persons employed for field operations, the  
26 status of a phase-in schedule for persons employed  
27 after July 1, 1987, for field operations, and  
28 projected expenditures in the field operations  
29 division to demonstrate proper usage of funds. It is  
30 the intent of the general assembly that these funds be  
31 used expeditiously to reduce the caseload for social  
32 workers. The department shall not transfer the funds  
33 appropriated under this subsection to other programs  
34 or purposes.”

35 35. Page 26, line 20, by inserting after the word  
36 “statewide” the following: “giving priority to the  
37 areas having the highest unemployment rate”.

38 36. Page 29, line 13, by striking the figure  
39 “138,291,254” and inserting the following:  
40 “139,500,000”.

41 37. Page 29, by inserting after line 13, the  
42 following:

43 “As a condition of the appropriation made under  
44 this subsection, each intermediate care facility shall  
45 meet the minimum number of hours of care per resident  
46 specified in section 135C.3.”

47 38. Page 29, by inserting after line 25 the  
48 following:

49 “Licensed birth centers or birth centers which  
50 receive reimbursement from at least two third-party

#### Page 5

1 payors shall be eligible for reimbursement for  
2 prenatal delivery, and postnatal services for women  
3 eligible for medicaid.”

4 39. Page 31, by inserting after line 33, the  
5 following:

6 “By October 1, 1987, the department shall submit a  
7 revised medical assistance plan to the United States

- 8 department of health and human services for  
 9 implementation no later than July 1, 1988.”
- 10 40. Page 32, line 13, by striking the figure  
 11 “2,550,000” and inserting the following: “2,525,000”.
- 12 41. Page 32, by inserting after line 19, the  
 13 following:  
 14 “For modifying the claims  
 15 payment system to reflect SOBRA  
 16 changes ..... \$ 25,000”.
- 17 42. Page 33, by inserting after line 6 the  
 18 following:  
 19 “The department shall initiate, on at least a  
 20 pilot program basis in two counties, outreach  
 21 services to investigate for potential modification  
 22 proceedings all child support orders for aid to  
 23 dependent children clients whose orders have not  
 24 been modified within the previous four years. The  
 25 department shall report to the general assembly on  
 26 the short-term and long-term cost effectiveness  
 27 of initiating modification proceedings in the cases  
 28 where modification proceedings were initiated as a  
 29 consequence of the investigation and outreach  
 30 services.”
- 31 43. Page 33, by striking lines 7 through 15.
- 32 44. Page 35, line 29, by striking the figure  
 33 “26,830,000” and inserting the following:  
 34 “26,730,000”.
- 35 45. Page 36, line 17, by inserting after the word  
 36 “in” the following: “high”.
- 37 46. By striking page 36, line 26 through page 37,  
 38 line 34 and inserting the following:  
 39 “It is the goal of the general assembly that out-  
 40 of-state placements of children under foster care be  
 41 reduced by at least fifty percent within the next two  
 42 years and that standards be established relating to  
 43 minimum qualifications for out-of-state providers. It  
 44 is the intent of the general assembly that out-of-  
 45 state providers not be provided greater reimbursement  
 46 than is available to in-state providers for similar  
 47 services initiated after October 1, 1987. It is the  
 48 goal of the general assembly that out-of-state  
 49 providers be utilized only when such providers provide  
 50 specialized services that could not be provided

**Page 6**

- 1 efficiently within the state or where such providers  
 2 have significant advantages in terms of proximity to  
 3 family and community support.
- 4 The department shall work with the court and with  
 5 providers of foster care services within the state in  
 6 developing guidelines to meet this legislative intent.

7 g. Of the funds appropriated under this section,  
8 two hundred thousand (200,000) dollars, or so much  
9 thereof as is necessary, may be used to provide  
10 supplemental "difficulty of care" per diem rates to  
11 providers within the state for their care and  
12 treatment of foster care cases that otherwise would  
13 have been sent out-of-state. The department shall  
14 provide for flexibility in administering this  
15 provision and developing such payment differentials,  
16 and shall report to the general assembly no later than  
17 February 15, 1988 on the manner in which the payment  
18 differential has been established and used."

19 47. Page 38, line 30, by striking the figure  
20 "2,780,300" and inserting the following: "2,880,300".

21 48. Page 40, by inserting before line 1 the  
22 following:

23 "i. Of the funds appropriated in this subsection,  
24 one hundred thousand (100,000) dollars, or so much  
25 thereof as is necessary, is allocated for community-  
26 based juvenile grants. These funds shall be used to  
27 reduce the need for out-of-state placements. Grants  
28 may be used for start-up costs to establish facilities  
29 or additional beds to provide types of services to  
30 meet the needs of children now being sent out of  
31 state, or to enhance current residential services to  
32 meet the needs of the population."

33 49. Page 43, by striking lines 21 through 25 and  
34 inserting the following:

35 "6. As a condition of the appropriation made by  
36 this section, there is appropriated two hundred  
37 seventy thousand (270,000) dollars to provide for  
38 partial reimbursement to counties for local inpatient  
39 mental health care and treatment as set forth in  
40 section 225C.12.

41 7. As a condition of the appropriation made by  
42 this section, there is appropriated one hundred  
43 thousand (100,000) dollars, or so much thereof as is  
44 necessary, to the department of human services for  
45 rural mental health services. The division of mental  
46 health, mental retardation, and developmental  
47 disabilities of the department of human services shall  
48 allocate these funds to continue or expand existing  
49 special allocation project grants providing outreach  
50 services to Iowans affected by the continued rural

Page 7

1 economic decline. The division shall award these  
2 funds to agencies that have participated in the 1988  
3 fiscal year mental health and mental retardation  
4 services funds special allocation grant application  
5 process."

6 50. Page 46, by inserting after line 6 the  
7 following: "Persons performing service coordination  
8 shall be given caseloads no greater than thirty for  
9 clients with mental retardation, developmental  
10 disabilities, or chronic mental illness."

11 51. Page 49, line 26, by inserting after the word  
12 "for" the following: "the local purchase of service  
13 portion of".

14 52. Page 50, line 6, by striking the words and  
15 figure "or XVIII".

16 53. Page 50, line 8, by striking the words and  
17 figures "either Title XIX or XVIII" and inserting the  
18 following: "Title XIX".

19 54. Page 50, line 11, by inserting after the word  
20 "assembly." the following: "The Iowa department of  
21 public health, in consultation with the department of  
22 human services, shall adopt rules pursuant to chapter  
23 17A for hospital protocol for human organ and tissue  
24 transplant requests."

25 55. Page 50, by inserting after line 11 the  
26 following:

27 "It is the intent of the general assembly that  
28 hospitals shall not perform heart, liver, pancreas,  
29 artificial heart, or heart/lung transplantations on  
30 patients financed under Title XIX or Title XVIII  
31 unless the patients meet criteria developed by the  
32 national heart, lung and blood institute's special  
33 advisory group for heart recipients, or the national  
34 institute of health's consensus conference on liver  
35 transplants for liver recipients, or unless the  
36 patient meets nationally recognized criteria for  
37 pancreas transplantations."

38 56. Page 50, by striking lines 12 through 25 and  
39 inserting the following:

40 "Sec. 213. It is the intent of the general  
41 assembly that effective July 1, 1987, the department  
42 of human services shall consider fifteen leave days as  
43 reimburseable units of service for each of the  
44 department's clients receiving sheltered work or work  
45 activity service under the local purchase at a  
46 CARF/ACDD accredited facility when that client has a  
47 disability and has been receiving these services for  
48 at least one year. The department shall adopt  
49 administrative rules pursuant to chapter 17A that  
50 establish fifteen leave days as an allowable

**Page 8**

1 reimburseable expense and provide for their accrual.  
2 The department shall not specify the purpose or  
3 otherwise limit the use of leave days when developing  
4 and implementing such administrative rules."

5 57. Page 52, line 3, by striking the word "fifty-  
6 fifth" and inserting the following: "seventy-fourth".

7 58. Page 52, by striking lines 5 through 9 and  
8 inserting the following: "statistical data."

9 59. Page 53, line 32, by inserting after the  
10 figure "211;" the following: "section 213;"

11 60. Page 55, by inserting after line 24 the  
12 following:

13 "Sec. \_\_\_\_\_. TRANSFERS PROHIBITED. Funds shall not  
14 be transferred from specific appropriations made under  
15 this division of this Act for specific programs to any  
16 other programs."

17 61. Page 55, by inserting after line 32 the  
18 following:

19 "Sec. \_\_\_\_\_. It is the intent of the general  
20 assembly that the department of human services shall  
21 report to the general assembly on or before January 1,  
22 1988 on the feasibility of establishing an annex to  
23 the Iowa veterans home on the campus of the Clarinda  
24 mental health institute."

25 62. Page 56, by inserting after line 3 the  
26 following:

27 "Sec. \_\_\_\_\_. Section 598.22, unnumbered paragraph 1,  
28 Code 1987, is amended to read as follows:

29 This section applies to all initial or modified  
30 orders for support entered under this chapter, chapter  
31 234, 252A, 252C, 675, or any other chapter of the  
32 Code. All orders or judgments for support entered on  
33 or before March 31, 1987, shall direct the payment of  
34 those sums to the clerk of the district court for the  
35 use of the person for whom the payments have been  
36 awarded. All orders or judgments for support entered  
37 on or after April 1, 1987, shall direct the payment of  
38 those sums to the collection services center  
39 established pursuant to section 252B.13. Payments to  
40 persons other than the clerk of the district court and  
41 the collection services center do not satisfy the  
42 support obligations created by the orders or  
43 judgments, except as provided for trusts in section  
44 252D.1, 598.23, or this section or for tax refunds or  
45 rebates in section 602.8102, subsection 47, or upon  
46 verification of payments to dependents as provided by  
47 the Social Security Act as defined in section 97C.2,  
48 subsection 7."

49 63. By striking page 56, line 6 through page 68,  
50 line 29, and inserting the following:

**Page 9**

1 "Sec. 301. There is appropriated from the general  
2 fund of the state to the office of the attorney  
3 general for the fiscal year beginning July 1, 1987 and

4 ending June 30, 1988, the following amounts, or so  
5 much thereof as is necessary, to be used for the  
6 purposes designated:

7  
8 1987-1988  
Fiscal Year

9 1. For the general office of  
10 attorney general for salaries  
11 and support of not more than one  
12 hundred fifty full-time equiva-  
13 lent positions, maintenance, and  
14 miscellaneous purposes . . . . . \$ 3,500,000

15 2. Prosecuting attorney  
16 training program for salaries  
17 and support of not more than  
18 two full-time equivalent po-  
19 sitions, maintenance and mis-  
20 cellaneous purposes which funds  
21 shall be used to attract fed-  
22 eral and county funding . . . . . \$ 88,900

23 3. Prosecuting intern pro-  
24 gram; however, counties parti-  
25 cipating in the prosecuting in-  
26 tern program shall match funds  
27 appropriated by this paragraph . . . . . \$ 47,000

28 4. In addition to the funds appropriated under  
29 subsection 1, there is appropriated from the general  
30 fund of the state to the department of justice for the  
31 fiscal year beginning July 1, 1987 and ending June 30,  
32 1988, an amount not exceeding ninety-five thousand  
33 (95,000) dollars to be used for the enforcement of the  
34 Iowa competition law under chapter 553. The  
35 expenditure of the funds appropriated under this sub-  
36 section is contingent upon receipt by the general fund  
37 of the state of an amount at least equal to either the  
38 expenditures from damages awarded to the state or a  
39 political subdivision of the state by a civil judgment  
40 under chapter 553, if the judgment authorizes the use  
41 of the award for enforcement purposes or costs or  
42 attorneys fees awarded the state in state or federal  
43 antitrust actions.

44 5. In addition to funds appropriated under  
45 subsection 1, there is appropriated from the general  
46 fund of the state to the department of justice for the  
47 fiscal year beginning July 1, 1987 and ending June 30,  
48 1988, an amount not exceeding fifty thousand (50,000)  
49 dollars to be used for public education relating to  
50 consumer fraud and for enforcement of section 714.16.

Page 10

1 The expenditure of the funds appropriated under this  
2 subsection is contingent upon receipt by the general

3 fund of the state of an amount at least equal to the  
 4 expenditures from damages awarded to the state or a  
 5 political subdivision of the state by a civil consumer  
 6 fraud judgment, if the judgment authorizes the use of  
 7 the award for public education on consumer fraud.  
 8 Funds received in a previous fiscal year which have  
 9 not been expended shall be credited to this fiscal  
 10 year.

11 6. For the legal assistance  
 12 for farmers program . . . . . \$ 257,000

13 7. For the farm mediation  
 14 service program . . . . . \$ 300,000

15 8. For payment of grants  
 16 to dispute resolution programs  
 17 under the prosecuting attorney  
 18 training program . . . . . \$ 52,000

19 Sec. 302. There is appropriated from the utilities  
 20 trust fund to the consumer advocate office of the  
 21 department of justice for the fiscal year beginning  
 22 July 1, 1987 and ending June 30, 1988, the sum of one  
 23 million one hundred fifty-four thousand four hundred  
 24 seventy-five (1,154,475) dollars, or so much thereof  
 25 as may be necessary for salaries and support of not  
 26 more than twenty-one full-time equivalent positions,  
 27 maintenance, and operational purposes of the office.

28 Sec. 303. There is appropriated from the general  
 29 fund of the state to the board of parole for the  
 30 fiscal year beginning July 1, 1987 and ending June 30,  
 31 1988 the following amount, or so much thereof as is  
 32 necessary, for the purposes designated:

33	1987-1988
34	<u>Fiscal Year</u>
35	For salaries and support of
36	not more than sixteen full-time
37	equivalent positions, mainte-
38	nance and miscellaneous purposes . . . . . \$ 518,700

39 Sec. 304. There is appropriated from the general  
 40 fund of the state to the department of corrections for  
 41 the fiscal year beginning July 1, 1987 and ending June  
 42 30, 1988, the following amounts, or so much thereof as  
 43 is necessary, to be used for the purposes designated:

44	1987-1988
45	<u>Fiscal Year</u>

46 1. For the operation of adult  
 47 correctional institutions, including  
 48 salaries and support of not more than  
 49 one thousand six hundred seventeen  
 50 point ninety-three full-time equiva-

Page 11

1 lent positions, maintenance, and  
 2 miscellaneous purposes ..... \$ 54,295,400  
 3 2. In addition to the funds appropriated in  
 4 subsection 1, there is appropriated one thousand five  
 5 hundred (1,500) dollars for an inmate tort claim fund  
 6 for inmate claims of less than twenty-five dollars.  
 7 If the fund is exhausted during the fiscal year,  
 8 sufficient funds shall be transferred from the  
 9 institutional budgets to pay approved tort claims for  
 10 the balance of the fiscal year.

11 The warden or superintendent of each institution or  
 12 correctional facility shall designate an employee to  
 13 receive, investigate, and recommend whether to pay any  
 14 properly filed inmate tort claim for less than the  
 15 above amount. The designee's recommendation shall be  
 16 approved or denied by the warden or superintendent and  
 17 forwarded to the department of corrections for final  
 18 approval and payment.

19 Tort claims denied at the institution shall be  
 20 forwarded to the state appeal board for their  
 21 consideration as if originally filed with that body.

22 This procedure shall be used in lieu of chapter 25A  
 23 for inmate tort claims of less than twenty-five  
 24 dollars.

25 3. There is established an inmate population  
 26 review committee composed of a designee of the  
 27 governor, the director of the department of  
 28 corrections or the director's designee, the  
 29 chairperson of the board of parole or the  
 30 chairperson's designee, and the cochairs of the  
 31 justice system appropriations subcommittee. The co-  
 32 chairpersons of the justice system appropriations  
 33 subcommittee shall be responsible for scheduling the  
 34 first meeting of the committee and the committee shall  
 35 elect a chairperson at its first meeting. The  
 36 legislative fiscal bureau shall provide staff support  
 37 to the committee. The committee shall meet at least  
 38 every three months to review inmate population  
 39 statistics, trends, and projections, and shall make  
 40 recommendations to the governor and the general  
 41 assembly as it deems appropriate.

42 Sec. 305. There is appropriated from the general  
 43 fund of the state to the department of corrections for  
 44 the fiscal year beginning July 1, 1987 and ending June  
 45 30, 1988, the following amounts, or so much thereof as  
 46 is necessary, for the programs as designated:

47	1987-1988
48	<u>Fiscal Year</u>

49 1. For general administra-  
 50 tion, including salaries and

Page 12

1 support of not more than thirty-  
 2 eight point fifty-two full-time  
 3 equivalent positions, mainte-  
 4 nance, and miscellaneous pur-  
 5 poses ..... \$ 1,625,500

6 2. For reimbursement of  
 7 counties for temporary confine-  
 8 ment of work release and parole  
 9 violators, as provided in sec-  
 10 tions 247A.10, 901.7, and 906.17 ..... \$ 68,200

11 3. For salaries and sup-  
 12 port of not more than two full-  
 13 time equivalent positions,  
 14 maintenance and miscellaneous  
 15 purposes for jail inspectors  
 16 as provided in section 356.43 ..... \$ 79,000

17 4. For federal prison reim-  
 18 bursement and miscellaneous  
 19 contracts ..... \$ 355,000

20 The department of corrections shall use funds  
 21 appropriated in this subsection to continue to  
 22 contract for the service of a Muslim imam.

23 5. For salaries and support  
 24 of not more than six point thirty-  
 25 one full-time equivalent positions,  
 26 maintenance, and miscellaneous  
 27 purposes at the correctional  
 28 training center at Mt. Pleasant ..... \$ 288,000

29 6. For salaries and support  
 30 of not more than two full-time  
 31 equivalent positions, maintenance,  
 32 and miscellaneous purposes per-  
 33 taining to the establishment of  
 34 a school district composed of the  
 35 eight correctional institutions ..... \$ 85,000

36 7. For a legal assistance pro-  
 37 gram to provide civil legal assis-  
 38 tance to inmates in the Iowa cor-  
 39 rectional system in matters of  
 40 child custody, bankruptcy, and  
 41 dissolution of marriage ..... \$ 25,000

42 The department shall determine whether an inmate  
 43 applying for civil legal assistance is indigent under  
 44 section 815.9, after submission by the inmate of the  
 45 detailed financial statement required by that section.  
 46 The inmate has an affirmative duty to provide all  
 47 relevant information on the issue of the inmate's  
 48 indigency to the satisfaction of the department that  
 49 the inmate is indigent. The department may establish  
 50 by rule a schedule of charges, on a graduated sale

Page 13

1 related to income and resources, to be paid by inmates  
2 who are not indigent for the provision of civil legal  
3 assistance.

4 The department may establish by rule maximum rates  
5 or reasonable compensation for attorneys providing the  
6 various categories of civil legal assistance under the  
7 program funded by this subsection.

8 8. For repairs to roofs and  
9 related expenses at the eight cor-  
10 rectional institutions . . . . . \$ 115,700

11 Sec. 306. There is appropriated from the general  
12 fund of the state to the department of corrections for  
13 the fiscal year beginning July 1, 1987 and ending June  
14 30, 1988, the sum of sixteen million nine hundred  
15 thousand (16,900,000) dollars, or so much thereof as  
16 is necessary, for preinstitutional and postconviction  
17 community-based corrections, halfway houses, and  
18 parole services.

19 It is the intent of the general assembly that the  
20 department of corrections, in its operation of the  
21 community-based corrections program, shall conform its  
22 activities to the missions, goals, and objectives  
23 provided in this unnumbered paragraph and collect  
24 information pertaining to performance measures  
25 developed by the legislative fiscal bureau. The  
26 department shall provide a report at least quarterly  
27 to the legislative fiscal bureau and the co-  
28 chairpersons and ranking members of the justice system  
29 appropriations subcommittee on the performance  
30 measures. The department shall be notified by the  
31 legislative fiscal bureau by July 1, 1987 of the  
32 specific performance measures for which data shall be  
33 collected and reported. It is the responsibility of  
34 the department of corrections to supervise and assist  
35 individuals who are charged with or have been  
36 convicted of felonies, aggravated misdemeanors, or  
37 serious misdemeanors, or who have been sentenced to  
38 probation, parole or residential care programs as a  
39 result of conviction for these offenses, or who are  
40 contracted to a district department for supervision or  
41 housing while on work release. It is also the  
42 responsibility of the department of corrections to  
43 provide unpaid community service sentencing  
44 alternatives and to operate facilities for the  
45 confinement and treatment of offenders convicted of  
46 violating OWI laws. The department shall seek to  
47 accomplish the following objectives:

48 1. To assist and support the eight district  
49 departments in providing community-based correctional  
50 programs and services, including the gathering of

**Page 14**

1 performance data from each district department for  
2 management and evaluation purposes.

3 2. To allocate funds appropriated for the  
4 establishment, operation, support, and evaluation of  
5 community-based correctional programs and services  
6 among the eight district departments. The allocation  
7 shall be based upon objective criteria relating to the  
8 performance and workload information collected from  
9 each district department. Detailed information  
10 relating to the allocation process, including proposed  
11 budgets for each district department and comparison of  
12 historical performance data with historical spending  
13 information shall be reported to the justice system  
14 appropriations subcommittee during the department's  
15 annual budget hearing.

16 3. To adopt rules establishing guidelines for use  
17 in reviewing the performance of the district  
18 departments. These guidelines shall require that each  
19 district:

20 a. Provide specific services.

21 b. Locate program services in or near cities  
22 providing a substantial number of service resources.

23 c. Follow practices and procedures which maximize  
24 the availability of federal funds.

25 d. Provide for gathering and evaluating  
26 performance data relating to the program.

27 e. Provide for the maintenance of uniform  
28 personnel and fiscal records.

29 f. Provide a program to assist the courts in  
30 placing defendants who are sentenced to unpaid  
31 community service.

32 g. Provide for community participation in the  
33 planning and programming of the district department's  
34 program.

35 h. Review the facilities established to confine  
36 and treat OWI offenders.

37 4. To prepare a biennial plan relating to the  
38 management of the community-based corrections programs  
39 and services. The plan shall include goals,  
40 objectives, operations and funding allocations for  
41 programs and projects, and plans for coordination with  
42 other state agencies responsible for substance abuse  
43 services, mental health services, employment programs,  
44 and other programs needed to improve the availability  
45 of services. The objectives in this unnumbered  
46 paragraph shall serve as a target for the department  
47 and each report shall include a summary of progress  
48 toward those objectives. Failure to meet these goals  
49 or objectives shall not be grounds for legal action  
50 against the department of corrections.

## Page 15

1 Sec. 307. There is appropriated from the general  
2 fund of the state to the department of corrections for  
3 the fiscal year beginning July 1, 1987 and ending June  
4 30, 1988, the sum of one million (1,000,000) dollars,  
5 or so much thereof as is necessary, to be used for  
6 salaries, support, maintenance, and miscellaneous  
7 purposes relating to the OWI facilities operated by  
8 the department of corrections.

9 Sec. 308. The department of corrections shall not  
10 change the allocations either to the district  
11 departments of correctional services or to the  
12 correctional institutions from the amounts presented  
13 to the justice systems appropriations subcommittee  
14 unless notice of the revisions is given prior to their  
15 effective date to the legislative fiscal bureau and  
16 the members of the justice system appropriations sub-  
17 committee. The notice shall include information on  
18 the department's rationale for making the changes and  
19 details concerning the workload and performance  
20 measures upon which the changes are based.

21 The department of corrections shall report to the  
22 legislative fiscal bureau on a monthly basis the  
23 current expenditures of the department's various  
24 allocations with a comparison of actual to budgeted  
25 expenditures.

26 The department of corrections shall use the  
27 department of management's budget system in developing  
28 the budget information for the eight district  
29 departments of correctional services, and each of the  
30 district departments shall be treated as a separate  
31 budget unit with each program modality classified as a  
32 separate organization code. The department shall  
33 furnish performance measure data designed to enable  
34 comparison of this data with historical spending  
35 information, and shall assist the legislative fiscal  
36 bureau in developing information to be used in  
37 legislative oversight of all programs operated by the  
38 department.

39 The department of corrections shall continue the  
40 OWI facilities established in 1986 Iowa Acts, chapter  
41 1246, section 402, in compliance with the conditions  
42 specified in that chapter.

43 Sec. 309. There is appropriated from the general  
44 fund of the state to the judicial branch for the  
45 fiscal year beginning July 1, 1987 and ending June 30,  
46 1988, the following amounts, or so much thereof as is  
47 necessary, to be used for the purposes designated:

48 1987-1988  
49 Fiscal Year

50 COURTS AND ADMINISTRATION

Page 16

1 1. For salaries of supreme court  
 2 justices, appellate court judges,  
 3 district court judges, district  
 4 associate judges, judicial magis-  
 5 trates and staff, court adminis-  
 6 trator, clerk of the supreme  
 7 court, district court administra-  
 8 tors, clerks of court, juvenile  
 9 court officers, board of law exami-  
 10 ners and board of examiners of  
 11 shorthand reporters and judicial  
 12 qualifications commission, main-  
 13 tenance, equipment and miscella-  
 14 neous purposes, including imple-  
 15 mentation of court reorganization  
 16 according to provisions of 1983  
 17 Iowa Acts, chapter 186, section  
 18 10301 ..... \$ 54,000,000

19 Of the funds appropriated by this subsection, not  
 20 more than one million five hundred thousand  
 21 (1,500,000) dollars may be transferred into the  
 22 revolving fund established pursuant to section  
 23 602.1302, subsection 4, to be spent for jury and  
 24 witness fees.

25 Of the funds appropriated by this subsection, not  
 26 less than ninety-three thousand (93,000) dollars shall  
 27 be expended for the court-appointed special advocate  
 28 program.

29 2. For salaries, support, mainte-  
 30 nance, and miscellaneous purposes  
 31 necessary to provide adult indigent  
 32 defense and the costs of juvenile pro-  
 33 ceedings including attorney and wit-  
 34 ness fees ..... \$ 10,000,000

35 3. For salaries, support, mainte-  
 36 nance, and miscellaneous purposes  
 37 necessary to provide juvenile pro-  
 38 ceedings, including attorney and  
 39 witness fees ..... \$ 1,800,000

40 Notwithstanding any provision of law to the  
 41 contrary, the administration of juvenile attorney and  
 42 witness fees shall be transferred to the judicial  
 43 department.

44 4. For salaries, support, mainte-  
 45 nance, and miscellaneous expenses re-  
 46 lating to the juvenile victim resti-  
 47 tution program ..... \$ 115,000

48 The judicial department shall submit a report to  
 49 the Seventy-second General assembly, 1988 Session, no  
 50 later than January 1, 1988 concerning the savings that

Page 17

1 could be realized from the sharing of judicial  
2 computer facilities and services between counties if  
3 the judicial department implements a judicial computer  
4 system.

5 Sec. 310. Section 815.1, Code 1987, is amended by  
6 adding the following new unnumbered paragraph:  
7 NEW UNNUMBERED PARAGRAPH. This section shall be  
8 administered by the Iowa supreme court.

9 Sec. 311. All federal grants to and the federal  
10 receipts of agencies appropriated funds under this  
11 division of this Act are appropriated for the purposes  
12 set forth in such federal grants or receipts unless  
13 otherwise provided by the general assembly."

14 64. Page 70, line 14, by striking the word  
15 "eighty" and inserting the following: "eighty-one".

16 65. Page 70, line 16, by striking the figure  
17 "1,669,000" and inserting the following: "1,708,000".

18 66. Page 70, by inserting after line 16 the  
19 following:

20 "Of the funds appropriated in this subsection,  
21 thirty-nine thousand (39,000) dollars, or so much  
22 thereof as is necessary, is allocated for the  
23 employment of one additional boiler inspector."

24 67. Page 70, by striking lines 20 through 22 and  
25 inserting the following:

26 "more than thirty-one point five  
27 full-time equivalent positions,  
28 maintenance, and miscellaneous  
29 purposes..... \$ 1,020,000

30 As a condition of this appropriation, the  
31 commissioner shall appoint two chief deputy industrial  
32 commissioners who shall be exempt from the merit  
33 system provisions of chapter 19A and excluded from the  
34 provisions of chapter 20, and who shall serve at the  
35 pleasure of the commissioner and shall be used  
36 primarily for the purpose of diminishing the backlog  
37 of appeals."

38 68. Page 74, by inserting after line 26 the  
39 following:

40 "Sec. \_\_\_\_\_. ASSET DETERMINATIONS FOR PUBLIC  
41 ASSISTANCE APPLICANTS OR RECIPIENTS.

42 1. As used in this section, "public assistance"  
43 means monetary or in-kind assistance provided pursuant  
44 to chapter 234, 239, 249, or 249A or provided in whole  
45 or in part with federal social services block grant  
46 funds for which an income or resource eligibility  
47 limitation is imposed.

48 2. The department of inspections and appeals shall  
49 establish an asset determination program for  
50 identifying the assets of persons receiving public

## Page 18

1 assistance. The asset determination program shall be  
2 limited to asset determination checks which can be  
3 accomplished by means of computerized matching by name  
4 and social security number. Only completed matches of  
5 public assistance recipients and assets in excess of  
6 five thousand dollars shall be shown on a monitor or  
7 printed.

8 3. Notwithstanding section 534.404, subsection 1  
9 or any other similar and applicable confidentiality  
10 statute, the president or presiding officer of a  
11 financial institution as defined in section 422.61,  
12 subsection 1, a federally chartered credit union, or a  
13 credit union defined in section 533.1, subsection 1  
14 shall provide the department of inspections and  
15 appeals with information relating to the balances in  
16 the accounts of an applicant for or recipient of  
17 public assistance if the balances in the applicant's  
18 or recipient's accounts, in the aggregate, exceed five  
19 thousand dollars. However, the information shall be  
20 provided only if the financial institution or credit  
21 union is capable of conducting a computerized match of  
22 names and social security numbers of recipients or  
23 applicants on the department's computer tapes with the  
24 names and social security numbers of depositors in the  
25 financial institution's or credit union's computer  
26 tapes. The financial institution or credit union may  
27 charge the department a reasonable fee to cover the  
28 costs of providing the information.

29 4. The department shall hold the information  
30 confidential, in substantial compliance with section  
31 217.30, subsection 1. The financial institution or  
32 credit union shall also hold the information  
33 confidential. Any use of the information for a  
34 purpose other than determining eligibility for public  
35 assistance or identifying assets for the determination  
36 of repayments of public assistance overpayments, is  
37 prohibited. A violation of this confidentiality  
38 requirement is a simple misdemeanor.

39 5. The department shall institute proceedings to  
40 recover overpayments from public assistance recipients  
41 whose assets are determined to exceed those allowed  
42 for eligibility for public assistance. Any amounts  
43 recovered by the department under the asset de-  
44 termination program shall be deposited in the state  
45 treasury and credited to the general fund of the  
46 state. The department shall report on the asset  
47 determination program to the governor and the general  
48 assembly in January of 1988."

49 69. Page 75, line 31, by striking the figure  
50 "628,900" and inserting the following: "478,900".

**Page 19**

- 1 70. Page 81, line 4, by inserting after the word  
 2 "funds," the following: "including funds required for  
 3 additional personnel,".  
 4 71. Page 82, line 7, by inserting after the word  
 5 "funds," the following: "including funds required for  
 6 additional personnel,".  
 7 72. Page 82, line 34, by striking the word "five"  
 8 and inserting the following: "six".  
 9 73. Page 83, line 11, by inserting after the word  
 10 "funds," the following: "including funds required for  
 11 additional personnel,".  
 12 74. Page 84, line 15, by inserting after the word  
 13 "funds," the following: "including funds required for  
 14 additional personnel,".  
 15 75. By renumbering, relettering, or redesignating  
 16 and correcting internal references as necessary.

The motion lost and the House refused to concur in the Senate amendment H—4165.

**Ways and Means Calendar**

The House resumed consideration of **House File 468**, a bill for an act authorizing limited gambling on excursion gambling boats, by specifying additional powers and duties of the state racing and gaming commission, by imposing a tax on adjusted gross receipts from gambling, by authorizing and imposing taxes on admissions, by requiring licenses and imposing fees, by allocating revenue received, by making corresponding amendments to the Code, and by providing penalties for violations, previously deferred.

Speaker Avenson in the chair at 11:16 a.m.

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.

Rule 75 was invoked.

On the question "Shall the bill pass?" (H.F. 468)

The ayes were, 52:

Adams	Arnould	Beatty	Bisignano
Black	Blanshan	Brammer	Buhr
Chapman	Cphoon	Connolly	Connors
Cooper	Dvorsky	Fey	Fogarty
Groninga	Gruhn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hansen, S. D.	Harper	Hatch
Jay	Jochum	Johnson	Knapp

Kremer	Lundby	May	McKinney
Metcalf	Muhlbauer	Neuhauser	Norrgard
Ollie	Parker	Pavich	Peters
Peterson, M. K.	Platt	Poncy	Renaud
Running	Sherzan	Shoultz	Skow
Spear	Van Camp	Wise	Mr. Speaker

The nays were, 48:

Beaman	Bennett	Branstad	Carpenter
Clark	Corbett	Corey	Daggett
De Groot	Diemer	Doderer	Eddie
Fuller	Garman	Hanson, D. R.	Harbor
Haverland	Hermann	Hester	Holveck
Hummel	Koenigs	Lageschulte	Maulsby
McKean	Miller	Mullins	Osterberg
Paulin	Pellett	Petersen, D. F.	Plasier
Renken	Rosenberg	Royer	Schneklath
Schrader	Shoning	Siegrist	Stromer
Stueland	Svoboda	Swartz	Swearingen
Tabor	Teaford	Tyrrell	Van Maanen

Absent or not voting, none.

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

### IMMEDIATE MESSAGES

Arnould of Scott asked and received unanimous consent that the following bills be immediately messaged to the Senate: House Files 671 and 468 and Senate File 511.

### 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 5, 1987, insisted on its amendment to House File 407, a bill for an act relating to violations of 321J.2 and retention of records of motor vehicle violations, and the members of the conference committee, on the part of the Senate are: The Senator from Woodbury, Senator Doyle, Chair; the Senator from Linn, Senator Hall; the Senator from Johnson, Senator Lloyd-Jones; the Senator from Bremer, Senator Jensen; the Senator from Muscatine, Senator Drake.

Also: That the Senate has on May 4, 1987, passed the following bill in which the concurrence of the House is asked:

Senate File 515, a bill for an act relating to the allocations and appropriations of lottery revenues and the programs for which the revenues may be used.

JOHN F. DWYER, Secretary

On motion by Arnould of Scott, the House was recessed at 12:07 p.m., until 1:45 p.m.

### AFTERNOON SESSION

The House reconvened, Speaker Avenson in the chair.

### QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed seventy-five members present, twenty-five absent.

### SENATE AMENDMENTS CONSIDERED House Refused to Concur

Hansen of Woodbury called up for consideration **House File 244**, a bill for an act relating to progress payments, final payments, and retention from payments made to subcontractors on public improvement construction projects, amended by the Senate, and moved that the House concur in the following Senate amendment H-4036:

H-4036

- 1 Amend House File 244, as passed by the House, as  
2 follows:  
3 1. Page 1, by inserting before line 1 the  
4 following:  
5 "Section 1. Section 573.2, Code 1987, is amended  
6 to read as follows:  
7 573.2 PUBLIC IMPROVEMENTS — BOND AND CONDITIONS.  
8 1. CONTRACTOR'S BOND. Contracts for the  
9 construction of a public improvement shall, when the  
10 contract price equals or exceeds twenty-five thousand  
11 dollars, be accompanied by a bond, with surety,  
12 conditioned for the faithful performance of the  
13 contract, and for the fulfillment of other  
14 requirements as provided by law. The bond may also be  
15 required when the contract price does not equal that  
16 amount.  
17 2. SUBCONTRACTOR'S BOND. A subcontractor must  
18 post the following bond to be entitled to receive  
19 prompt payment under section 573.12, subsection 2.  
20 Subcontracts for the construction of a public  
21 improvement shall be accompanied by a bond, with  
22 surety, conditioned for the faithful performance of  
23 the subcontract, and for the fulfillment of other  
24 requirements as provided by law, in all cases where a  
25 contractor's bond is required.  
26 3. INSOLVENCY OF THE SURETY. However, if a  
27 contractor or subcontractor provides a performance or  
28 maintenance bond as required by a public improvement

29 contract governed by this chapter and subsequently the  
 30 surety company becomes insolvent and the contractor or  
 31 subcontractor is required to purchase a new bond, the  
 32 contractor or subcontractor may apply for  
 33 reimbursement from the governmental agency that  
 34 required a second bond and the claims shall be  
 35 reimbursed from funds allocated for road construction  
 36 purposes."

37 2. Page 1, line 12, by striking the word "The"  
 38 and inserting the following:

39 "If the subcontractor has posted a bond under  
 40 section 573.2, subsection 2, the".

41 3. Page 1, line 15, by inserting after the word  
 42 "subcontractor." the following: "If the subcontractor  
 43 has not posted a bond under section 573.2, subsection  
 44 2, the contractor may retain from each payment to a  
 45 subcontractor an amount deemed by the contractor to be  
 46 sufficient to assure full performance, unless  
 47 otherwise limited by contract between the contractor  
 48 and subcontractor."

49 4. Page 1, line 16, by striking the word "A" and  
 50 inserting the following: "If the subcontractor has

#### Page 2

1 posted a bond under section 573.2, subsection 2, a".

2 5. Page 1, line 17, by striking the word "a" and  
 3 inserting the following: "the".

4 6. Page 1, by inserting after line 31 the  
 5 following:

6 "Sec. \_\_\_\_\_. Section 573.14, unnumbered paragraph 1,  
 7 Code 1987, is amended to read as follows:

8 Said fund shall be retained by the public  
 9 corporation for a period of thirty days after the  
 10 completion and final acceptance of the improvement.  
 11 If at the end of said thirty-day period claims are on  
 12 file as herein provided the public corporation shall  
 13 continue to retain from said unpaid funds a sum ~~not~~  
 14 less than equal to double the total amount of all  
 15 claims on file. The balance shall be paid to the con-  
 16 tractor."

17 7. By renumbering as necessary.

The motion lost and the House refused to concur in the Senate amendment H—4036.

#### House Refused to Concur

Fogarty of Palo Alto called up for consideration **House File 345**, a bill for an act relating to the procedures for authorization of drainage district improvements, amended by the Senate, and moved that the House concur in the following Senate amendment H—4035:

H—4035

1 Amend House File 345 as amended, passed and  
2 reprinted by the House as follows:

3 1. Page 2, by inserting after line 11 the  
4 following:

5 "Sec. 2. Section 455.64, Code 1987, is amended by  
6 adding the following new unnumbered paragraph:  
7 NEW UNNUMBERED PARAGRAPH. However, this section  
8 does not prohibit a landowner from filing an appeal  
9 following the payment of the drainage or levee tax  
10 assessment, regardless of whether objection to the  
11 payment is waived, if the board or any of its members  
12 has made material misrepresentations concerning the  
13 assessment or matters related to it and the  
14 misrepresentation shall cause the assessment to be  
15 voidable to the landowners relying upon it in an  
16 appeal.

17 Sec. 3. Section 455.94, Code 1987, is amended to  
18 read as follows:

19 455.94 TIME AND MANNER.

20 All appeals shall be taken within twenty ninety  
21 days after the date of final action or order of the  
22 board from which such appeal is taken by filing with  
23 the auditor a notice of appeal, designating the court  
24 to which the appeal is taken and the order or action  
25 appealed from, and stating that the appeal will come  
26 on for hearing thirty days following perfection of the  
27 appeal with allowances of additional time for good  
28 cause shown. This notice shall be accompanied by an  
29 appeal bond with sureties to be approved by the  
30 auditor conditioned to pay all costs adjudged against  
31 the appellants and to abide the orders of the court."

The motion lost and the House refused to concur in the Senate amendment H—4035.

### SENATE AMENDMENT CONSIDERED

Bisignano of Polk called up for consideration **House File 469**, a bill for an act to regulate the circumstance and procedure under which an employer may request a drug test of an employee or an applicant for employment and providing a penalty, amended by the Senate amendment H—4099 as follows:

H—4099

1 Amend House File 469 as amended, passed and  
2 reprinted by the House as follows:

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

5 "Sec. 1. NEW SECTION. 730.5 DRUG TESTING OF

6 EMPLOYEES OR APPLICANTS REGULATED.

7 1. As used in this section, "drug test" means any  
8 blood, urine, saliva, chemical, or skin tissue test  
9 conducted for the purpose of detecting the presence of  
10 a chemical substance in an individual.

11 2. Except as provided in subsection 7, an employer  
12 shall not require or request employees or applicants  
13 for employment to submit to a drug test as a condition  
14 of employment, preemployment, promotion, or change in  
15 status of employment. An employer shall not request,  
16 require, or conduct random or blanket drug testing of  
17 employees. However, this section does not apply to  
18 preemployment drug tests authorized for peace officers  
19 or correctional officers of the state, or to drug  
20 tests required under federal statutes, or to drug  
21 tests conducted pursuant to a nuclear regulatory  
22 commission policy statement, or to drug tests  
23 conducted to determine if an employee is ineligible to  
24 receive workers' compensation under section 85.16,  
25 subsection 2.

26 3. This section does not prohibit an employer from  
27 requiring a specific employee to submit to a drug test  
28 if all of the following conditions are met:

29 a. The employer has probable cause to believe that  
30 an employee's faculties are impaired on the job.

31 b. The employee is in a position where such  
32 impairment restricts the ability of the employee to  
33 meet the performance standards imposed by the  
34 employer, or presents a danger to the safety of the  
35 employee, another employee, a member of the public, or  
36 the property of the employer, or when impairment due  
37 to intoxication is a violation of a known rule of the  
38 employer.

39 c. The test sample withdrawn from the employee is  
40 analyzed by a laboratory or testing facility that has  
41 been approved under rules adopted by the department of  
42 public health or is duly licensed or approved under  
43 applicable state laws where the laboratory or testing  
44 facility is located.

45 d. If a test is conducted and the results indicate  
46 that the employee is under the influence of alcohol or  
47 a controlled substance or indicate the presence of  
48 alcohol or a controlled substance, a second test using  
49 an alternative method of analysis shall be conducted.  
50 When possible and practical, the second test shall use

Page 2

1 a portion of the same test sample withdrawn from the  
2 employee for use in the first test.

3 e. An employee shall be accorded a reasonable  
4 opportunity to rebut or explain the results of a drug

5 test.

6 f. The employer shall provide substance abuse  
7 evaluation, and treatment if recommended by the  
8 evaluation, with costs apportioned as provided under  
9 the employee benefit plan or at employer expense, if  
10 there is no employee benefit plan, for those employees  
11 whose drug test indicates the presence of alcohol or a  
12 controlled substance. If an employee whose drug test  
13 indicates the presence of alcohol or a controlled  
14 substance undergoes substance abuse evaluation which  
15 indicates an addiction for which substance abuse  
16 treatment is recommended, and if the employee  
17 successfully completes substance abuse treatment, if  
18 recommended by the evaluation, the employer shall take  
19 no disciplinary action against the employee. However,  
20 if an employee fails to undergo substance abuse  
21 evaluation when required under the results of a drug  
22 test, or fails to successfully complete substance  
23 abuse treatment when recommended by an evaluation, the  
24 employee may be disciplined up to and including  
25 discharge. The substance abuse evaluation and  
26 treatment provided by the employer shall take place  
27 under a program approved by the department of public  
28 health or accredited by the joint commission on  
29 accreditation of hospitals.

30 4. In conducting those tests designed to identify  
31 the presence of chemical substances in the body, the  
32 employer shall ensure to the extent feasible that the  
33 tests only measure and that the records of the tests  
34 only show or make use of information regarding  
35 chemical substances in the body which are likely to  
36 affect the ability of the employee to perform safely  
37 the employee's duties while on the job or to meet  
38 performance standards imposed by the employer.

39 5. This section does not restrict an employer's  
40 ability to prohibit the use of alcohol or controlled  
41 substances during work hours or to discipline  
42 employees for being under the influence of alcohol or  
43 controlled substances during work hours.

44 6. This section does not prevent an employer from  
45 conducting medical screening in order to monitor  
46 exposure to toxic or other unhealthy substances  
47 encountered in the workplace or in the performance of  
48 their job responsibilities. Any such screening must  
49 be limited to the specific substances required to be  
50 monitored.

**Page 3**

1 7. A drug test conducted as a part of a physical  
2 examination performed as a part of a preemployment  
3 physical or a physical in connection with a promotion

4 or a change of status in employment or as a part of a  
5 regularly scheduled physical is only permissible under  
6 the following circumstances:

7 a. For a preemployment physical, the employer  
8 shall notify the job applicant of the requirement for  
9 a drug test at the time of the interview and hiring.

10 b. For a regularly scheduled physical, the  
11 employer shall give notice that a drug test will be  
12 part of the physical at least fifteen days prior to  
13 the date the physical is scheduled.

14 Drug testing conducted under this subsection shall  
15 conform to the requirements of subsection 3,  
16 paragraphs "c", "d", "e", and "f"; however, paragraph  
17 "f" shall not apply to drug tests conducted as a part  
18 of a preemployment physical.

19 8. An employer shall protect the confidentiality  
20 of the results of any drug test conducted on an  
21 employee. The results of the test may be recorded in  
22 the employee's medical and personnel records; however,  
23 if an employee whose test indicated the employee was  
24 under the influence of alcohol or a controlled  
25 substance or indicated the presence of a controlled  
26 substance has undergone substance abuse evaluation  
27 and, when treatment is indicated under the substance  
28 abuse evaluation, successfully completed treatment for  
29 substance abuse, the employee's personnel records  
30 shall be expunged of any reference to the test or its  
31 results when the employee leaves employment.

32 9. This section may be enforced through a civil  
33 action under section 730.6. In an action brought  
34 under this subsection alleging that an employer has  
35 required or requested a drug test in violation of this  
36 section, the employer has the burden of proving that  
37 the requirements of this section were met.

38 10. An employee shall not be discharged,  
39 disciplined, or discriminated against in any manner  
40 for filing a complaint or testifying in any proceeding  
41 or action involving violations of this section. An  
42 employee discharged, disciplined, or otherwise  
43 discriminated against in violation of this section  
44 shall be compensated by the employer in the amount of  
45 any loss of wages and benefits arising out of the  
46 discrimination and shall be restored to the employee's  
47 previous position of employment.

48 11. A person who violates this section is, upon  
49 conviction, guilty of a simple misdemeanor.

50 Sec. 2. NEW SECTION. 730.6 PUBLIC POLICY

Page 4

1 VIOLATION — EMPLOYEE ACTION FOR DAMAGES.

2 1. As used in this section, unless the context

3 otherwise requires:

4 a. "Public policy" means an expression of public  
5 will as found in a statute, ordinance, administrative  
6 regulation or decision, judicial decision, or standard  
7 of professional conduct or ethics.

8 b. "Act against public policy" includes, but is  
9 not limited to, the following:

10 (1) An act intended to induce or compel an  
11 employee to violate public policy.

12 (2) An act intended to deprive an employee of a  
13 right or benefit conferred by public policy.

14 (3) An act intended to induce or compel an  
15 employee to refuse to perform an obligation created by  
16 public policy.

17 (4) An act committed in reckless disregard of the  
18 probability of violating a public policy designed for  
19 the protection of the employee.

20 2. A person who has been injured as a result of an  
21 act against public policy may, within two years from  
22 the date of the act, bring an action for damages sus-  
23 tained, and this action may be joined with any other  
24 action, except an administrative proceeding, which  
25 arises from the employment or act against public  
26 policy.

27 a. A person who violates this section or who aids  
28 in the violation of this section is liable for  
29 affirmative relief for damages sustained including but  
30 not limited to reinstatement or hiring, with or  
31 without back pay, or any other equitable relief as the  
32 court deems appropriate including attorney fees and  
33 court costs.

34 b. When a person commits, is committing, or  
35 proposes to commit, an act in violation of this  
36 section, an injunction may be granted through an  
37 action in district court to prohibit the person from  
38 continuing such acts. The action for injunctive  
39 relief may be brought by an aggrieved employee or  
40 applicant for employment, the county attorney, or the  
41 attorney general."

42 2. Title page, line 1, by striking the words "to  
43 regulate" and inserting the following: "relating to  
44 employment practices and employee rights, by providing  
45 civil damages for employees injured as a result of  
46 employer acts which violate public policy or result in  
47 the wrongful discharge of an employee, and by  
48 regulating".

Arnould of Scott asked and received unanimous consent to temporarily defer action on House File 469.

(Senate amendment H—4099 pending.)

Skow of Guthrie in the chair at 2:31 p.m.

### House Refused to Concur

Buhr of Polk called up for consideration **House File 500**, a bill for an act relating to the state civil rights law and the civil rights commission, amended by the Senate, and moved that the House concur in the following Senate amendment H-4113:

H-4113

- 1 Amend House File 500 as amended, passed and  
2 reprinted by the House, as follows:  
3 1. Page 1, by striking lines 28 and 29 and  
4 inserting the following:  
5 "b. Handicap is related to the job but through  
6 experience, training, or reasonable accommodation the  
7 person has overcome the handicap and is able".  
8 2. Page 2, by inserting after line 9 the  
9 following:  
10 "Sec. \_\_\_\_\_. Section 601A.6, subsection 1,  
11 paragraphs a and b, Code 1987, are amended to read as  
12 follows:  
13 a. Person to refuse to hire, accept, register,  
14 classify, or refer for employment, to discharge any  
15 employee, or to otherwise discriminate in employment  
16 against any applicant for employment or any employee  
17 because of the age, race, creed, color, sex, national  
18 origin, religion, ~~or~~ disability, or association with  
19 protected class members, of such applicant or  
20 employee, unless based upon the nature of the  
21 occupation. If a disabled person is qualified to  
22 perform a particular occupation, by reason of training  
23 or experience, the nature of that occupation shall not  
24 be the basis for exception to the unfair or  
25 discriminating practices prohibited by this  
26 subsection.  
27 b. Labor organization or the employees, agents or  
28 members thereof to refuse to admit to membership any  
29 applicant, to expel any member, or to otherwise  
30 discriminate against any applicant for membership or  
31 any member in the privileges, rights, or benefits of  
32 such membership because of the age, race, creed,  
33 color, sex, national origin, religion, ~~or~~ disability,  
34 or association with protected class members, of such  
35 applicant or member.  
36 Sec. \_\_\_\_\_. NEW SECTION. 601A.6A REASONABLE  
37 ACCOMMODATION BY EMPLOYER.  
38 1. An employer shall make reasonable accommodation  
39 to the known physical or mental limitations of an  
40 otherwise qualified handicapped employee or applicant  
41 for employment unless the employer can demonstrate

42 that the accommodation would impose an undue hardship  
43 on the operation of its program.

44 2. Reasonable accommodation may include the  
45 following:

46 a. Making facilities used by employees readily  
47 accessible to and usable by handicapped persons.

48 b. Job restructuring, part-time or modified work  
49 schedules, acquisition or modification of equipment or  
50 devices, the provision of readers or interpreters, and

**Page 2**

1 other similar actions.

2 3. Reasonable accommodation may require more than  
3 a de minimis expenditure as long as it does not impose  
4 an undue hardship on the operation of the employer's  
5 program.

6 4. In determining whether an accommodation would  
7 impose an undue hardship on the operation of an  
8 employer's program, factors to be considered include  
9 all of the following:

10 a. The overall size of the employer's program with  
11 respect to number of employees, number and type of  
12 facilities, and size of budget.

13 b. The type of the employer's operation, including  
14 the composition and structure of the employer's  
15 workforce.

16 c. The nature and cost of the accommodation  
17 needed.

18 5. An employer shall not deny any employment  
19 opportunity to a qualified handicapped employee or  
20 applicant if the basis for the denial is the need to  
21 make reasonable accommodation to the physical or  
22 mental limitations of the employee or applicant.

23 Sec. \_\_\_\_\_. Section 601A.8, subsection 1, Code 1987,  
24 is amended to read as follows:

25 1. To refuse to sell, rent, lease, assign or  
26 sublease any real property or housing accommodation or  
27 part, portion or interest therein, to any person  
28 because of the race, color, creed, sex, religion,  
29 national origin, ~~or~~ disability, or association with  
30 protected class members, of such person.

31 Sec. \_\_\_\_\_. Section 601A.8, subsection 4, Code 1987,  
32 is amended by adding the following new unnumbered  
33 paragraph:

34 NEW UNNUMBERED PARAGRAPH. It shall also be an  
35 unfair or discriminatory practice for any person to  
36 interfere with the interests because of race, creed,  
37 color, sex, national origin, religion, or disability."

38 3. Page 2, by inserting after line 23 the  
39 following:

40 "Sec. \_\_\_\_\_. Section 601A.13, subsection 1, Code

41 1987, is amended to read as follows:

42 1. However, a retirement plan or benefit system  
43 shall not require the involuntary retirement of a  
44 person under the age of seventy because of that  
45 person's age. This paragraph does not prohibit the  
46 following:

47 a. The involuntary retirement of a person who has  
48 attained the age of sixty-five and has for the two  
49 prior years been employed in a bona fide executive or  
50 high policy-making position and who is entitled to an

**Page 3**

1 immediate, nonforfeitable annual retirement benefit  
2 from a pension, profit-sharing, savings or deferred  
3 compensation plan of the employer which equals twenty-  
4 seven forty-five thousand dollars. This retirement  
5 benefit test may be adjusted according to the  
6 regulations prescribed by the United States secretary  
7 of labor pursuant to Public Law 95-256, section 3.

8 b. The involuntary retirement of a person covered  
9 by a collective bargaining agreement which was entered  
10 into by a labor organization and was in effect on  
11 ~~September 1, 1977~~ July 1, 1987. This exemption does  
12 not apply after the termination of that agreement or  
13 January 1, 1980 1990, whichever first occurs.

14 c. Nothing in this chapter shall be construed to  
15 prohibit compulsory retirement of any employee who has  
16 attained seventy years of age, and who is serving  
17 under a contract of unlimited tenure, or similar  
18 arrangement providing for unlimited tenure, at an  
19 institution of higher education as defined by section  
20 1201(a) of the federal Higher Education Act of 1965.

21 Sec. \_\_\_\_\_. Section 601A.15, subsection 8, paragraph  
22 a, subparagraph (8), Code 1987, is amended by adding  
23 the following new unnumbered paragraphs:

24 NEW UNNUMBERED PARAGRAPH. The term "injury" as  
25 used in this subparagraph includes emotional distress  
26 where the discriminatory act consisted of outrageous  
27 conduct.

28 NEW UNNUMBERED PARAGRAPH. In a proceeding before  
29 the agency, where costs are borne by the agency,  
30 amounts that would be court costs if incurred in an  
31 action in district court, shall be paid by the  
32 respondent to the agency.

33 Sec. \_\_\_\_\_. Section 601A.15, subsection 8, paragraph  
34 a, Code 1987, is amended by adding the following new  
35 subparagraph:

36 NEW SUBPARAGRAPH. (9) Exemplary damages may be  
37 awarded where the respondent acted with actual malice  
38 or where the respondent acts with deliberate  
39 indifference to or with willful or reckless disregard

- 40 of the rights of the complainant.  
 41 Sec. \_\_\_\_\_. Section 601A.16, Code 1987, is amended  
 42 by adding the following new subsection:  
 43 **NEW SUBSECTION. 7.** An action brought pursuant to  
 44 this chapter may be joined with any other action,  
 45 except an administrative proceeding."  
 46 4. Title page, line 2, by inserting after the  
 47 word "commission" the following: ", and providing  
 48 penalties".  
 49 5. By renumbering as necessary.

The motion lost and the House refused to concur in the Senate amendment H—4113.

### SENATE AMENDMENTS CONSIDERED

Brammer of Linn called up for consideration **House File 567**, a bill for an act relating to permanency planning for children by providing for dispositional and placement review hearings for certain children subject to the jurisdiction of the juvenile court, by authorizing permanency placement orders for certain children in need of assistance, by modifying certain grounds and procedures for the termination of parental rights, and by establishing an adoption exchange, amended by the Senate amendment H—4118 as follows:

H—4118

- 1 Amend House File 567 as amended, passed, and  
 2 reprinted by the House as follows:  
 3 1. Page 1, line 15, by inserting after the word  
 4 "admitted" the following: "provided,  
 5 notwithstanding any other provisions of this or any  
 6 other chapter, that written reports which contain  
 7 hearsay are inadmissible unless the name, address, and  
 8 telephone number of the original source of the hearsay  
 9 are provided in the report; and provided further that  
 10 no hearsay evidence is admissible unless written  
 11 notice of the evidence is provided to all parties  
 12 within five days before any hearing at which the  
 13 evidence will be offered, and provided that no  
 14 opinions concerning ultimate statutory, adjudicatory,  
 15 or dispositional issues to be decided by the court are  
 16 admissible with the exception of expert opinions  
 17 concerning physical or mental conditions".  
 18 2. Page 1, by inserting after line 15 the  
 19 following:  
 20 "The provisions of this subsection regarding  
 21 inadmissibility of evidence do not apply to written  
 22 reports of volunteer officers of the court appointed  
 23 by the court."  
 24 3. Page 1, by inserting after line 25 the

25 following:

26 "Sec. \_\_\_\_\_. Section 232.99, subsection 2, Code  
27 1987, is amended to read as follows:

28 2. All relevant and material evidence shall be  
29 admitted, provided, notwithstanding any other  
30 provisions of this or any other chapter, that written  
31 reports which contain hearsay are inadmissible unless  
32 the name, address, and telephone number of the  
33 original source of the hearsay are provided in the  
34 report; and provided further that no hearsay evidence  
35 is admissible unless written notice of the evidence is  
36 provided to all parties within five days before any  
37 hearing at which the evidence will be offered, and  
38 provided that no opinions concerning ultimate  
39 statutory, adjudicatory, or dispositional issues to be  
40 decided by the court are admissible with the exception  
41 of expert opinions concerning physical or mental  
42 conditions. The provisions of this subsection  
43 regarding inadmissibility of evidence do not apply to  
44 written reports of volunteer officers of the court  
45 appointed by the court."

46 4. Page 4, line 16, by striking the words "clear  
47 and convincing" and inserting the following: "a  
48 preponderance of the".

49 5. Page 7, by striking lines 9 through 31 and  
50 inserting in lieu thereof the following:

**Page 2**

1 "2. After the grounds for termination have been  
2 established, the court shall give primary  
3 consideration to the physical, mental, and emotional  
4 needs of the child. Such consideration may include,  
5 but is not limited to any of the following:

6 a. The preference of the child, if the court  
7 determines that the child has sufficient capacity to  
8 express a reasonable preference.

9 b. The value of maintaining the parent-child  
10 relationship.

11 c. The feasibility of adoption."

12 6. Page 10, by inserting after line 15 the  
13 following:

14 "Sec. \_\_\_\_\_. Section 598.35, Code 1987, is amended  
15 to read as follows:

16 598.35 GRANDPARENTS VISITATION RIGHTS.

17 The ~~grandparents~~ grandparent of a child may  
18 petition the district court for grandchild visitation  
19 rights when any of the following circumstances occur:

20 1. The parents of the child are divorced, or,

21 2. A petition for dissolution of marriage has been  
22 filed by one of the parents of the child, or,

23 3. The parent of the child, who is the child of

24 the grandparents grandparent, has died; or.

25 4. The child has been placed in a foster home.

26 5. The parents of the child are divorced, and the  
 27 parent who is not the child of the grandparent has  
 28 legal custody of the child, and the spouse of the  
 29 child's custodial parent has been issued a final  
 30 adoption decree pursuant to section 600.13.

31 6. The paternity of a child born out of wedlock is  
 32 judicially established and the grandparent of the  
 33 child is the parent of the father of the child and the  
 34 mother of the child has custody of the child, or the  
 35 grandparent of a child born out of wedlock is the  
 36 parent of the mother of the child and custody has been  
 37 awarded to the father of the child.

38 A petition for grandchild visitation rights shall  
 39 be granted only upon a finding that the visitation is  
 40 in the best interests of the child and that the  
 41 grandparent had established a substantial relationship  
 42 with the child prior to the filing of the petition.

43 Sec. \_\_\_\_\_. Section 600A.10, Code 1987, is  
 44 repealed."

45 7. Title page, line 6, by inserting after the  
 46 word "rights" the following: "and for the granting of  
 47 grandparent visitation rights".

48 8. By renumbering, relettering, or redesignating  
 49 and correcting internal references as necessary.

Brammer of Linn offered the following amendment H—4151, to the Senate amendment H—4118, filed by him and moved its adoption:

H—4151

- 1 Amend the Senate amendment, H—4118, to House File
- 2 567, as amended, passed, and reprinted by the House,
- 3 as follows:
- 4 1. Page 1, by striking lines 3 through 45.

Amendment H—4151 was adopted.

Peterson of Carroll offered the following amendment H—4199, to the Senate amendment H—4118, filed by him and moved its adoption:

H—4199

- 1 Amend the Senate amendment, H—4118, to House File
- 2 567 as amended, passed and reprinted by the House as
- 3 follows:
- 4 1. By striking page 1, line 49 through page 2,
- 5 line 11.
- 6 2. By renumbering as necessary.

Amendment H—4199 was adopted.

Teaford of Black Hawk offered the following amendment H—4127, to the Senate amendment H—4118, filed by her and moved its adoption:

H—4127

- 1 Amend the Senate amendment, H—4118, to House File
- 2 567 as amended, passed and reprinted by the House as
- 3 follows:
- 4 1. Page 2, by striking lines 12 through 47.
- 5 2. By renumbering as necessary.

Amendment H—4127 lost.

On motion by Brammer of Linn, the House concurred in the Senate amendment H—4118, as amended.

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

On the question "Shall the bill pass?" (H.F. 567)

The ayes were, 95:

Adams	Arnould	Avenson	Beaman
Beatty	Bisignano	Black	Blanshan
Brammer	Branstad	Buhr	Carpenter
Chapman	Clark	Cohoon	Connolly
Connors	Cooper	Corbett	Corey
Daggett	De Groot	Diemer	Doderer
Dvorsky	Eddie	Fey	Fogarty
Fuller	Garman	Groninga	Gruhn
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. R.
Harbor	Harper	Hatch	Haverland
Hermann	Hester	Holveck	Hummel
Jay	Jochum	Johnson	Knapp
Koenigs	Kremer	Lageschulte	Lundby
Maulsby	May	McKean	McKinney
Metcalf	Miller	Muhlbauer	Mullins
Neuhauser	Norrgard	Ollie	Osterberg
Parker	Paulin	Pavich	Pellet
Peters	Petersen, D. F.	Peterson, M. K.	Plasier
Platt	Poncy	Renaud	Renken
Rosenberg	Running	Schnekloth	Schrader
Shoning	Shoultz	Siegrist	Spear
Stromer	Stueland	Svoboda	Swartz
Swearingen	Tabor	Teaford	Van Camp
Van Maanen	Wise	Mr. Speaker	
		(Skow)	

The nays were, none.

Absent or not voting, 5:

Bennett  
Tyrrell

Halvorson, R. A.

Royer

Sherzan

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

Hammond of Story called up for consideration **House File 310**, a bill for an act relating to acquired immune deficiency syndrome including the establishment of a central registry for victims and screening and testing procedures, amended by the Senate, and moved that the House concur in the following Senate amendment H—3888:

H—3888

- 1 Amend House File 310 as amended, passed, and
- 2 reprinted by the House as follows:
- 3 1. Page 1, line 17, by inserting after the word
- 4 "at" the following: "high".
- 5 2. Page 1, line 18, by inserting after the word
- 6 "syndrome." the following: "For the purposes of this
- 7 section, "persons at high risk" means homosexuals,
- 8 bisexuals, and intravenous drug users."
- 9 3. Page 1, line 20, by striking the word
- 10 "hygienic" and inserting the following: "clinical".
- 11 4. Page 1, line 21, by inserting after the word
- 12 "services." the following:
- 13 "A person seeking and undergoing acquired immune
- 14 deficiency syndrome screening and testing procedures
- 15 shall not be reported or have the person's identity
- 16 revealed in any way without the express written
- 17 consent of the person."
- 18 5. Page 1, line 25, by striking the word
- 19 "cooperation" and inserting the following:
- 20 "association".
- 21 6. Page 1, line 25, by inserting after the word
- 22 "counselors" the following: "from public and private
- 23 agencies".
- 24 7. Page 1, line 26, by striking the word
- 25 "provide" and inserting the following: "facilitate".
- 26 8. Page 1, line 26, by inserting after the word
- 27 "positive" the following: "or negative".
- 28 9. Page 1, line 27, by inserting after the word
- 29 "results" the following: ", and for diagnosed
- 30 acquired immune deficiency syndrome cases".
- 31 10. By renumbering, relettering, or redesignating
- 32 and correcting internal references as necessary.

The motion prevailed and the House concurred in the Senate amendment H—3888.

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. 310)

The ayes were, 90:

Adams	Arnould	Avenson	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Branstad	Buhr
Carpenter	Chapman	Clark	Cohoon
Connolly	Connors	Cooper	Corey
Daggett	De Groot	Diemer	Doderer
Dvorsky	Eddie	Fey	Fogarty
Fuller	Garman	Groninga	Gruhn
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. R.
Harbor	Harper	Hatch	Haverland
Hermann	Hester	Holveck	Hummel
Jay	Jochum	Johnson	Knapp
Koenigs	Lageschulte	May	McKean
McKinney	Metcalf	Miller	Muhlbauer
Mullins	Neuhauser	Norrgard	Ollie
Osterberg	Parker	Paulin	Pavich
Pellett	Peters	Petersen, D. F.	Peterson, M. K.
Plasier	Platt	Poncy	Renaud
Rosenberg	Running	Schnekloth	Schrader
Shoning	Shoultz	Siegrist	Spear
Stromer	Stueland	Svoboda	Swartz
Swearingen	Taber	Teaford	Van Camp
Wise	Mr. Speaker (Skow)		

The nays were, 7:

Corbett	Kremer	Lundby	Maulsby
Renken	Royer	Van Maanen	

Absent or not voting, 3:

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

Muhlbauer of Crawford called up for consideration **House File 533**, a bill for an act relating to weight restrictions for vehicles on bridges and culverts and including a penalty, amended by the Senate, and moved that the House concur in the following Senate amendment H-4114:

H-4114

1 Amend House File 533 as amended, passed and  
2 reprinted by the House as follows:

- 3 1. Page 1, line 10, by inserting after the figure  
4 "16" the following: "and implements of husbandry  
5 loaded on hauling units for transporting the  
6 implements to locations for purposes of repair".  
7 2. Page 2, line 4, by inserting after the figure  
8 "16" the following: "or to implements of husbandry  
9 loaded on hauling units for transporting the  
10 implements to locations for purposes of repair".

The motion prevailed and the House concurred in the Senate amendment H-4114.

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. 533)

The ayes were, 92:

Adams	Arnould	Avenson	Beaman
Beatty	Bennett	Bisignano	Black
Brammer	Branstad	Buhr	Carpenter
Chapman	Clark	Cphoon	Connolly
Connors	Cooper	Corbett	Corey
Daggett	De Groot	Diemer	Doderer
Dvorsky	Eddie	Fey	Fogarty
Fuller	Garman	Groninga	Gruhn
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. R.
Harbor	Harper	Hatch	Haverland
Hermann	Hester	Holveck	Hummel
Jay	Jochum	Johnson	Knapp
Koenigs	Kremer	Lundby	Maulsby
May	McKean	McKinney	Metcalf
Miller	Muhlbauer	Mullins	Neuhauser
Norrsgard	Ollie	Osterberg	Parker
Paulin	Pavich	Pellet	Peters
Petersen, D. F.	Peterson, M. K.	Plasier	Platt
Renken	Rosenberg	Royer	Schnekloth
Schrader	Shoning	Shoultz	Siegrist
Spear	Stromer	Stueland	Svoboda
Swartz	Swearingen	Tabor	Teaford
Van Camp	Van Maanen	Wise	Mr. Speaker (Skow)

The nays were, 3:

Poncy	Renaud	Running
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Absent or not voting, 5:

Blanshan  
Tyrrell

Halvorson, R. A.

Lageschulte

Sherzan

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

Koenigs of Mitchell called up for consideration **House File 411**, a bill for an act relating to the grain indemnity fund, by eliminating credit sale contracts from its protection, providing for distribution of receivership assets excluding proceeds of the fund, raising minimum net worth requirements, and providing definitions, eliminating participation by federally licensed warehouses, and providing a penalty for late payment of fees, eligibility standards, for the appointment of additional members to the Iowa grain indemnity fund board, the adjustment of fees, a procedure for determining the value of losses, requirements for recovery from the fund, and the retroactive applicability of certain of its provisions, amended by the Senate amendment H-3839 as follows:

H-3839

1 Amend House File 411, as passed by the House, as  
2 follows:

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

5 "Section 1. Section 542.1, subsection 3, Code  
6 1987, is amended to read as follows:

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

28 Sec. 2. Section 542.3, subsection 4, paragraph b,

29 Code 1987, is amended to read as follows:

30 b. The grain dealer shall submit, as required by  
31 the department, a financial statement that is  
32 accompanied by an unqualified opinion based upon an  
33 audit performed by a certified public accountant  
34 licensed in this state. However, the department may  
35 accept a qualification in an opinion that is  
36 unavoidable by any audit procedure that is permitted  
37 under generally accepted accounting principles. An  
38 opinion that is qualified because of a limited audit  
39 procedure or because the scope of an audit is limited  
40 shall not be accepted by the department. The  
41 department shall not require that a grain dealer  
42 submit more than one such unqualified opinion per  
43 year. The grain dealer may elect, however, to submit  
44 a financial statement that is accompanied by the  
45 report of a certified public accountant licensed in  
46 this state that is based upon a review performed by  
47 the certified public accountant in lieu of the audited  
48 financial statement specified in this paragraph, and  
49 if a grain dealer makes this election the department  
50 shall cause the grain dealer to be inspected not less

**Page 2**

1 than twice during each twelve-month period, but not  
2 more than five times in a twenty-four month period  
3 without good cause, in the manner provided in section  
4 542.9. In addition, the department shall cause a  
5 grain dealer who makes this election to submit to the  
6 department, in a form and manner prescribed by the  
7 department, an interim financial statement no less  
8 than once in every three-calendar-month period.  
9 However, the department shall not require that a grain  
10 dealer submit more than one such report of a certified  
11 public accountant per year that is based upon a review  
12 performed in lieu of the audited financial statement.  
13 If a grain dealer making the election engages in  
14 credit sale contracts, the grain dealer shall also  
15 comply with the provisions of section 542.15,  
16 subsection 8.

17 Sec. 3. Section 542.3, subsection 5, paragraph b,  
18 Code 1987, is amended to read as follows:

19 b. The grain dealer shall submit, as required by  
20 the department, a financial statement that is  
21 accompanied by an unqualified opinion based upon an  
22 audit performed by a certified public accountant  
23 licensed in this state. However, the department may  
24 accept a qualification in an opinion that is  
25 unavoidable by any audit procedure that is permitted  
26 under generally accepted accounting principles. An  
27 opinion that is qualified because of a limited audit

28 procedure or because the scope of an audit is limited  
29 shall not be accepted by the department. The  
30 department shall not require that a grain dealer  
31 submit more than one such unqualified opinion per  
32 year. The grain dealer may elect, however, to submit  
33 a financial statement that is accompanied by the  
34 report of a certified public accountant licensed in  
35 this state that is based upon a review performed by  
36 the certified public accountant in lieu of the audited  
37 financial statement specified in this paragraph, and  
38 if a grain dealer makes this election the department  
39 shall cause the grain dealer to be inspected not less  
40 than twice during each twelve-month period, but not  
41 more than five times in a twenty-four month period  
42 without good cause, in the manner provided in section  
43 542.9. In addition, the department shall cause a  
44 grain dealer who makes this election to submit to the  
45 department, in a form and manner prescribed by the  
46 department, an interim financial statement no less  
47 than once in every three-calendar-month period.  
48 However, the department shall not require that a  
49 warehouse operator submit more than one such report of  
50 a certified public accountant per year that is based

**Page 3**

1 upon a review performed in lieu of the audited  
2 financial statement. If a grain dealer making the  
3 election engages in credit sale contracts, the grain  
4 dealer shall also comply with the provisions of  
5 section 542.15, subsection 8."

6 2. Page 1, lines 24 and 25, by striking the words  
7 "paragraph a, Code 1987, is" and inserting the  
8 following: "paragraphs a and b, Code 1987, are".

9 3. Page 1, by inserting after line 33 the  
10 following:

11 "b. The warehouse operator shall submit, as  
12 required by the department, a financial statement that  
13 is accompanied by an unqualified opinion based upon an  
14 audit performed by a certified public accountant  
15 licensed in this state. However, the department may  
16 accept a qualification in an opinion that is  
17 unavoidable by any audit procedure that is permitted  
18 under generally accepted accounting principles. An  
19 opinion that is qualified because of a limited audit  
20 procedure or because the scope of an audit is limited  
21 shall not be accepted by the department. The  
22 department shall not require that a warehouse operator  
23 submit more than one such unqualified opinion per  
24 year. The warehouse operator may elect, however, to  
25 submit a financial statement that is accompanied by

26 the report of a certified public accountant licensed  
 27 in this state that is based upon a review performed by  
 28 the certified public accountant in lieu of the audited  
 29 financial statement specified in this paragraph, and  
 30 if a warehouse operator makes this election the  
 31 department shall cause the warehouse to be inspected  
 32 not less than twice during each twelve-month period,  
 33 but not more than five times in a twenty-four month  
 34 period without good cause, in the manner provided in  
 35 section 543.2. In addition, the department shall  
 36 cause a warehouse operator who makes this election to  
 37 submit to the department, in a form and manner  
 38 prescribed by the department, an interim financial  
 39 statement no less than once in every three-calendar-  
 40 month period. However, the department shall not  
 41 require that a warehouse operator submit more than one  
 42 such report of a certified public accountant per year  
 43 that is based upon a review performed in lieu of the  
 44 certified financial statement."

45 4. Page 1, lines 34 and 35, by striking the words  
 46 "paragraph a, Code 1987, is" and inserting the  
 47 following: "paragraphs a and b, Code 1987, are".

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

50 "b. The warehouse operator shall submit, as

**Page 4**

1 required by the department, a financial statement that  
 2 is accompanied by an unqualified opinion based upon an  
 3 audit performed by a certified public accountant  
 4 licensed in this state. However, the department may  
 5 accept a qualification in an opinion that is  
 6 unavoidable by any audit procedure that is permitted  
 7 under generally accepted accounting principles. An  
 8 opinion that is qualified because of a limited audit  
 9 procedure or because the scope of an audit is limited  
 10 shall not be accepted by the department. The  
 11 department shall not require that a warehouse operator  
 12 submit more than one such unqualified opinion per  
 13 year. The warehouse operator may elect, however, to  
 14 submit a financial statement that is accompanied by  
 15 the report of a certified public accountant licensed  
 16 in this state that is based upon a review performed by  
 17 the certified public accountant in lieu of the audited  
 18 financial statement specified in this paragraph, and  
 19 if a warehouse operator makes this election the  
 20 department shall cause the warehouse to be inspected  
 21 not less than twice during each twelve-month period,  
 22 but not more than five times in a twenty-four month  
 23 period without good cause, in the manner provided in  
 24 section 543.2. In addition, the department shall

25 cause a warehouse operator who makes this election to  
 26 submit to the department, in a form and manner  
 27 prescribed by the department, an interim financial  
 28 statement no less than once in every three-calendar-  
 29 month period. However, the department shall not  
 30 require that a warehouse operator submit more than one  
 31 such report of a certified public accountant per year  
 32 that is based upon a review performed in lieu of the  
 33 qualified financial statement."

34 6. Title page, line 1, by inserting after the  
 35 word "by" the following: "further defining the term  
 36 "grain dealer", limiting financial reporting by grain  
 37 dealers and warehouse operators."

38 7. By renumbering as necessary.

Koenigs of Mitchell offered the following amendment H—4082, to the Senate amendment H—3839, filed by him and moved its adoption:

H—4082

1 Amend Senate amendment, H—3839, to House File 411  
 2 as follows:

3 1. Page 2, line 49, by striking the words  
 4 "warehouse operator" and inserting the following:  
 5 "grain dealer".

6 2. Page 4, by inserting after line 33 the  
 7 following:

8 "\_\_\_\_\_. Page 2, line 24, by inserting after the  
 9 word "operator." the following: "However, assessable  
 10 grain does not include the following:

11 a. Grain purchased by an Iowa licensed grain  
 12 dealer from another licensed grain dealer, regardless  
 13 of which jurisdiction licenses the other grain dealer.

14 b. Grain deposited in a licensed grain warehouse  
 15 for custom drying, cleaning, conditioning, or  
 16 processing if the grain is redelivered to the  
 17 depositor immediately, as defined by rules adopted by  
 18 the department." "

Amendment H—4082 was adopted.

Koenigs of Mitchell offered the following amendment H—3885, to the Senate amendment H—3839, filed by him and moved its adoption:

H—3885

1 Amend the amendment, H—3839, to House File 411, as  
 2 follows:

3 1. Page 3, by inserting after line 5, the  
 4 following:

5 "\_\_\_\_\_. Page 1, line 10, by striking the words  
 6 "dealer, the seller, and the department" and inserting  
 7 the following: "dealer and the seller"."

- 8 2. Page 4, by inserting after line 33, the  
 9 following:  
 10 "\_\_\_\_\_. Page 2, line 23, by striking the words "for  
 11 storage".  
 12 \_\_\_\_\_. Page 4, line 29, by striking the word  
 13 "previously" and inserting the following:  
 14 "previously".  
 15 \_\_\_\_\_. Page 7, line 23, by striking the words  
 16 "grain dealer" and inserting the following: "or grain  
 17 dealer".  
 18 \_\_\_\_\_. Page 7, line 26, by striking the words "or  
 19 grain dealer" and inserting the following: "or grain  
 20 dealer".  
 21 \_\_\_\_\_. Page 9, by striking lines 29 through 31."  
 22 3. Page 4, by inserting after line 37, the  
 23 following:  
 24 "\_\_\_\_\_. Title page, by striking lines 10 and 11,  
 25 and inserting the following: "and requirements for  
 26 recovery from the fund." "  
 27 4. By renumbering as necessary.

Amendment H—3885 was adopted.

Koenigs of Mitchell asked and received unanimous consent to withdraw amendment H—3923, to the Senate amendment H—3839, filed by him on April 23, 1987.

On motion by Koenigs of Mitchell, the House concurred in the Senate amendment H—3839, as amended.

Koenigs of Mitchell 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. 411)

The ayes were, 88:

Adams	Arnould	Avenson	Beaman
Beatty	Bennett	Bisignano	Black
Brammer	Branstad	Buhr	Carpenter
Chapman	Clark	Cohoon	Connolly
Connors	Cooper	Corbett	Corey
Daggett	Diemer	Doderer	Dvorsky
Eddie	Fogarty	Fuller	Garman
Groninga	Gruhn	Halvorson, R. N.	Hammond
Hansen, S. D.	Hanson, D. R.	Harbor	Harper
Hatch	Haverland	Hermann	Hester
Holveck	Jay	Jochum	Johnson
Knapp	Koenigs	Kremer	Lageschulte
Lundby	May	McKean	McKinney

Metcalf	Miller	Muhlbauer	Mullins
Neuhauser	Norrgard	Ollie	Osterberg
Parker	Paulin	Pavich	Pellett
Peters	Petersen, D. F.	Peterson, M. K.	Plasier
Platt	Poncy	Renaud	Rosenberg
Royer	Running	Schrader	Shoning
Shoultz	Siegrist	Spear	Stromer
Svoboda	Swartz	Swearingen	Tabor
Teaford	Van Camp	Wise	Mr. Speaker (Skow)

The nays were, 7:

De Groot	Hummel	Maulsby	Renken
Schnekloth	Stueland	Van Maanen	

Absent or not voting, 5:

Blanshan	Fey	Halvorson, R. A.	Sherzan
Tyrrell			

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

Koenigs of Mitchell called up for consideration **House File 472**, a bill for an act to authorize the funding of state park and institutional road projects and county conservation parkway projects from RISE funds, amended by the Senate, and moved that the House concur in the following Senate amendment H—3982:

H—3982

- 1 Amend House File 472, as passed by the House, as
- 2 follows:
- 3 1. Page 1, line 5, by striking the words "and
- 4 institutional".
- 5 2. Page 1, line 12, by striking the words "and
- 6 institutional".
- 7 3. Page 1, line 19, by striking the words "and
- 8 institutional".
- 9 4. Page 1, line 29, by striking the words "and
- 10 institutional".
- 11 5. Title page, line 1, by striking the words "and
- 12 institutional".

The motion prevailed and the House concurred in the Senate amendment H—3982.

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

On the question "Shall the bill pass?" (H.F. 472)

The ayes were, 65:

Adams	Arnould	Avenson	Beaman
Black	Blanshan	Brammer	Branstad
Cohoon	Connolly	Connors	Cooper
De Groot	Diemer	Doderer	Dvorsky
Fogarty	Fuller	Groninga	Gruhn
Hammond	Hansen, S. D.	Hanson, D. R.	Harbor
Harper	Hatch	Haverland	Hermann
Hester	Holveck	Jay	Jochum
Johnson	Knapp	Koenigs	Kremer
Lageschulte	Lundby	Maulsby	May
McKean	McKinney	Muhlbauer	Mullins
Neuhauser	Norrgard	Osterberg	Parker
Pavich	Pellett	Peterson, M. K.	Poncy
Rosenberg	Schrader	Sherzan	Shoning
Shoultz	Siegrist	Spear	Stueland
Svoboda	Swartz	Teaford	Wise
Mr. Speaker (Skow)			

The nays were, 31:

Beatty	Bennett	Bisignano	Buhr
Carpenter	Chapman	Clark	Corbett
Corey	Daggett	Eddie	Garman
Halvorson, R. N.	Hummel	Metcalf	Miller
Ollie	Paulin	Peters	Petersen, D. F.
Plasier	Platt	Renaud	Renken
Royer	Running	Schneklath	Swearingen
Tabor	Van Camp	Van Maanen	

Absent or not voting, 4:

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

SENATE AMENDMENT FURTHER CONSIDERED

The House resumed consideration of **House File 469**, a bill for an act to regulate the circumstance and procedure under which an employer may request a drug test of an employee or an applicant for employment and providing a penalty, and the Senate amendment H-4099, found on pages 1956 through 1960 of the House Journal.

Bisignano of Polk offered the following amendment H-4213, to the Senate amendment H-4099, filed from the floor by Bisignano, Corey and Hester and moved its adoption:

H-4213

- 1 Amend the Senate amendment, H-4099, to House File  
2 469 as amended, passed, and reprinted by the House as  
3 follows:
- 4 1. Page 1, by striking lines 32 through 34 and  
5 inserting the following: "impairment presents a  
6 danger to the safety of the".
- 7 2. Page 1, line 37, by striking the word  
8 "intoxication" and inserting the following: "the  
9 effects of a controlled substance".
- 10 3. Page 1, by striking lines 42 through 44 and  
11 inserting the following: "public health."
- 12 4. Page 2, lines 10 and 11, by striking the words  
13 "for those employees whose" and inserting the  
14 following: "the first time an employee's".
- 15 5. Page 2, by striking lines 12 through 19 and  
16 inserting the following: "controlled substance. An  
17 employer shall take no disciplinary action against an  
18 employee due to the employee's drug involvement the  
19 first time the employee's drug test indicates the  
20 presence of alcohol or a controlled substance if the  
21 employee undergoes a substance abuse evaluation, and  
22 if the employee successfully completes substance abuse  
23 treatment if treatment is recommended by the  
24 evaluation. However,".
- 25 6. Page 2, by striking lines 37 and 38, and  
26 inserting the following: "the employee's duties while  
27 on the job."
- 28 7. Page 3, by striking lines 3 and 4, and  
29 inserting the following: "physical or as a part of  
30 a".
- 31 8. Page 3, by striking lines 7, 8, and 9 and  
32 inserting the following:
- 33 "a. For a preemployment physical, the employer  
34 shall include notice that a drug test will be part of  
35 a preemployment physical in any notice or  
36 advertisement soliciting applicants for employment or  
37 in the application for employment, and an applicant  
38 for employment shall be personally informed of the  
39 requirement for a drug test at the first interview."
- 40 9. Page 3, line 12, by striking the word  
41 "fifteen" and inserting the word "thirty".
- 42 10. Page 3, line 22, by striking the words  
43 "medical and".
- 44 11. Page 3, by striking lines 32 through 37 and  
45 inserting the following:
- 46 "9. This section may be enforced through a civil  
47 action.
- 48 a. A person who violates this section or who aids  
49 in the violation of this section is liable to an  
50 aggrieved employee or applicant for employment for

## Page 2

1 affirmative relief including reinstatement or hiring,  
 2 with or without back pay, or any other equitable  
 3 relief as the court deems appropriate including  
 4 attorney fees and court costs.  
 5 b. When a person commits, is committing, or  
 6 proposes to commit, an act in violation of this  
 7 section, an injunction may be granted through an  
 8 action in district court to prohibit the person from  
 9 continuing such acts. The action for injunctive  
 10 relief may be brought by an aggrieved employee or  
 11 applicant for employment, the county attorney, or the  
 12 attorney general.

13 In an action brought under this subsection alleging  
 14 that an employer has required or requested a drug test  
 15 in violation of this section, the employer has the  
 16 burden of proving that the requirements of this  
 17 section were met."

18 12. By striking page 3, line 50 through page 4,  
 19 line 48.

Amendment H—4213 was adopted.

On motion by Bisignano of Polk, the House concurred in the Senate amendment H—4099, as amended.

Bisignano 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. 469)

The ayes were, 93:

Adams	Arnould	Avenson	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Branstad	Buhr
Carpenter	Chapman	Clark	Cohoon
Connolly	Connors	Cooper	Corbett
Corey	Daggett	De Groot	Diemer
Doderer	Dvorsky	Eddie	Fogarty
Fuller	Garman	Groninga	Gruhn
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. R.
Harbor	Harper	Hatch	Haverland
Hermann	Hester	Holveck	Hummel
Jay	Jochum	Johnson	Knapp
Koenigs	Kremer	Lageschulte	Lundby
Maulsby	May	McKean	McKinney
Metcalf	Miller	Muhlbauer	Mullins
Neuhauser	Norrgard	Ollie	Parker
Paulin	Pavich	Pellett	Peters

Petersen, D. F.	Peterson, M. K.	Platt	Poncy
Renaud	Renken	Rosenberg	Royer
Running	Schnekloth	Schrader	Shoning
Siegrist	Spear	Stromer	Stueland
Svoboda	Swartz	Swearingen	Tabor
Teaford	Van Camp	Van Maanen	Wise
Mr. Speaker (Skow)			

The nays were, none.

Absent or not voting, 7:

Fey	Halvorson, R. A.	Osterberg	Plasier
Sherzan	Shoultz	Tyrrell	

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

Speaker Avenson in the chair at 3:08 p.m.

### SENATE MESSAGES CONSIDERED

**Senate File 507**, by Hutchins and Hultman, a bill for an act relating to the adoption of a benefit ratio unemployment compensation contribution array system and providing for the Act's applicability.

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

**Senate File 515**, by committee on appropriations, a bill for an act relating to the allocations and appropriations of lottery revenues and the programs for which the revenues may be used.

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

### RULES SUSPENDED

Arnould of Scott asked and received unanimous consent to take up out of order Senate File 55.

### Unfinished Business Calendar

The House resumed consideration of **Senate File 55**, a bill for an act to remove the requirement that a gambling license cannot be issued for a period of two years for a location for which a gambling license was revoked, and removing the prohibition against conducting games of skill, games of chance, and raffles on the premises of a liquor control licensee or beer permittee, deferred and placed on the unfinished business calendar April 14, 1987.

Pavich of Pottawattamie offered the following amendment H—3674 filed by the committee on state government and moved its adoption:

H—3674

- 1 Amend Senate File 55, as amended, passed, and re-
- 2 printed by the Senate, as follows:
- 3 1. Page 1, by inserting after line 18 the fol-
- 4 lowing:
- 5 "Sec. \_\_\_\_\_. Section 99B.7, subsection 1, Code 1987,
- 6 is amended by adding the following new lettered para-
- 7 graph:
- 8 NEW LETTERED PARAGRAPH. p. The person or
- 9 organization shall keep records of all persons who
- 10 serve as manager or cashier, or who are responsible
- 11 for carrying out duties with respect to a bingo
- 12 account. Any person or organization which knowingly
- 13 permits a person who was a manager, cashier, or
- 14 responsible for carrying out duties with respect to a
- 15 bingo account for another organization at the time of
- 16 one or more violations leading to revocation of its
- 17 license, and which license is currently under
- 18 revocation shall be subject to license revocation."
- 19 2. Renumber sections and correct internal
- 20 references as necessary in accordance with this
- 21 amendment.

The committee amendment H—3674 was adopted.

Jochum of Dubuque offered the following amendment H—3776 filed by him and Tabor of Jackson and moved its adoption:

H—3776

- 1 Amend Senate File 55, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, by inserting after line 18 the
- 4 following:
- 5 "Sec. \_\_\_\_\_. Section 99B.5, subsection 1, paragraph
- 6 g, Code 1987, is amended to read as follows:
- 7 g. The actual retail value of any prize does not
- 8 exceed fifty dollars. If a prize consists of more
- 9 than one item, unit, or part, the aggregate retail
- 10 value of all items, units, or parts shall not exceed
- 11 fifty dollars. However, either a fair sponsor or a
- 12 qualified organization, but not both, may hold one
- 13 raffle per calendar year at which a prize prizes
- 14 having a combined value not greater than twenty
- 15 thousand dollars may be offered. If the prize is
- 16 merchandise, its value shall be determined by the
- 17 purchase price paid by the fair sponsor or qualified
- 18 organization."

19 2. Renumber sections and correct internal  
20 references as necessary in accordance with this  
21 amendment.

Amendment H—3776 was adopted.

Pavich of Pottawattamie offered the following amendment  
H—3872 filed by him and Renaud of Polk and moved its adoption:

H—3872

1 Amend Senate File 55, as amended, passed, and  
2 reprinted by the Senate, as follows:

3 1. Page 1, by inserting after line 18 the  
4 following:

5 "Sec. \_\_\_\_\_. Section 99B.6, subsection 1, unnumbered  
6 paragraph 1, Code 1987, is amended to read as follows:

7 Except as provided in subsections 5, 6, and 6 7,  
8 gambling is unlawful on premises for which a class  
9 "A", class "B", class "C", or class "D" liquor control  
10 license, or class "B" beer permit has been issued  
11 pursuant to chapter 123 unless all of the following  
12 are complied with:

13 Sec. \_\_\_\_\_. Section 99B.6, Code 1987, is amended by  
14 adding the following new subsection:

15 **NEW SUBSECTION. 7.** The holder of a liquor control  
16 license or beer permit may conduct a sports betting  
17 pool if the game is publicly displayed and the rules  
18 of the game, including the cost per participant and  
19 the amount of the winning is conspicuously displayed  
20 on or near the pool. No participant may wager more  
21 than five dollars and the maximum winnings to all  
22 participants from the pool shall not exceed five  
23 hundred dollars. The provisions of subsection 1,  
24 except paragraphs "c" and "h" and the prohibition of  
25 the use of concealed numbers in paragraph "d", are  
26 applicable to pools conducted under this subsection.  
27 If a pool permitted by this subsection involves the  
28 use of concealed numbers, the numbers shall be  
29 selected by a random method and no person shall be  
30 aware of the numbers at the time wagers are made in  
31 the pool. All moneys wagered shall be awarded to  
32 participants. For purposes of this subsection, "pool"  
33 means a game in which the participants select a square  
34 on a grid corresponding to numbers on two intersecting  
35 sides of the grid and winners are determined by  
36 whether the square selected corresponds to numbers  
37 relating to an athletic event in the manner prescribed  
38 by the rules of the game."

39 2. Renumber sections and correct internal  
40 references as necessary in accordance with this  
41 amendment.

Amendment H—3872 was adopted.

Pavich of Pottawattamie offered the following amendment H—3670 filed by Pavich, et al., and moved its adoption:

H—3670

1 Amend Senate File 55, as amended, passed, and  
2 reprinted by the Senate, as follows:  
3 1. Page 1, by striking lines 19 through 21 and  
4 inserting the following:  
5 "Sec. \_\_\_\_\_. Section 99B.7, subsection 2, paragraph  
6 c, unnumbered paragraph 1, Code 1987, is amended to  
7 read as follows:

8 The Except for purposes of bingo, the person from  
9 whom the premises are rented shall not be a liquor  
10 control licensee or beer permittee with respect to  
11 those premises or with respect to adjacent premises."

Amendment H—3670 was adopted.

Jochum of Dubuque offered amendment H—3890 filed by him and requested division as follows:

H—3890

1 Amend Senate File 55 as amended, passed, and  
2 reprinted by the Senate as follows:

H—3890A

3 1. Page 1, by inserting after line 21 the  
4 following:

5 "Sec. 3. Section 99B.7, subsection 3, paragraph a,  
6 Code 1987, is amended to read as follows:

7 a. A person wishing to conduct games and raffles  
8 pursuant to this section as a qualified organization  
9 shall submit an application and a license fee of one  
10 hundred dollars. However, upon submission of an  
11 application accompanied by a license fee of fifteen  
12 dollars, a person may be issued a limited license  
13 which shall authorize the person to conduct all games  
14 and raffles pursuant to this section at a specified  
15 location and during a specified period of fourteen  
16 consecutive calendar days. A limited license shall  
17 not be issued more than once during any calendar year  
18 to the same person, ~~or for the same location~~. For the  
19 purposes of this paragraph, a limited license is  
20 deemed to be issued on the first day of the fourteen-  
21 day period for which the license is issued."

H—3890B

22 2. Page 1, by inserting before line 22 the  
23 following:

H-3890B

24 "Sec. 4. Section 99B.8, subsection 1, unnumbered  
25 paragraph 1, Code 1987, is amended to read as follows:

26 Games of skill, games of chance, card games and  
27 raffles lawfully may be conducted during a period of  
28 twelve consecutive hours once each year at any  
29 ~~location, or by any person.~~ The games or raffles may  
30 be conducted at any location except one for which a  
31 license is required pursuant to section 99B.3 or  
32 section 99B.5, or except a location covered by a class  
33 "C", or class "D" liquor control license, or any beer  
34 permit unless such location has been licensed pursuant  
35 to section 99B.6 as premises upon which gambling is  
36 allowed, but only if all of the following are complied  
37 with:

38 Sec. 5. Section 99B.8, subsection 3, Code 1987, is  
39 amended to read as follows:

40 3. The division may issue a license pursuant to  
41 this section only once during a calendar year to any  
42 one person ~~or for any one location.~~ The license may be  
43 issued only upon submission to the division of an  
44 application and a license fee of twenty-five dollars."

Jochum of Dubuque asked and received unanimous consent to withdraw amendment H-3890A.

Jochum of Dubuque offered the following amendment H-3925, to amendment H-3890B, filed by him and moved its adoption:

H-3925

1 Amend the House amendment, H-3890, to Senate File  
2 55 as amended, passed, and reprinted by the Senate as  
3 follows:

4 1. Page 1, by striking lines 32 through 36 and  
5 inserting the following: "section 99B.5, ~~or except a~~  
6 ~~location covered by a class "C", or class "D" liquor~~  
7 ~~control license, or any beer permit unless such~~  
8 ~~location has been licensed pursuant to section 99B.6~~  
9 ~~as premises upon which gambling is allowed,~~ but only  
10 if all of the following are complied".

Amendment H-3925 was adopted.

On motion by Jochum of Dubuque amendment H-3890B, as amended, was adopted.

Shoultz of Black Hawk offered the following amendment H-3692 filed by him:

H-3692

1 Amend Senate File 55, as amended, passed, and

- 2 reprinted by the Senate, as follows:  
 3 1. Page 1, by inserting after line 18 the  
 4 following:  
 5 "Sec. \_\_\_\_\_. NEW SECTION. 99B2A MINIMUM AGE.  
 6 It is unlawful for an individual under eighteen  
 7 years of age to participate in or be in attendance at  
 8 a bingo occasion after seven o'clock p.m. if the prize  
 9 for a winner is greater than or equal to twenty-five  
 10 dollars in a single game."  
 11 2. Title page, line 6, by inserting after the  
 12 word "permittee" the following: ", and relating to  
 13 the age of individuals allowed to be present at a  
 14 bingo occasion."  
 15 3. Renumber as necessary.

Shoultz of Black Hawk offered the following amendment H—3761, to amendment H—3692, filed by him and Pavich of Pottawattamie and moved its adoption:

H—3761

- 1 Amend the Shoultz amendment, H—3692, to Senate File  
 2 55, as amended, passed, and reprinted by the Senate,  
 3 as follows:  
 4 1. Page 1, line 6, by striking the word  
 5 "eighteen" and inserting the following: "fourteen".

A non-record roll call was requested.

The ayes were 32, nays 44.

Amendment H—3761 lost.

Shoultz of Black Hawk moved the adoption of amendment H—3692.

Amendment H—3692 was adopted.

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

On the question "Shall the bill pass?" (S.F. 55)

The ayes were, 62:

Arnould	Beaman	Beatty	Bisignano
Black	Blanshan	Brammer	Buhr
Chapman	Cohoon	Connors	Cooper
Corbett	Diemer	Dvorsky	Eddie
Fey	Fogarty	Fuller	Groninga
Halvorson, R. A.	Hansen, S. D.	Harper	Hatch
Haverland	Jay	Jochum	Knapp
Koenigs	Kremer	Lageschulte	Lundby

Maulsby	May	McKinney	Muhlbauer
Norrgard	Ollie	Parker	Pavich
Pellett	Peters	Peterson, M. K.	Platt
Poncy	Renaud	Running	Schrader
Sherzan	Shoning	Shoultz	Siegrist
Skow	Spear	Stueland	Svoboda
Swartz	Swearingen	Tabor	Van Camp
Wise	Mr. Speaker		

The nays were, 36:

Adams	Bennett	Branstad	Carpenter
Clark	Corey	Daggett	De Groot
Doderer	Garman	Gruhn	Halvorson, R. N.
Hammond	Hanson, D. R.	Harbor	Hermann
Hester	Holveck	Hummel	Johnson
McKean	Metcalf	Miller	Mullins
Neuhauser	Osterberg	Paulin	Petersen, D. F.
Plasier	Renken	Rosenberg	Royer
Schnekloth	Stromer	Teaford	Van Maanen

Absent or not voting, 2:

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

### HOUSE INSISTS

Fogarty of Palo Alto called up for consideration **House File 167**, a bill for an act relating to fees for and duration of motor vehicle licenses and requiring motor vehicle licenses and nonoperator's identification cards issued to persons under twenty-one years of age to contain a profile photograph and providing an effective date and conditional repeal and reenactment, and moved that the House insist on its amendment, which motion prevailed.

### CONFERENCE COMMITTEE APPOINTED (House File 167)

The Speaker announced the appointment of the conference committee to consider the differences between the House and Senate concerning House File 167: Fogarty of Palo Alto, Chair; Fey of Scott, Cooper of Lucas, Beaman of Clarke and Platt of Muscatine.

### IMMEDIATE MESSAGES

Arnould of Scott asked and received unanimous consent to immediately message the following bills to the Senate: House Files 244, 345, 469, 500, 567 and 411 and Senate File 55.

The House stood at ease at 3:39 p.m., until the fall of the gavel.

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

### IMMEDIATE MESSAGE

(House File 683)

Arnould of Scott asked and received unanimous consent that House File 683 be immediately messaged to the Senate.

### RULES SUSPENDED

Arnould of Scott asked and received unanimous consent to suspend the rules for the immediate consideration of Senate File 504.

### 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 504**, a bill for an act relating to the compensation and benefits for public officials and employees by specifying salary rates and ranges, by providing adjustments for salaries, by providing coverage and adjustments for health, life, disability and dental insurance, by changing retirement benefits received by certain members of the Iowa public employees' retirement system, by creating a county compensation board and specifying its duties, by making coordinating amendments to the Code, and by providing effective dates.

Fiscal Note is not required.

Recommended Amend and Do Pass with amendment H-4209 May 4, 1987.

### Appropriations Calendar

**Senate File 504**, a bill for an act relating to the compensation and benefits for public officials and employees by specifying salary rates and ranges, by providing adjustments for salaries, by providing coverage and adjustments for health, life, disability and dental insurance, by changing retirement benefits received by certain members of the Iowa public employees' retirement system, by creating a county compensation board and specifying its duties, by making coordinating amendments to the Code, and by providing effective dates, with report of committee recommending amendment and passage was taken up for consideration.

Jochum of Dubuque offered amendment H—4209 filed by the committee on appropriations. Division was requested as follows:

H—4209

- 1 Amend Senate File 504, as amended, passed, and re-
- 2 printed by the Senate, as follows:

H—4209A

- 3 1. Page 1, line 31, by striking the figure
- 4 "45,000" and inserting the following: "50,000".
- 5 2. Page 1, line 35, by striking the figure
- 6 "45,000" and inserting the following: "50,000".
- 7 3. Page 2, by striking lines 7 and 8 and insert-
- 8 ing the following: "ment which the person
- 9 represents."
- 10 4. Page 2, line 14, by striking the figure
- 11 "70,000" and inserting the following: "70,900".
- 12 5. Page 5, line 20, by striking the figure
- 13 "45,000" and inserting the following: "45,500".
- 14 6. Page 5, line 21, by striking the figure
- 15 "56,000" and inserting the following: "57,000".
- 16 7. Page 5, line 22, by striking the figure
- 17 "65,000" and inserting the following: "66,200".
- 18 8. Page 8, line 14, by inserting after the word
- 19 "for" the following: "state employees who are exempt
- 20 from chapter 19A and who are included in the
- 21 department of revenue and finance's centralized
- 22 payroll system, and".

H—4209B

- 23 9. Page 10, by inserting after line 26 the
- 24 following:
- 25 "\_\_\_\_\_. The funds appropriated to the state board of
- 26 regents for faculty salary adjustments at the three
- 27 state universities shall be distributed based on an
- 28 amount necessary to fund an eleven percent increase in
- 29 the faculty salaries after funds received from
- 30 increased tuition, less the amount committed to
- 31 student aid, have been allocated for that purpose. If
- 32 the funds from the tuition increase exceed estimates
- 33 which determined the amount of the salary adjustment
- 34 fund appropriation to the state board of regents for
- 35 faculty salary adjustments, the state board of regents
- 36 shall reallocate the funds from the salary adjustment
- 37 fund to the three state universities so that, first,
- 38 the collective bargaining agreement negotiated
- 39 pursuant to chapter 20 for employees in the University
- 40 of Northern Iowa faculty bargaining unit is fully
- 41 funded from the salary adjustment fund and,

## H—4209B

42 thereafter, the salary adjustments for the faculties  
 43 at the State University of Iowa and Iowa State  
 44 University of science and technology are funded. The  
 45 state board of regents shall estimate funds to be  
 46 received from tuition increases before allocating the  
 47 first half of the salary adjustment funds for the  
 48 faculty salary adjustments and shall estimate funds  
 49 from tuition increases again before distribution of  
 50 the second half of the salary adjustment funds for

## Page 2

1 faculty salary adjustments. These funds are separate  
 2 from any other reallocations that may be utilized.”

## H—4209A

3 10. Page 15, by striking lines 1 through 7 and  
 4 inserting the following: “or as authorized in the  
 5 contract of the state January 1, 1989, unless a member  
 6 of the general assembly is a member of a state group  
 7 insurance plan on December 31, 1988. A member of the  
 8 general assembly may continue membership in a state  
 9 group insurance plan without reapplication during the  
 10 member’s tenure as a member of consecutive general  
 11 assemblies. For the purpose of electing to become a  
 12 member of the state health or medical service group  
 13 insurance plan for the first time, a member of the  
 14 general assembly has the status of a “new hire”, full-  
 15 time state employee. A member of the general assembly  
 16 may change programs or coverage under the state health  
 17 or medical service group insurance plan during the  
 18 month of January following reelection without a  
 19 statement of health, a physical examination, or a  
 20 condition rider. If a member of the general assembly  
 21 elected to be paid the member’s total salary during  
 22 each pay period during the first six months of 1983,  
 23 that member may become a member of the state health or  
 24 medical service group insurance plan by paying the  
 25 premium due until that member’s salary and payroll  
 26 deductions commence.”

27 11. Page 16, line 3, by striking the figures “12,  
 28 1987” and inserting the following: “9, 1989”.

29 12. Page 16, line 5, by striking the figures “12,  
 30 1987” and inserting the following: “9, 1989”.

31 13. Page 16, line 17, by inserting after the word  
 32 “assembly.” the following: “The amount of the daily  
 33 expense allowance included in wages shall not exceed  
 34 fifty dollars per day.”

35 14. By striking page 16, line 34 through page 17,  
 36 line 20.

H—4209A

- 37 15. By striking page 18, line 21 through page 19,  
38 line 3.  
39 16. Page 19, by striking lines 26 through 29.  
40 17. Page 24, by inserting after line 17 the  
41 following:  
42 "Sec. \_\_\_\_\_. Sections 15 and 17 of this Act take  
43 effect January 1, 1989."  
44 18. By numbering and renumbering sections and  
45 internal references to sections as necessary.

McKean of Jones offered the following amendment H—4217, to the committee amendment H—4209A filed by him from the floor and moved its adoption:

H—4217

- 1 Amend the Committee amendment, H—4209, to Senate  
2 File 504 as amended, passed and reprinted by the  
3 Senate as follows:  
4 1. Page 2, by striking lines 31 through 34 and  
5 inserting the following:  
6 "\_\_\_\_\_. Page 16, by striking lines 6 through 19."

Amendment H—4217 was adopted.

On motion by Jochum of Dubuque, the committee amendment H—4209A, as amended, was adopted.

Chapman of Linn in the chair at 4:35 p.m.

On motion by Jochum of Dubuque the committee amendment H—4209B, was adopted.

Van Camp of Scott offered the following amendment H—4215 filed by him from the floor and moved its adoption:

H—4215

- 1 Amend Senate File 504 as amended, passed and  
2 reprinted by the Senate as follows:  
3 1. Page 5, lines 27 and 28, by striking the words  
4 "executive director of the department of elder  
5 affairs,".  
6 2. Page 5, line 34, by inserting after the word  
7 "services," the following: "executive director of the  
8 department of elder affairs,".

Amendment H—4215 was adopted.

Paulin of Plymouth asked and received unanimous consent to defer action on amendment H—4005.

Lageschulte of Bremer asked and received unanimous consent to defer action on amendment H—4024.

Miller of Cherokee offered amendment H—4120 filed by him and Paulin of Plymouth. Division was requested as follows:

H—4120

- 1 Amend Senate File 504, as amended, passed and
- 2 reprinted by the House as follows:

H—4120A

- 3 1. Page 12, line 12, by striking the word
- 4 "seventy-three" and inserting the following: "forty-
- 5 eight".
- 6 2. Page 12, line 24, by striking the word "fifty"
- 7 and inserting the following: "thirty".
- 8 3. Page 13, by striking lines 31 and 32 and
- 9 inserting the following: "forty forty-eight dollars
- 10 per day, except the speaker of the house and the
- 11 senate majority leader who shall be paid sixty dollars
- 12 per day, and necessary".
- 13 4. Page 14, lines 14 and 15, by striking the word
- 14 "seventy-three" and inserting the following: "forty-
- 15 eight".

H—4120B

- 16 5. By striking page 14, line 18 through page 15,
- 17 line 7.
- 18 6. By striking page 15, line 27 through page 16,
- 19 line 19.
- 20 7. By striking page 18, line 21 through page 19,
- 21 line 3.

Speaker Avenson in the chair at 5:39 p.m.

Miller of Cherokee moved the adoption of amendment H—4120A.

Roll call was requested by Miller of Cherokee and Stromer of Hancock.

On the question "Shall amendment H—4120A be adopted?"  
(S.F. 504)

The ayes were, 43:

Beaman	Bennett	Black	Branstad
Carpenter	Clark	Corey	Daggett
De Groot	Eddie	Fogarty	Garman
Gruhn	Halvorson, R. A.	Hermann	Hester
Holveck	Hummel	Koenigs	Kremer
Lageschulte	Maulsby	Metcalf	Miller
Muhlbaüer	Mullins	Ollie	Paulin

Pellett	Petersen, D. F.	Plasier	Platt
Poncy	Renken	Royer	Schneklath
Shoning	Spear	Stromer	Stueland
Swearingen	Van Camp	Van Maanen	

The nays were, 53:

Adams	Arnould	Beatty	Bisignano
Blanshan	Brammer	Buhr	Chapman
Cohoon	Connolly	Connors	Cooper
Corbett	Diemer	Doderer	Dvorsky
Fey	Fuller	Groninga	Halvorson, R. N.
Hansen, S. D.	Hanson, D. R.	Harbor	Harper
Hatch	Haverland	Jay	Jochum
Johnson	Knapp	Lundby	May
McKean	McKinney	Neuhauser	Norrgard
Osterberg	Parker	Pavich	Peterson, M. K.
Renaud	Rosenberg	Running	Schrader
Sherzan	Shultz	Siegrist	Skow
Svoboda	Swartz	Tabor	Teaford
Mr. Speaker			

Absent or not voting, 4:

Hammond	Peters	Tyrrell	Wise
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Amendment H—4120A lost.

Lageschulte of Bremer offered the following amendment H—4024 filed by Lageschulte, et al., and moved its adoption:

H—4024

- 1 Amend Senate File 504, as amended, passed, and re-
- 2 printed by the Senate, as follows:
- 3 1. By striking page 11, line 35 through page 14,
- 4 line 17.
- 5 2. By renumbering sections as necessary.

Roll call was requested by Lageschulte of Bremer and Pellett of Cass.

On the question "Shall amendment H—4024 be adopted?"  
(S.F. 504)

The ayes were, 30:

Beaman	Bennett	Branstad	Clark
Corbett	Corey	Daggett	De Groot
Eddie	Garman	Harbor	Hermann
Hester	Hummel	Kremer	Lageschulte
Lundby	Maulsby	Miller	Pellett
Petersen, D. F.	Plasier	Poncy	Renken
Running	Schneklath	Shoning	Spear
Stueland	Van Maanen		

The nays were, 64:

Adams	Arnould	Beatty	Bisignano
Black	Blanshan	Brammer	Buhr
Carpenter	Chapman	Cohoon	Connolly
Connors	Cooper	Diemer	Doderer
Dvorsky	Fey	Fuller	Groninga
Halvorson, R. A.	Halvorson, R. N.	Hammond	Hansen, S. D.
Hanson, D. R.	Harper	Hatch	Haverland
Holveck	Jay	Jochum	Johnson
Knapp	Koenigs	May	McKean
McKinney	Muhlbauer	Mullins	Neuhauser
Norrgard	Ollie	Osterberg	Parker
Paulin	Pavich	Peters	Peterson, M. K.
Platt	Renaud	Rosenberg	Schrader
Sherzan	Shultz	Siegrist	Skow
Stromer	Svoboda	Swartz	Tabor
Teaford	Van Camp	Wise	Mr. Speaker

Absent or not voting, 6:

Fogarty	Gruhn	Metcalf	Royer
Swearingen	Tyrrell		

Amendment H—4024 lost.

The House resumed consideration of amendment H—4120B.

Further division of amendment H—4120B was requested as follows:

H—4120B, lines 16 and 17.

H—4120C, lines 18 and 19.

H—4120D, lines 20 and 21.

The Speaker announced that amendment H—4120D was out of order with the adoption of the committee amendment H—4209A.

On motion by Miller of Cherokee, amendment H—4120B lost.

On motion by Miller of Cherokee, amendment H—4120C lost.

Hermann of Scott offered the following amendment H—4218 filed by him from the floor:

H—4218

1 Amend Senate File 504 as amended, passed and  
2 reprinted by the Senate, as follows:

3 1. Page 24, by striking line 18 and inserting the  
4 following:

5 "Sec. 38. Sections 79.19 and 331.906, Code 1987,  
6 are repealed."

Running of Linn rose on a point of order that amendment H—4218 was not germane.

The Speaker ruled the point not well taken and amendment H—4218 germane.

On motion by Hermann of Scott, amendment H—4218 lost.

Paulin of Plymouth offered the following amendment H—4005, previously deferred, filed by him and moved its adoption:

H—4005

- 1 Amend Senate File 504 as amended, passed and
- 2 reprinted by the House, as follows:
- 3 1. Page 12, line 12, by striking the word
- 4 "seventy-three" and inserting the following: "fifty-
- 5 five".
- 6 2. Page 12, line 24, by striking the word "fifty"
- 7 and inserting the following: "thirty-five".
- 8 3. Page 13, by striking lines 31 and 32 and
- 9 inserting the following: "forty fifty-five dollars
- 10 per day, except the speaker of the house and the
- 11 senate majority leader who shall be paid sixty dollars
- 12 per day, and necessary".
- 13 4. Page 14, lines 14 and 15, by striking the word
- 14 "seventy-three" and inserting the following: "fifty-
- 15 five".

A non-record roll call was requested.

The ayes were 35, nays 40.

Amendment H—4005 lost.

Carpenter of Polk offered the following amendment H—4220 filed by her from the floor and moved its adoption:

H—4220

- 1 Amend Senate File 504, as amended, passed and
- 2 reprinted by the Senate as follows:
- 3 1. Page 12, line 24, by striking the word "fifty"
- 4 and inserting the word "thirty".

Amendment H—4220 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.

Rule 75 was invoked.

On the question "Shall the bill pass?" (S.F. 504)

The ayes were, 54:

Adams	Arnould	Beatty	Bisignano
Blanshan	Brammer	Buhr	Chapman
Cohoon	Connolly	Connors	Cooper
Diemer	Doderer	Dvorsky	Fey
Groninga	Halvorson, R. N.	Hammond	Hansen, S. D.
Hanson, D. R.	Harper	Hatch	Haverland
Holveck	Jay	Jochum	Johnson
Knapp	May	McKean	McKinney
Neuhauser	Norrgard	Ollie	Osterberg
Parker	Pavich	Peters	Peterson, M. K.
Platt	Renaud	Rosenberg	Schrader
Sherzan	Shoultz	Siegrist	Skow
Svoboda	Swartz	Teaford	Van Camp
Wise	Mr. Speaker		

The nays were, 44:

Beaman	Bennett	Black	Branstad
Carpenter	Clark	Corbett	Corey
Daggett	De Groot	Eddie	Fogarty
Fuller	Garman	Gruhn	Halvorson, R. A.
Harbor	Hermann	Hester	Hummel
Koenigs	Kremer	Lageschulte	Lundby
Maulsby	Metcalf	Miller	Muhlbauer
Mullins	Paulin	Pellett	Petersen, D. F.
Plasier	Poncy	Renken	Royer
Running	Schneklath	Shoning	Spear
Stromer	Stueland	Tabor	Van Maanen

Absent or not voting, 2:

Swearingen      Tyrrell

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

### MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the members of the conference committee, on the part of the Senate, appointed May 5, 1987, to House File 167, a bill for an act relating to fees for and duration of motor vehicle licenses and nonoperator's identification cards issued to persons under twenty-one years of age to contain a profile photograph and providing an effective date and conditional repeal and reenactment; are: The Senator from Cerro Gordo, Senator Scott, Chair; the Senator from Johnson, Senator Lloyd-Jones; the Senator from Webster, Senator Coleman; the Senator from Muscatine, Senator Drake; and the Senator from Clinton, Senator Goodwin.

Also: That the Senate has, on May 5, 1987, insisted on its amendment to House File 671, a bill for an act relating to and making appropriations to agencies, boards, commissions, departments, and programs of state government for health and human rights, human services, the judicial branch, the department of justice, the department

of corrections, the board of parole, the auditor of state, campaign finance, employment services, inspections and appeals, employment relations, and commerce, and providing effective dates, and the members of the conference committee, on the part of the Senate are: the Senator from Dubuque, Senator Welsh, Chair; the Senator from Tama, Senator Husak; the Senator from Johnson, Senator Varn; the Senator from Scott, Senator Holden; and the Senator from Clayton, Senator Tieden.

Also: That the Senate has on May 5, 1987, passed the following bill in which the concurrence of the House is asked:

Senate File 516, a bill for an act relating to the mentally retarded, developmentally disabled, and chronically mentally ill by creating a regional delivery system, and specifying duties, memberships, services, funding, and effective dates.

Also: That the Senate has on May 5, 1987, passed the following bill in which the concurrence of the House is asked:

Senate File 517, a bill for an act appropriating petroleum overcharge funds.

Also: That the Senate has on May 5, 1987, passed the following bill in which the concurrence of the House is asked:

Senate File 518, a bill for an act relating to and making appropriations to state agencies whose responsibilities relate to public defense, public safety, transportation, and enforcement, and including allocation of moneys from the road use tax fund and providing effective dates.

JOHN F. DWYER, Secretary

**CONFERENCE COMMITTEE APPOINTED**  
(House File 671)

The Speaker announced the appointment of the conference committee to consider the differences between the House and Senate concerning House File 671: Jochum of Dubuque, Chair; Peterson of Carroll, Swartz of Marshall, Hester of Pottawattamie and Maulsby of Calhoun.

**CONFERENCE COMMITTEE APPOINTED**  
(House File 407)

The Speaker announced the appointment of the conference committee to consider the differences between the House and Senate concerning House File 407: Jay of Appanoose, Chair; Connolly of Dubuque, Muhlbauer of Crawford, Harbor of Mills and Royer of Page.

**IMMEDIATE MESSAGE**  
(Senate File 504)

Arnould of Scott asked and received unanimous consent that Senate File 504 be immediately messaged to the Senate.

### Appropriations Calendar

**House File 680**, a bill for an act relating to juveniles, regarding children in need of services, the detention of juveniles in adult detention facilities, and penalties for violations of certain misdemeanors and ordinances, was taken up for consideration.

Platt of Muscatine in the chair at 6:10 p.m.

Carpenter of Polk offered the following amendment H—4216 filed from the floor by Carpenter, Doderer, Jay, Hansen of Woodbury, Bennett and Halvorson of Clayton and moved its adoption:

H—4216

- 1 Amend House File 680 as follows:
- 2 1. Page 1, by striking lines 1 through 10.
- 3 2. By striking page 3, line 34 through page 6,
- 4 line 35.
- 5 3. Page 8, by inserting after line 5 the
- 6 following:
- 7 "Sec. \_\_\_\_\_. The legislative council shall create an
- 8 interim study committee to review the problem of
- 9 runaways. The interim study committee shall be
- 10 composed of legislative members and shall make its
- 11 report to the legislative council and general assembly
- 12 meeting in January, 1988."

A non-record roll call was requested.

Rule 75 was invoked.

The ayes were 52, nays 41.

Amendment H—4216 was adopted.

Speaker Avenson in the chair at 6:52 p.m.

Doderer of Johnson offered the following amendment H—4128 filed by her and moved its adoption:

H—4128

- 1 Amend House File 680 as follows:
- 2 1. Page 1, by striking lines 26 and 27 and in-
- 3 serting the following: "A child convicted of a
- 4 violation under this paragraph shall be sentenced
- 5 pursuant to section 903.1, subsection 3."

Amendment H—4128 was adopted.

Doderer of Johnson offered the following amendment H—4221 filed by her from the floor and moved its adoption:

H-4221

- 1 Amend House File 680 as follows:
- 2 1. Page 7, line 33, by inserting after the figure
- 3 "111," the following: "123,".

Amendment H-4221 was adopted.

The following amendment H-4222 filed by Doderer of Johnson from the floor was adopted by unanimous consent:

H-4222

- 1 Amend House File 680 as follows:
- 2 1. Page 7, line 6, by inserting after the figure
- 3 "111," the figure "123,".

The following amendment H-4223 filed by Fey of Scott from the floor was adopted by unanimous consent:

H-4223

- 1 Amend House File 680 as follows:
- 2 1. Title page, lines 1 and 2 by striking the
- 3 words "regarding children in need of services"
- 4 and inserting the words "creating a study".

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

On the question "Shall the bill pass?" (H.F. 680)

The ayes were, 93:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Black	Blanshan
Brammer	Branstad	Buhr	Carpenter
Chapman	Clark	Cohoon	Connolly
Connors	Cooper	Corbett	Corey
Daggett	De Groot	Diemer	Doderer
Dvorsky	Fey	Fogarty	Fuller
Garman	Groninga	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. R.
Harbor	Harper	Hatch	Haverland
Hermann	Hester	Holveck	Hummel
Jay	Jochum	Johnson	Knapp
Koenigs	Kremer	Lageschulte	Lundby
Maulsby	May	McKean	McKinney
Metcalf	Miller	Muhlbauer	Mullins
Neuhauser	Norrgard	Ollie	Osterberg
Parker	Pavich	Pellett	Peters
Peterson, M. K.	Plasier	Platt	Poncy
Renaud	Renken	Rosenberg	Royer

Schnekloth	Schrader	Sherzan	Shoning
Shoultz	Siegrist	Skow	Spear
Stromer	Svoboda	Swartz	Tabor
Teaford	Van Camp	Van Maanen	Wise
Mr. Speaker			

The nays were, 2:

Paulin                      Running

Absent or not voting, 5:

Eddie	Petersen, D. F.	Stueland	Swearingen
Tyrrell			

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 680)

Arnould of Scott asked and received unanimous consent that House File 680 be immediately messaged to the Senate.

### INTRODUCTION OF BILL

**House File 685**, by committee on ways and means, a bill for an act relating to the time for claiming urban revitalization tax exemptions.

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

### SENATE MESSAGES CONSIDERED

**Senate File 516**, by committee on appropriations, a bill for an act relating to the mentally retarded, developmentally disabled, and chronically mentally ill by creating a regional delivery system, and specifying duties, memberships, services, funding, and effective dates.

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

**Senate File 517**, by committee on appropriations, a bill for an act appropriating petroleum overcharge funds.

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

**Senate File 518**, by committee on appropriations, a bill for an act relating to and making appropriations to state agencies whose responsibilities relate to public defense, public safety, transportation, and enforcement, and including allocation of moneys from the road use tax fund and providing effective dates.

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

APPOINTMENTS

Speaker Avenson announced the following appointments:

ADMINISTRATIVE RULES REVIEW COMMITTEE

- Rep. Betty Jean Clark ..... to a term beginning May 1, 1987  
and ending April 30, 1991
- Rep. Ed Parker ..... to a term beginning May 1, 1987  
and ending April 30, 1991
- Rep. David Tabor ..... to a term beginning May 1, 1987  
and ending April 30, 1991

GOVERNOR'S ITEM VETO MESSAGE

May 5, 1987

The Honorable Donald Avenson  
 Speaker  
 House of Representatives  
 State Capitol Building  
 L O C A L

Dear Mr. Speaker:

I hereby transmit House File 355, an act relating to and making appropriations for state agencies, by providing supplemental appropriations for the fiscal year beginning July 1, 1986, and ending June 30, 1987, by providing highway funding through loans and anticipatory certificates, by specifying responsibility of the collection services center relating to collection and disbursement of child support payments and information, by appropriating and reallocating funds for state agencies, by providing for limitations on certain expenditures, and providing an effective date.

House File 355 provides essential supplemental funding to state agencies, particularly to human services programs. However, this bill also contains \$9 million of excessive spending in fiscal year 1987. As a result, action must be taken to reduce the level of spending contained in this bill.

In addition, this bill contains a number of budget gimmicks which are designed to mask the actual level of spending in fiscal year 1988. This bill appropriates over \$9 million in fiscal year 1987 while allowing those funds to be carried over to fiscal year 1988 — when the expenditures are actually needed. That "appropriate-now and spend-later" budgetary practice is dangerous — it results in \$9 million of excessive spending in fiscal year 1988 and an \$18 million budget problem the following year. Iowa taxpayers cannot afford double expenditures.

Many of these programs item vetoed are of high priority, and ought to be funded in fiscal year 1988 when the expenditures are actually anticipated. In that way we can forthrightly show the taxpayers of Iowa our budgetary priorities and avoid excessive spending which will cause additional burdens on taxpayers in the future.

House File 355 is, therefore, approved on this date with the following exceptions which I hereby disapprove.

I am unable to approve the item designated as Section 2 in its entirety.

Section 2 of House File 355 prohibits the Department of Human Services from implementing a mandatory coverage system for Title XIX recipients who are enrolled in a health maintenance organization. The Department of Human Services has been attempting to establish health maintenance organizations, consistent with federal law, to contain Medicaid costs. Such programs are already under way in Davenport and Dubuque and it is anticipated that an HMO project will soon be implemented in Des Moines.

Health care costs continue to increase dramatically and threaten taxpayers with excessive costs for the Medicaid program. While it is not palatable to reduce the available services under the Medicaid program, it would be appropriate to look for other reasonable cost containment measures. Contracting for medical services and mandatory HMO services are two such approaches. This would allow individuals eligible for Medicaid to receive appropriate and accessible health care within a predetermined cost to the state's taxpayers. The Department of Human Services is preparing a proposal for a pilot mandatory HMO project for consideration by the Council in January of next year. My budget for fiscal year 1988 assumes that we can save up to \$400,000 in Medicaid costs as a result of the mandatory HMO project. Therefore, in order to help limit the taxpayers' liability for Medicaid costs, I cannot accept provisions in Section 2 which would prohibit the Department of Human Services from establishing a mandatory coverage system for Title XIX recipients involved in HMO's.

I am unable to approve that portion of Section 4 of House File 355 which reads as follows:

"Sec. 4. 1986 Iowa Acts, chapter 1246, section 1, subsection 4, unnumbered paragraph 1, is amended to read as follows:

For establishment and maintenance of an ambassador's program .....	\$	1,000,000
		<u>500,000"</u>

Section 4 of House File 355 deappropriates \$500,000 for the Ambassador's program. It also sets aside \$100,000 for a special marketing project for the Quad Cities.

I have recommended and approved that portion of Section 4 which provides these funds for a joint marketing effort with the State of Illinois to promote the Quad Cities. However, I cannot approve the deappropriation of the \$500,000 for this program.

These funds cannot be used unless they are matched by private sector contributions. At the present time, a private sector board has been established for the Ambassador's program and private fund raising activities are under way. Many community leaders from throughout the state are excited about this program because it provides a way for them to promote their communities through a grassroots effort.

At the present time, Iowa ranks 35th in the nation in terms of its overall economic development marketing budget. We need more marketing funds — not fewer. I believe it would be inappropriate for us to hamper our private sector fundraising activities and reduce our limited commitment to the marketing and promotion of the State of Iowa by the deappropriation of these funds.

I am unable to approve the item designated as Section 5 in its entirety.

Section 5 of House File 355 deappropriates \$500,000 from the Export Finance Program. The Export Finance Program is a program unique to Iowa which provides interest

rate reductions for companies interested in entering the export market. While this new program has had a relatively slow start-up, seventeen companies have now been assisted by it and \$11.4 million of export sales have been generated as a result. I do not believe it is appropriate to reduce our commitment to economic development efforts, particularly those designed to increase the export of Iowa-produced goods. Therefore, we should maintain the flexibility of the Department of Economic Development to utilize these available funds during the remainder of this fiscal year to enhance our export efforts.

I am unable to approve the item designated as Section 12 in its entirety.

Section 12 of House File 355 appropriates \$377,560 to the Department of Health or various health related programs. These are expansions of existing health services programs. In addition, this section allows the funds appropriated this year to be used next fiscal year as well.

Maternal and child health centers, as well as specialty clinics for child health services, are appropriate functions of government and are worthy of consideration for expansion. However, the legislature should not expand existing programs in this supplemental appropriation, given the state's tight finances.

In addition, I am concerned that this section of House File 355 appropriates funds during fiscal year 1987 for what are expected to be fiscal year 1988 expenditures. The legislature should consider funding for the expansion of these health services programs in the appropriate fiscal year budget before adjournment.

I am unable to approve the item designated as Section 16 in its entirety.

Section 16 of House File 355 appropriates \$4 million to the Department of General Services to equip the new Historical Building and to be used for Capitol Complex construction and renovation. There is some indication that a portion of these funds is designed to be used for preparatory work for a new legislative office facility. I have given my strong support for funds for the new Historical Building and Capitol Building renovation. Indeed, in my budget recommendation for fiscal year 1988, I asked that \$1 million be appropriated for Capitol restoration and \$1.5 million be provided to allow for the equipping of the new Historical Building. I urge the General Assembly to consider these items for full appropriation in the fiscal year 1988 budget before it is finalized.

However, an appropriation of \$4 million in fiscal year 1987 with the allowance that these funds be carried forward to fiscal year 1988 again creates a false fiscal year 1988 budget. A portion of these funds are needed and will be spent next fiscal year and that is the period for which they should be appropriated.

I am unable to approve the item designated as Section 17 in its entirety.

Section 17 of House File 355 appropriates \$125,000 to start-up funding for the Iowa Grain Quality Program and \$75,000 to fund a new demonstration project within the Department of Agriculture and Land Stewardship. In addition, these funds are allowed to be rolled over into the next fiscal year for expenditure. Again, I object to the legislature's efforts to appropriate fiscal year 1988 funds in fiscal year 1987 — I cannot accept this method of false budgeting.

In addition, in this case, the Iowa Grain Quality Program has already begun through the assistance of the Iowa Corn Growers Association, the Iowa Soybean Association, and the Department of Economic Development. At the present time, offers are already

on the table with a number of countries interested in purchasing Iowa certified quality grain and a trademark is being established. Therefore, these start-up funds are not necessary. With regard to the demonstration projects, funding is provided for similar projects in the ground water protection bill which is now being considered by the General Assembly. It would be most appropriate for these projects to be considered in that bill.

I am unable to approve the item designated as Section 18 in its entirety.

Section 18 of House File 355 would provide \$5 million to the Iowa Agricultural Development Authority for interest buy-down programs and targeted assistance to livestock producers. I recommended that \$5 million be appropriated in fiscal year 1988 for this purpose. I believe that the Iowa legislature should provide assistance to agricultural producers who have difficulty obtaining operating credit. Last year, over 1,300 farmers were provided with assistance in this manner. In addition, I recommended that we provide financial assistance to Iowa farmers interested in re-entering the livestock market.

However, House File 355 again appropriates funds in fiscal year 1987 which, in fact, would not be expended until fiscal year 1988. While the Agricultural Development Authority does indicate the need for some minimal administrative costs in fiscal year 1987, most of these funds would not be needed until some time during the middle of fiscal year 1988. That is why I recommended the \$5 million appropriation for this purpose during that fiscal year. Therefore, I urge the legislature to appropriate the \$5 million for this purpose in the fiscal year 1988 budget to ensure that agricultural producers receive appropriate assistance. Such action is imperative for Iowa agriculture.

I am unable to approve the item designated as Section 19 in its entirety.

Section 19 of House File 355 appropriates \$130,000 to cover the expenses of moving the Historical Division's genealogical records from Iowa City to Des Moines.

This section also contains language which allows the funds appropriated in this section to be spent during the fiscal year 1988.

I have recommended appropriate funding to the Department for moving central records to the new Historical Building during the fiscal year 1988. I strongly urge the legislature to adopt those funding recommendations.

I am unable to approve the item designated as Section 21 in its entirety.

Section 21 of House File 355 appropriates \$400,000 to Iowa State University for the College of Veterinary Medicine. The College of Veterinary Medicine has experienced a substantial reduction of operating funds due to the expiration of a contract with the State of Nebraska to teach Nebraska veterinary students at Iowa State.

This section also includes a clause allowing unexpended funds during this fiscal year to be utilized next fiscal year. It is anticipated that all of these funds are slated for use in fiscal year 1988.

Thus, despite the merits of this appropriation, Section 21 is but another legislative attempt to appropriate fiscal year 1988 funds in fiscal year 1987. If the legislature wishes to provide additional funds to the Iowa State University College of Veterinary Medicine, they should be provided in the fiscal year in which they are needed — fiscal year 1988. I urge the General Assembly to consider it in that time period.

I am unable to approve the item designated as Section 25 in its entirety.

Section 25 of House File 355 provides the Transportation Commission with authority to issue anticipatory warrants not to exceed \$50 million prior to July 1, 1987. This language was included in the bill in order to give the Commission authority to deal with the severe cash flow problems caused by the threatened loss of federal highway funds earlier this year. Now that the federal funding for highways has been settled by the Congress, the authority to issue these certificates is no longer necessary.

I am unable to approve the item designated as Section 26 in its entirety.

Section 26 of House File 355 prohibits the Department of General Services from purchasing or lease-purchasing any equipment costing more than \$100,000 for the remainder of fiscal year 1987 and for fiscal year 1988.

This section of House File 355 unnecessarily restricts the ability of the Department of General Services to purchase equipment in a cost effective manner. The Department has effectively used the lease purchase option to minimize costs for essential equipment for state agencies. This restriction could drastically restrict the ability of state government to continue automation plans needed to further reduce the administrative costs of state government. In addition, restricting this method of purchasing would hamstring our ability to update our computer equipment. If such appropriate updating is not accomplished, the quality of services provided to the public would be significantly hampered.

I am unable to approve the item designated as Section 27 of House File 355 in its entirety.

This section of the bill will require all agencies, including the Regent institutions, to transmit to the Director of the Legislative Fiscal Bureau each item of anticipated equipment purchases in excess of \$100,000 during the fiscal year. These proposed items are also required to be listed as a separate line item in the proposed budgets by the agencies and the institutions.

Section 27 of this bill is designed to assist the legislature in implementing the restriction on equipment purchases contained in Section 26 of the bill. Given the fact that Section 26 is item vetoed, state agencies and Regent institutions should not be required to do this unnecessary paperwork and reporting. Certainly, if the legislature desires to receive information regarding actual equipment purchases, the information should be made available upon request.

In summary, the state finances remain tight and House File 355 would result in \$9 million of excessive spending. Moreover, the state's budget requires a concerted effort over the next several years to restore it to a generally accepted system of accounting. Appropriating funds in one year and spending them in another would set the state back in our efforts to put the state's fiscal house in order.

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 355 are hereby approved as of this date.

Sincerely,  
Terry E. Branstad  
Governor

### EXPLANATION OF VOTE

I was necessarily absent from the House chamber on Monday

evening, May 4, 1987. Had I been present, I would have voted "aye" on Senate File 511.

DAGGETT of Adams

### BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on May 4, 1987, he approved and transmitted to the Secretary of State the following bills:

House File 318, an act relating to the use of county and municipal infractions.

House File 360, an act relating to the decisions of guardians regarding life-sustaining procedures.

House File 379, an act relating to the employment of persons in public service jobs.

House File 490, an act relating to interstate agreements for provision of medical assistance services to adoptive families who participate in the subsidized adoption or adoption assistance program.

House File 523, an act relating to the financial authority of political subdivisions by authorizing loan agreements, the issuance of bonds for additional purposes, and the payment of interest from bond proceeds.

House File 536, an act relating to public bonds by specifying requirements for the issuance of certain bonds, providing for the use of bond proceeds, and providing for the security of certain bonds.

Senate File 70, an act relating to motor vehicle fuel pumps and public scales by revising provisions governing licensing, inspection, calibration, and sealing by the Department of Agriculture and Land Stewardship and providing a penalty.

Senate File 106, an act relating to evaluations of the performance of school administrators including requiring the adoption of job descriptions and evaluation criteria and procedures.

Senate File 130, an act to provide that moneys deposited in the barrel tax fund and the gallonage tax fund shall not revert to the state general fund without a specific appropriation, and providing for retroactive applicability of the act.

Senate File 177, an act relating to the disposal of dead animals.

Senate File 214, an act authorizing a city with a population of five thousand or less to reduce council membership to three by referendum.

Senate File 266, an act relating to the affirmation and reenactment of certain provisions of law concerning judicial procedures and court enforced orders, and providing an effective date.

Also: On May 5, 1987, he approved and transmitted to the Secretary of State the following bills:

House File 258, an act relating to program grants under the Iowa department of public health for substance abuse programs.

House File 324, an act authorizing the joint investment of funds by counties, cities and city utilities.

House File 398, an act relating to water districts, by providing for water service within two miles of a city and by providing for the determination and apportionment of cost attributed to the annexation of land.

House File 527, an act relating to proportional registration by providing for credits of registration fees when changing the method of registration of vehicles and by requiring owners of vehicles subject to proportional registration to make application to either the state department of transportation or the county treasurer for registration and issuance of certificates of title, and providing an effective date.

House File 576, an act providing for the grading and marking of Iowa seal agricultural products, and providing penalties.

Senate File 319, an act relating to the condition of a building as a basis for the filing of a petition or hearing procedure.

Senate File 341, an act relating to the standard of proof required under forfeiture of property law.

Senate File 374, an act relating to statutory corrections of a noncontroversial and nonsubstantive nature.

Senate File 424, an act relating to the administration of the campaign finance disclosure laws.

Senate File 449, an act relating to the operation and administration of the department of employment services by correcting statutory omissions, inaccuracies, and inconsistencies to reflect or alter current practices, by limiting certain penalties, by continuing the reimbursable status of certain enterprises and businesses sold or transferred by reimbursable employers, and by authorizing the release of certain job service information to certain public or quasi-public officials and entities and certain business and labor organizations.

Senate File 493, an act relating to the creation of a statewide regional network of small business economic development corporations to assist in providing financing for small businesses in the state.

## PRESENTATION OF VISITORS

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

Thirteen seventh and eighth grade students from St. Matthew School, Clare, accompanied by Adele Yetman. By Adams of Hamilton.

Twenty-four sixth grade students from C & M Elementary School, Cumberland, accompanied by Ms. Struthers. By Beaman of Clarke and Pellett of Cass.

Sixteen fifth grade students from Scranton Elementary School, Scranton, accompanied by Ken Morlan. By Blanshan of Greene.

Ninety fourth grade students from Roosevelt Elementary School, Perry, accompanied by Mrs. Leslie. By McKinney of Dallas.

### COMMITTEE RECOMMENDATION

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

**JOSEPH O'HERN**  
Chief Clerk of the House

### COMMITTEE ON WAYS AND MEANS

**Committee Bill** (Formerly House Study Bill 325), relating to the time for claiming revitalization tax exemptions.

Fiscal Note is not required.

Recommended **Do Pass** May 5, 1987.

### RESOLUTIONS FILED

**HCR 43**, by Osterberg, Gruhn, Pellett, Stueland, Eddie, Branstad, Cooper, Bennett, May, Johnson, Fogarty, Petersen of Muscatine, Muhlbauer, Norrgard, Svoboda, Van Maanen, Koenigs, De Groot, Kremer, McKinney and Hansen of Woodbury, a concurrent resolution relating to the use of soybean oil as a dust suppressant in grain storage facilities.

Laid over under **Rule 25**.

**HCR 44**, by Fogarty and De Groot, a concurrent resolution proposing an interim legislative study of vocational agriculture education needs.

Laid over under **Rule 25**.

**HR 11**, by Hatch, a resolution recognizing the Public Library of Des Moines for hosting an exhibition in celebration of the Bicentennial of the Constitution of the United States.

Laid over under **Rule 25**.

### AMENDMENTS FILED

H - 4204	H.F.	493	Senate Amendment
H - 4205	H.F.	681	McKinney of Dallas
H - 4206	H.F.	681	McKinney of Dallas
H - 4207	H.F.	677	Harbor of Mills
			Halvorson of Clayton
			Royer of Page

H-4208	H.F.	677	Harbor of Mills Halvorson of Clayton Royer of Page
H-4210	H.F.	677	Fuller of Hardin
H-4211	H.F.	588	Senate Amendment
H-4212	S.F.	162	Blanshan of Greene
H-4219	S.F.	396	Rosenberg of Story
H-4224	H.F.	658	Parker of Jasper Swartz of Marshall Renken of Grundy Hummel of Benton

On motion by Arnould of Scott, the House adjourned at 7:12 p.m., until 9:00 a.m., Wednesday, May 6, 1987.

# JOURNAL OF THE HOUSE

One Hundred Fifteenth Calendar Day — Seventy-eighth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Wednesday, May 6, 1987

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, May 5, 1987 was approved.

## PETITION FILED

The following petition was received and placed on file:

By Van Maanen of Mahaska, from twelve constituents opposing the present allocation of available monies generating from the Iowa lottery.

## 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 4, 1987, 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 580, a bill for an act relating to the granting of leaves of absence to persons disabled by pregnancy, providing for their reinstatement, and providing for an employer's liability.

Also: That the Senate has on May 4, 1987, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 274, a bill for an act relating to the exporting of Iowa grain, by providing for the establishment of an Iowa agricultural export trading company; establishing a certified Iowa grain program; a new division of agriquality inspection within the department of agriculture and land stewardship; a state grain terminal and shippers program; a foreign sale facilitation system; and a sealed carrier receptacle program; and imposing penalties.

JOHN F. DWYER, Secretary

## HOUSE FILE 577 WITHDRAWN

Koenigs of Mitchell asked and received unanimous consent to withdraw House File 577 from further consideration by the House.

**CONSIDERATION OF BILLS**  
**Unfinished Business Calendar**

The House resumed consideration of **Senate File 17**, a bill for an act relating to the penalty for cruelty to animals, and the committee amendment H-3711, found on page 1357 of the House Journal, deferred and placed on the unfinished business calendar April 14, 1987.

Tabor of Jackson offered the following amendment H-4184, to the committee amendment H-3711, filed by him and moved its adoption:

H-4184

- 1 Amend House amendment, H-3711, to Senate File 17 as
- 2 amended, passed and reprinted by the Senate as
- 3 follows:
- 4 1. Page 1, by striking lines 1 through 13 and
- 5 inserting the following:
- 6 "Amend Senate File 17 as amended, passed, and
- 7 reprinted by the Senate as follows:
- 8 \_\_\_\_\_ By striking everything after the enacting
- 9 clause and inserting the following:
- 10 "Section 1. Section 717.2, Code 1987, is amended
- 11 to read as follows:
- 12 717.2 CRUELTY TO ANIMALS.
- 13 A person who impounds or confines, in any place, a
- 14 domestic animal or fowl, or dog or cat, and fails to
- 15 supply the animal during confinement with a sufficient
- 16 quantity of food, and water, or who fails to provide a
- 17 dog or cat with adequate shelter, or who tortures,
- 18 torments, deprives of necessary sustenance, mutilates,
- 19 overdrives, overloads, drives when overloaded, beats,
- 20 or kills an animal by any means which cause
- 21 unjustified pain, distress, or suffering, whether
- 22 intentionally or negligently, is guilty of a simple
- 23 serious misdemeanor." "

Amendment H-4184 was adopted.

On motion by Tabor of Jackson, the committee amendment H-3711, as amended, was adopted, placing the following amendments out of order:

H-3204 filed by Black of Jasper on March 17, 1987.

H-3497 filed by Black of Jasper on March 31, 1987.

H-3481 filed by Running of Linn on March 31, 1987.

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

## On the question "Shall the bill pass?" (S.F. 17)

The ayes were, 84:

Adams	Arnould	Beaman	Beatty
Bisignano	Black	Blanshan	Brammer
Buhr	Carpenter	Chapman	Clark
Cohoon	Connolly	Connors	Cooper
Corbett	Corey	Diemer	Dvorsky
Eddie	Fey	Fogarty	Fuller
Garman	Gruhn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. R.	Harbor
Harper	Hatch	Haverland	Hermann
Hester	Holveck	Hummel	Jay
Jochum	Johnson	Koenigs	Lageschulte
Lundby	May	McKean	McKinney
Metcalf	Miller	Muhlbauer	Neuhauser
Norrgard	Ollie	Osterberg	Parker
Paulin	Pavich	Pellet	Peters
Peterson, M. K.	Platt	Poncy	Renaud
Renken	Rosenberg	Royer	Running
Schneklath	Schrader	Sherzan	Shoning
Shoultz	Siegrist	Skow	Spear
Stromer	Stueland	Swartz	Swearingen
Tabor	Teaford	Wise	Mr. Speaker

The nays were, 12:

Bennett	Branstad	Daggett	De Groot
Doderer	Knapp	Kremer	Maulsby
Mullins	Petersen, D. F.	Van Camp	Van Maanen

Absent or not voting, 4:

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

**House File 684**, a bill for an act relating to the county juvenile justice base costs, was taken up for consideration.

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

## On the question "Shall the bill pass?" (H.F. 684)

The ayes were, 96:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Blanshan	Brammer
Branstad	Buhr	Carpenter	Chapman
Clark	Cohoon	Connolly	Connors

Cooper	Corbett	Corey	Daggett
De Groot	Diemer	Doderer	Dvorsky
Eddie	Fey	Fogarty	Fuller
Garman	Gruhn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. R.	Harbor
Harper	Haverland	Hermann	Hester
Holveck	Hummel	Jay	Jochum
Johnson	Knapp	Koenigs	Kremer
Lageschulte	Lundby	Maulsby	May
McKean	McKinney	Metcalf	Miller
Muhlbauer	Mullins	Neuhauser	Norrgard
Ollie	Osterberg	Parker	Paulin
Pavich	Pellet	Peters	Petersen, D. F.
Peterson, M. K.	Plasier	Platt	Poncy
Renaud	Renken	Rosenberg	Royer
Running	Schneklath	Schrader	Sherzan
Shoning	Shoultz	Siegrist	Skow
Spear	Stromer	Stueland	Svoboda
Swartz	Swearingen	Tabor	Teaford
Van Camp	Van Maanen	Wise	Mr. Speaker

The nays were, none.

Absent or not voting, 4:

Black                      Groninga                      Hatch                      Tyrrell

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

### HOUSE AND SENATE FILES DEFERRED

Arnould of Scott asked and received unanimous consent that the following bills be deferred and that they retain their place on the calendar: House File 672, Senate File 162, and House Files 681 and 677.

### Ways and Means Calendar

**House File 678**, a bill for an act authorizing the establishment of a benefited recreational lake district and its dissolution, the election of trustees, the levy of a tax, and the contract of indebtedness, was taken up for consideration.

Hanson of Delaware offered the following amendment H—4081 filed by him and moved its adoption:

H—4081

- 1 Amend House File 678 as follows:
- 2 1. Page 1, line 32, by inserting after the word
- 3 "residential" the following: ", agricultural,".
- 4 2. Page 1, by striking lines 34 and 35.
- 5 3. Page 3, line 32, by inserting after the word

6 "district" the following: "except property assessed  
 7 as agricultural land."  
 8 4. Page 3, line 33, by inserting after the word  
 9 "district." the following: "A tax levy approved for  
 10 the purposes of this chapter shall not be levied on  
 11 property assessed as agricultural land."

Amendment H—4081 was adopted, placing out of order amendment H—4085 filed by Bisignano of Polk and Fey of Scott on April 30, 1987.

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

On the question "Shall the bill pass?" (H.F. 678)

The ayes were, 59:

Arnould	Beatty	Bennett	Brammer
Carpenter	Chapman	Clark	Cohoon
Connolly	Cooper	Corbett	De Groot
Doderer	Dvorsky	Eddie	Fogarty
Groninga	Halvorson, R. A.	Halvorson, R. N.	Hansen, S. D.
Hanson, D. R.	Harper	Hatch	Haverland
Holveck	Jay	Jochum	Johnson
Koenigs	Kremer	Lundby	May
McKean	McKinney	Miller	Mullins
Neuhauser	Norrgard	Osterberg	Parker
Paulin	Pavich	Petersen, D. F.	Peterson, M. K.
Plasier	Renken	Schneklloth	Sherzan
Shoning	Shoultz	Siegrist	Skow
Spear	Stromer	Swartz	Swearingen
Tabor	Teaford	Mr. Speaker	

The nays were, 38:

Adams	Beaman	Bisignano	Black
Blanshan	Branstad	Buhr	Connors
Corey	Daggett	Diemer	Fey
Fuller	Garman	Gruhn	Hammond
Harbor	Hermann	Hester	Hummel
Knapp	Lageschulte	Maulsby	Metcalf
Muhlbauer	Ollie	Pellett	Peters
Poncy	Renaud	Rosenberg	Royer
Running	Schrader	Stueland	Svoboda
Van Camp	Van Maanen		

Absent or not voting, 3:

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

## SENATE FILE 484 DEFERRED

Halvorson of Webster asked and received unanimous consent that Senate File 484 be deferred and that the bill retain its place on the calendar.

## Unfinished Business Calendar

The House resumed consideration of **Senate File 187**, a bill for an act relating to the purchase of sacramental wine, deferred and placed on the unfinished business calendar April 14, 1987.

Renaud of Polk offered the following amendment H—3903 filed by him:

H—3903

1 Amend Senate File 187 as passed by the Senate as  
2 follows:

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

5 "Section 1. Section 123.3, subsection 31, Code  
6 1987, is amended to read as follows:

7 31. "Licensed premises" or "premises" means all  
8 rooms, enclosures, contiguous areas, or places  
9 susceptible of precise description satisfactory to the  
10 administrator where alcoholic beverages liquor, wine,  
11 or beer is sold, stored, or consumed or where any  
12 business is conducted pertaining to the sale, storage,  
13 or consumption of alcoholic liquor, wine, or beer  
14 under authority of a liquor control license, wine  
15 permit, or beer permit. A single licensed premise may  
16 consist of multiple rooms, offices, storerooms,  
17 enclosures, areas or places if they are wholly within  
18 the confines of a single building or contiguous  
19 grounds.

20 Sec. 2. Section 123.3, Code 1987, is amended by  
21 adding the following new subsections:

22 NEW SUBSECTION. 36. "City" means a municipal  
23 corporation but not including a county, township,  
24 school district, or any special purpose district or  
25 authority.

26 NEW SUBSECTION. 37. "Unincorporated town" means a  
27 compactly populated area recognized as a distinct  
28 place with a distinct place-name which is not itself  
29 incorporated or within the corporate limits of a city.

30 Sec. 3. Section 123.20, subsection 1, Code 1987,  
31 is amended to read as follows:

32 1. To purchase receive alcoholic liquors and wine  
33 on a bailment system for resale by the division in the  
34 manner set forth in this chapter.

35 Sec. 4. Section 123.22, unnumbered paragraph 1,

36 Code 1987, is amended to read as follows:

37 The division has the exclusive right of importation  
38 into the state of all forms of alcoholic liquor,  
39 except as otherwise provided in this chapter, and a  
40 person shall not import alcoholic liquor, except that  
41 an individual of legal age may import and have in the  
42 individual's possession an amount of alcoholic liquor  
43 not exceeding one quart or, in the case of alcoholic  
44 liquor personally obtained outside the United States,  
45 one gallon for personal consumption only in a private  
46 home or other private accommodation. ~~No~~ A distillery  
47 shall not sell alcoholic liquor within the state to  
48 any person but only to the division, except as  
49 otherwise provided in this chapter. This section  
50 vests in the division exclusive control within the

**Page 2**

1 state as purchaser of all alcoholic liquor sold by  
2 distilleries within the state or imported, except beer  
3 and wine, and except as otherwise provided in this  
4 chapter. The division shall receive alcoholic liquor  
5 on a bailment system for resale by the division in the  
6 manner set forth in this chapter. The division shall  
7 act as the sole wholesaler of alcoholic liquor to  
8 class "E" liquor control licensees.

9 Sec. 5. Section 123.24, subsection 2, paragraph a,  
10 Code 1987, is amended to read as follows:

11 a. The division may accept from a class "E" liquor  
12 control licensee a cashier's check which shows the  
13 licensee is the remitter or a check issued by the  
14 licensee in payment of alcoholic liquor. If a check  
15 is subsequently dishonored, the division shall cause a  
16 notice of nonpayment and penalty to be served upon the  
17 class "E" liquor control licensee or upon any person  
18 in charge of the licensed premises. The notice shall  
19 state that if payment or satisfaction for the  
20 dishonored check is not made within ten days of the  
21 service of notice, the licensee's liquor control  
22 license shall be suspended under section 123.39. The  
23 notice of nonpayment and penalty shall be in a form  
24 prescribed by the administrator, and shall be served  
25 by a peace officer sent by certified mail.

26 Sec. 6. Section 123.36, subsection 3, paragraph d,  
27 Code 1987, is amended to read as follows:

28 d. Hotels and motels located outside the corporate  
29 limits of any city, a sum equal to that charged in the  
30 incorporated city located nearest the premises to be  
31 licensed, and in case there is doubt as to which of  
32 two or more differing corporate limits is the nearest,  
33 the license fee which is the largest shall prevail.  
34 However, if a hotel or motel is located in an

35 unincorporated town, for purposes of this subsection  
36 the unincorporated town shall be treated as if it is a  
37 city.

38 Sec. 7. Section 123.36, subsection 4, paragraph d,  
39 Code 1987, is amended to read as follows:

40 d. Commercial establishments located outside the  
41 corporate limits of any city, a sum equal to that  
42 charged in the incorporated city located nearest the  
43 premises to be licensed, and in case there is doubt as  
44 to which of two or more differing corporate limits are  
45 the nearest, the license fee which is the larger shall  
46 prevail. However, if a commercial establishment is  
47 located in an unincorporated town, for purposes of  
48 this subsection the unincorporated town shall be  
49 treated as if it is a city.

50 Sec. 8. Section 123.36, subsection 7, paragraph d,

Page 3

1 Code 1987, is amended to read as follows:

2 d. Commercial establishments located outside the  
3 corporate limits of any city, a sum equal to that  
4 charged in the incorporated city located nearest the  
5 premises to be licensed, and in case there is doubt as  
6 to which of two or more differing corporate limits are  
7 the nearest, the license fee which is the larger shall  
8 prevail. However, if a commercial establishment is  
9 located in an unincorporated town, for purposes of  
10 this subsection the unincorporated town shall be  
11 treated as if it is a city.

12 Sec. 9. Section 123.45, unnumbered paragraph 2,  
13 Code 1987, is amended to read as follows:

14 A person engaged in the business of manufacturing,  
15 bottling, or wholesaling alcoholic beverages, wine, or  
16 beer, or any jobber representative, broker, employee,  
17 or agent of such person, shall not directly or  
18 indirectly supply, furnish, give, or pay for any  
19 furnishings, fixtures, or equipment used in the  
20 storage, handling, serving, or dispensing of alcoholic  
21 beverages, wine, beer, or food within the place of  
22 business of a licensee or permittee authorized under  
23 this chapter to sell at retail; nor shall the person  
24 directly or indirectly extend any credit for alcoholic  
25 beverages or beer or pay for any such license or  
26 permit, nor directly or indirectly be interested in  
27 the ownership, conduct, or operation of the business  
28 of another licensee or permittee authorized under this  
29 chapter to sell at retail, nor hold a retail liquor  
30 control license or retail wine or beer permit, except  
31 that a person engaged in the business of manufacturing  
32 beer may sell beer at retail for consumption on or off  
33 the premises of the manufacturing facility and,

34 notwithstanding any other provision of this chapter or  
 35 the fact that such a person may be the holder of a  
 36 class "A" beer permit, may be granted not more than  
 37 one class "B" permit as defined in section 123.124 for  
 38 such purpose. Any licensee or permittee who permits  
 39 or assents to or is a party in any way to any such  
 40 violation or infringement of this section is guilty of  
 41 a violation of this section.

42 Sec. 10. Section 123.124, Code 1987, is amended to  
 43 read as follows:

44 123.124 PERMITS – CLASSES.

45 Permits for the manufacture and sale, or sale of  
 46 beer shall be divided into three classes, and shall be  
 47 known as either class "A", "B", or "C" permits. A  
 48 class "A" permit shall allow the holder to manufacture  
 49 and sell beer at wholesale. ~~The holder of a class "A"~~  
 50 ~~permit may manufacture beer of more than five percent~~

Page 4

1 of alcohol by weight for shipment outside this state  
 2 only. However, a class "A" permit does not grant  
 3 authority to manufacture wine as defined in section  
 4 123.3, subsection 7. A class "B" permit shall allow  
 5 the holder to sell beer at retail for consumption on  
 6 or off the premises. A class "C" permit shall allow  
 7 the holder to sell beer at retail for consumption off  
 8 the premises.

9 Sec. 11. Section 123.130, Code 1987, is amended to  
 10 read as follows:

11 123.130 AUTHORITY UNDER CLASS "A" PERMIT.

12 Any person holding a class "A" permit issued by the  
 13 division shall be authorized to manufacture and sell,  
 14 or sell at wholesale, beer for consumption off the  
 15 premises, such sales within the state to be made only  
 16 to persons holding subsisting class "A", "B" or "C"  
 17 permits, or liquor control licenses issued in  
 18 accordance with the provisions of this chapter. The  
 19 holder of a class "A" permit may manufacture beer of  
 20 more than five percent alcohol by weight for shipment  
 21 outside this state only. However, a class "A" permit  
 22 does not grant authority to manufacture wine as  
 23 defined in section 123.3, subsection 7.

24 All class "A" premises shall be located within the  
 25 state. All beer received by the holder of a class "A"  
 26 permit from the holder of a certificate of compliance  
 27 before being resold must first come to rest on the  
 28 premises licensed by the class "A" permit holder, must  
 29 be inventoried, and is subject to the barrel tax when  
 30 resold as provided in section 123.136. A class "A"  
 31 permittee shall not store beer overnight except on  
 32 premises licensed under a class "A" permit.

33 Sec. 12. Section 123.134, subsection 2, paragraph  
34 d, Code 1987, is amended to read as follows:

35 d. For premises located outside the corporate  
36 limits of any city, a sum equal to that charged in the  
37 incorporated city located nearest the premises to be  
38 operated under the permit, and in case there is doubt  
39 as to which of two or more differing corporate limits  
40 are the nearest, the permit fee which is the largest  
41 shall prevail. However, if the premises are located  
42 in an unincorporated town, for purposes of this  
43 subsection the unincorporated town shall be treated as  
44 if it is a city.

45 Sec. 13. Section 123.173, unnumbered paragraph 2,  
46 Code 1987, is amended to read as follows:

47 A class "A" wine permit allows the holder to  
48 manufacture and sell, or sell at wholesale, in this  
49 state, wine as defined in section 123.3, subsection 7.  
50 The holder of a class "A" wine permit may manufacture

**Page 5**

1 in this state wine having an alcoholic content greater  
2 than seventeen percent by weight for shipment outside  
3 this state ~~or for sale to the division.~~ All class "A"  
4 premises shall be located within the state. A class  
5 "B" wine permit allows the holder to sell wine at  
6 retail for consumption off the premises."

7 2. Title page, line 1, by striking line 1 and  
8 inserting the following: "An Act relating to the  
9 regulation of the sale of alcoholic beverages by  
10 amending the definition of licensed premises, by  
11 requiring the division of alcoholic beverages to place  
12 its system of purchase of alcoholic liquor on a  
13 bailment system, by providing for service of notice of  
14 nonpayment and penalty by the division to a class "E"  
15 license by certified mail, and relating to liquor  
16 control licenses and wine and beer permits by  
17 providing for adjustment of fees for certain  
18 businesses and permittees, by requiring all class "A"  
19 wine permit premises and class "A" beer permit  
20 premises to be located within the state and by  
21 allowing persons holding a permit to purchase  
22 sacramental wine to purchase sacramental wine from  
23 class "A" wine permittees."

Hammond of Story rose on a point of order that amendment  
H—3903 was not germane.

The Speaker ruled the point well taken and amendment H—3903  
not germane.

Arnould of Scott asked and received unanimous consent that  
Senate File 187 be deferred and that the bill retain its place on the  
unfinished business calendar.

## SENATE AMENDMENTS CONSIDERED

Rosenberg of Story called up for consideration **House File 574**, a bill for an act relating to the crime of forgery and related fraudulent criminal acts, and providing penalties, amended by the Senate amendment H—4038 as follows:

H—4038

- 1 Amend House File 574 as amended, passed, and
- 2 reprinted by the House as follows:
- 3 1. Page 1, line 15, by striking the words "a pur-
- 4 pose" and inserting the following: "with intent".
- 5 2. Page 1, by striking line 30 and inserting the
- 6 following:
- 7 "2. a. Forgery is a class "D" felony if the
- 8 writing is or".
- 9 3. Page 1, by striking line 35 and inserting the
- 10 following: "property or enterprise, or a check,
- 11 draft, or other writing which ostensibly evidences an
- 12 obligation of the person who has purportedly executed
- 13 it or authorized its execution.
- 14 b. Forgery is an aggravated misdemeanor".
- 15 4. Page 2, line 2, by inserting after the word
- 16 "or" the following: "any other writing or".
- 17 5. Page 2, by striking lines 4 and 5 and
- 18 inserting the following: "affecting legal relations."
- 19 6. Page 2, line 8, by striking the words "a pur-
- 20 pose" and inserting the following: "with intent".
- 21 7. Page 2, lines 16 and 17, by striking the words
- 22 "with a purpose" and inserting the following: "with
- 23 the intent".
- 24 8. Page 2, line 25, by striking the word "pur-
- 25 pose" and inserting the following: "the intent".
- 26 9. Page 3, line 2, by striking the word "purpose"
- 27 and inserting the word "intent".
- 28 10. Page 3, by inserting after line 9 the
- 29 following:
- 30 "Sec. \_\_\_\_\_. **NEW SECTION. 715A.7 FILING MULTIPLE**
- 31 **COUNTS IN ONE INFORMATION, INDICTMENT, OR COMPLAINT.**
- 32 A single information, indictment, or complaint
- 33 charging false use of a financial instrument may
- 34 allege more than one such violation against a person.
- 35 The multiple charges shall be set out in separate
- 36 counts, and the accused person shall be acquitted or
- 37 convicted upon each count by a separate verdict. A
- 38 convicted person shall be sentenced upon each verdict
- 39 of guilty. The court may consider separate verdicts of
- 40 guilty returned at the same time as one offense for
- 41 the purpose of sentencing."
- 42 11. By renumbering, relettering, or redesignating
- 43 and correcting internal references as necessary.

Rosenberg of Story asked and received unanimous consent to withdraw amendment H—4045, to the Senate amendment H—4038, filed by him on April 28, 1987.

On motion by Rosenberg of Story, the House concurred in the Senate amendment H—4038.

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. 574)

The ayes were, 93:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Black	Blanshan
Brammer	Branstad	Buhr	Carpenter
Clark	Cphoon	Connolly	Connors
Cooper	Corbett	Corey	Daggett
De Groot	Diemer	Doderer	Dvorsky
Eddie	Fogarty	Garman	Groninga
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Hansen, S. D.	Hanson, D. R.	Harbor	Harper
Hatch	Hermann	Hester	Holveck
Hummel	Jay	Jochum	Johnson
Knapp	Koenigs	Kremer	Lageschulte
Lundby	Maulsby	May	McKean
McKinney	Metcalf	Miller	Muhlbauer
Mullins	Neuhauser	Norrgard	Ollie
Osterberg	Parker	Paulin	Pavich
Pellett	Peters	Petersen, D. F.	Peterson, M. K.
Plasier	Platt	Poncy	Renaud
Renken	Rosenberg	Royer	Running
Schnekloth	Schrader	Sherzan	Shoning
Siegrist	Skow	Spear	Stromer
Stueland	Svoboda	Swartz	Tabor
Teaford	Van Camp	Van Maanen	Wise
Mr. Speaker			

The nays were, none.

Absent or not voting, 7:

Chapman	Fey	Fuller	Haverland
Shoultz	Swearingen	Tyrrell	

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

Diemer of Black Hawk called up for consideration **House File 575**, a bill for an act relating to the acquisition, development, promotion,

and management of land for recreation trails, amended by the Senate, and moved that the House concur in the following Senate amendment H—4037:

H—4037

- 1 Amend House File 575, as passed by the House, as
- 2 follows:
- 3 1. Page 3, line 1, by striking the words "or
- 4 eminent domain".

The motion prevailed and the House concurred in the Senate amendment H—4037.

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

On the question "Shall the bill pass?" (H.F. 575)

The ayes were, 83:

Adams	Arnould	Beaman	Beatty
Bisignano	Black	Blanshan	Brammer
Branstad	Buhr	Carpenter	Chapman
Clark	Cohoon	Connolly	Connors
Cooper	Corbett	Corey	De Groot
Diemer	Doderer	Dvorsky	Eddie
Fogarty	Groninga	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. R.
Harbor	Harper	Hatch	Hermann
Hester	Holveck	Hummel	Jay
Jochum	Johnson	Knapp	Koenigs
Kremer	Lageschulte	Lundby	May
McKean	McKinney	Metcalf	Muhlbauer
Mullins	Neuhauser	Norrgard	Ollie
Osterberg	Parker	Paulin	Pavich
Pellett	Peters	Peterson, M. K.	Plasier
Platt	Poncy	Renaud	Rosenberg
Running	Schrader	Sherzan	Shoning
Skow	Spear	Stromer	Stueland
Svoboda	Swartz	Tabor	Teaford
Van Camp	Wise	Mr. Speaker	

The nays were, 10:

Bennett	Garman	Maulsby	Miller
Petersen, D. F.	Renken	Royer	Schnekloth
Siegrist	Van Maanen		

Absent or not voting, 7:

Daggett	Fey	Fuller	Haverland
Shoultz	Swearingen	Tyrrell	

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

Norrsgard of Des Moines called up for consideration **House File 210**, a bill for an act relating to certain admissions to health care facilities, amended by the Senate, and moved that the House concur in the following Senate amendment H—4111:

H—4111

- 1 Amend House File 210, as amended, passed, and re-
- 2 printed by the House, as follows:
- 3 1. Page 1, line 4, by striking the words "an a"
- 4 and inserting the following: "an".
- 5 2. Page 1, by striking lines 5 through 7 and
- 6 inserting the following: "intermediate care facility,
- 7 or skilled nursing facility, or county care facility
- 8 when the intermediate care facility, or skilled
- 9 nursing facility, or county care facility has a
- 10 program which has".
- 11 3. Page 1, by striking lines 9 and 10 and in-
- 12 serting the following: "for and manage the patient.
- 13 An intermediate care facility, or skilled nursing
- 14 facility, or county care facility is required to".
- 15 4. Page 1, by striking lines 12 and 13 and in-
- 16 serting the following: "behavior when the
- 17 intermediate care facility, or skilled nursing
- 18 facility, or county care facility cannot control the".
- 19 5. Page 1, by striking lines 17 and 18 and
- 20 inserting the following: "17A for programs to be
- 21 required in intermediate care facilities, and skilled
- 22 nursing facilities, and county care".
- 23 6. Page 1, by striking lines 21 through 35.
- 24 7. Page 2, by striking lines 17 through 22 and
- 25 inserting the following: "that section. However, any
- 26 commitment to a facility regulated and operated under
- 27 chapter 135C, shall be in accordance with section
- 28 135C.23."
- 29 8. Page 2, by striking lines 25 through 29 and
- 30 inserting the following:
- 31 "NEW UNNUMBERED PARAGRAPH. A judge, magistrate, or
- 32 judicial hospitalization referee shall make all
- 33 placements to a county care facility pursuant to sec-
- 34 tion 135C.23."
- 35 9. By renumbering as necessary.

The motion prevailed and the House concurred in the Senate amendment H—4111.

Norrsgard of Des Moines 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. 210)

The ayes were, 91:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Black	Blanshan
Brammer	Branstad	Buhr	Carpenter
Chapman	Clark	Cohoon	Connolly
Connors	Cooper	Corbett	Corey
De Groot	Diemer	Doderer	Dvorsky
Eddie	Fey	Fogarty	Garman
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Hansen, S. D.	Hanson, D. R.	Harbor	Harper
Hatch	Hermann	Hester	Holveck
Hummel	Jochum	Johnson	Knapp
Koenigs	Kremer	Lageschulte	Lundby
Maulsby	May	McKean	McKinney
Metcalf	Muhlbauer	Mullins	Neuhauser
Norrgard	Ollie	Osterberg	Parker
Paulin	Pavich	Pellett	Peters
Petersen, D. F.	Peterson, M. K.	Plasier	Platt
Pony	Renaud	Renken	Rosenberg
Royer	Running	Schneklath	Schrader
Sherzan	Shoning	Siegrist	Skow
Spear	Stromer	Stueland	Svoboda
Swartz	Tabor	Teaford	Van Camp
Van Maanen	Wise	Mr. Speaker	

The nays were, none.

Absent or not voting, 9:

Daggett	Fuller	Groninga	Haverland
Jay	Miller	Shoultz	Swearingen
Tyrrell			

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

Gruhn of Dickinson called up for consideration **House File 620**, a bill for an act relating to the acquisition and protection of significant elements of the state's natural open space heritage, amended by the Senate, and moved that the House concur in the following Senate amendment H-4117:

H-4117

- 1 Amend House File 620, as passed by the House, as
- 2 follows:
- 3 1. Page 4, by inserting after line 20 the

4 following:

5 "Sec. \_\_\_\_\_, NEW SECTION, 111E.4 PAYMENT IN LIEU  
6 OF PROPERTY TAXES.

7 As a part of the budget proposal submitted to the  
8 general assembly under section 455A.4, subsection 1,  
9 paragraph "c", the director of the department of  
10 natural resources shall submit a budget request to pay  
11 the property taxes for the next fiscal year on open  
12 space property acquired by the department which would  
13 otherwise be subject to the levy of property taxes.  
14 The assessed value of open space property acquired by  
15 the department shall be that determined under section  
16 427.1, subsection 31, and the director may protest the  
17 assessed value in the manner provided by law for any  
18 property owner to protest an assessment. For the  
19 purposes of chapter 442, the assessed value of the  
20 open space property acquired by the department shall  
21 be included in the valuation base of the school  
22 district and the payments made pursuant to this  
23 section shall be considered as property tax revenues  
24 and not as miscellaneous income. The county treasurer  
25 shall certify taxes due to the department. The taxes  
26 shall be paid annually from the departmental fund or  
27 account from which the open space property acquisition  
28 was funded. If the departmental fund or account has  
29 no moneys or no longer exists, the taxes shall be paid  
30 from funds as otherwise provided by the general  
31 assembly. If the total amount of taxes due certified  
32 to the department exceeds the amount appropriated, the  
33 taxes due shall be reduced proportionately so that the  
34 total amount equals the amount appropriated. This  
35 section applies to open space property acquired by the  
36 department on or after January 1, 1987."

The motion prevailed and the House concurred in the Senate amendment H—4117.

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

On the question "Shall the bill pass?" (H.F. 620)

The ayes were, 65:

Adams	Arnould	Beaman	Bisignano
Blanshan	Brammer	Branstad	Buhr
Clark	Cohon	Connolly	Connors
Cooper	Corbett	De Groot	Doderer
Eddie	Fey	Fogarty	Groninga
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hammond

Hansen, S. D.	Harper	Hatch	Hester
Holveck	Jochum	Johnson	Knapp
Koenigs	Lageschulte	Lundby	May
McKean	McKinney	Muhlbauer	Mullins
Norrsgard	Ollie	Osterberg	Parker
Paulin	Pavich	Peters	Peterson, M. K.
Platt	Poncy	Renaud	Rosenberg
Schrader	Shoning	Siegrist	Skow
Spear	Stueland	Svoboda	Swartz
Tabor	Teaford	Van Camp	Wise
Mr. Speaker			

The nays were, 25:

Bennett	Black	Carpenter	Chapman
Corey	Daggett	Dvorsky	Garman
Hanson, D. R.	Harbor	Hummel	Kremer
Maulsby	Metcalf	Miller	Neuhauser
Pellett	Petersen, D. F.	Plasier	Renken
Royer	Running	Schneklath	Stromer
Van Maanen			

Absent or not voting, 10:

Beatty	Diemer	Fuller	Haverland
Hermann	Jay	Sherzan	Shoultz
Swearingen	Tyrrell		

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 518**, a bill for an act relating to powers and duties of certain political subdivisions in relation to their operational procedures and financial arrangements, and providing an effective date, amended by the Senate, and moved that the House concur in the following Senate amendment H—4100:

H—4100

- 1 Amend House File 518, as passed by the House, as
- 2 follows:
- 3 1. By striking page 4, line 21 through page 5,
- 4 line 5.
- 5 2. Title page, lines 1 and 2, by striking the
- 6 words "certain political subdivisions" and inserting
- 7 the following: "sanitary districts".
- 8 3. By renumbering sections as necessary.

The motion prevailed and the House concurred in the Senate amendment H—4100.

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. 518)

The ayes were, 83:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Black	Blanshan
Branstad	Buhr	Carpenter	Clark
Cohoon	Connolly	Connors	Cooper
Corbett	Corey	Daggett	De Groot
Diemer	Doderer	Dvorsky	Eddie
Fey	Fogarty	Groninga	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Hansen, S. D.
Hanson, D. R.	Harper	Hatch	Hermann
Hester	Holveck	Jochum	Johnson
Knapp	Koenigs	Kremer	Lageschulte
Lundby	May	McKean	McKinney
Metcalf	Miller	Muhlbauer	Mullins
Neuhauser	Norrgard	Ollie	Osterberg
Parker	Paulin	Pavich	Pellett
Peters	Petersen, D. F.	Peterson, M. K.	Platt
Poncy	Renaud	Renken	Rosenberg
Royer	Running	Schnekloth	Schrader
Sherzan	Shoning	Shoultz	Siegrist
Spear	Stromer	Stueland	Svoboda
Tabor	Wise	Mr. Speaker	

The nays were, 5:

Garman	Hummel	Maulsby	Van Camp
Van Maanen			

Absent or not voting, 12:

Brammer	Chapman	Fuller	Harbor
Haverland	Jay	Plasier	Skow
Swartz	Swearingen	Teaford	Tyrrell

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

Shoultz of Black Hawk called up for consideration **House File 603**, a bill for an act establishing and appropriating from a housing trust fund and appropriating its funds, amended by the Senate, and moved that the House concur in the following Senate amendment H—4040:

H—4040

- 1 Amend House File 603, as passed by the House, as
- 2 follows:
- 3 1. Page 1, line 33 by inserting after the word
- 4 "needs," the following: "including vacancy rate of
- 5 rental property and ratio of subsidized rental housing
- 6 to nonsubsidized housing."
- 7 2. Page 2, line 12 by inserting after the word

8 "section" the following: "to hire adequate staff to  
 9 carry out these programs".  
 10 3. Page 2, by inserting after line 12 the  
 11 following:  
 12 "7. This section is repealed July 1, 1989."

The motion prevailed and the House concurred in the Senate amendment H—4040.

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

On the question "Shall the bill pass?" (H.F. 603)

The ayes were, 58:

Adams	Arnould	Bisignano	Black
Blanshan	Branstad	Buhr	Cohoon
Connolly	Connors	Cooper	Diemer
Doderer	Dvorsky	Fey	Fogarty
Groninga	Gruhn	Halvorson, R. A.	Hammond
Hansen, S. D.	Hanson, D. R.	Harbor	Harper
Hermann	Holveck	Jochum	Johnson
Knapp	Koenigs	May	McKinney
Muhlbauer	Mullins	Neuhauser	Norrgard
Ollie	Osterberg	Parker	Pavich
Peters	Peterson, M. K.	Poncy	Renaud
Rosenberg	Running	Schrader	Sherzan
Shoultz	Siegrist	Skow	Spear
Svoboda	Swartz	Tabor	Teaford
Van Camp	Mr. Speaker		

The nays were, 30:

Beaman	Bennett	Carpenter	Corbett
Corey	Daggett	De Groot	Eddie
Garman	Hester	Hummel	Kremer
Lageschulte	Lundby	Maulsby	McKean
Metcalf	Miller	Paulin	Pellett
Petersen, D. F.	Plasier	Platt	Renken
Royer	Schneklath	Shoning	Stromer
Stueland	Van Maanen		

Absent or not voting, 12:

Beatty	Brammer	Chapman	Clark
Fuller	Halvorson, R. N.	Hatch	Haverland
Jay	Swearingen	Tyrrell	Wise

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

## UNANIMOUS CONSENT

Metcalf of Polk asked and received unanimous consent to change her vote from "nay" to "aye" on House File 518 and the vote was so recorded.

## RULES SUSPENDED

Arnould of Scott asked and received unanimous consent to suspend the rules for the following committees to meet upon recess: Committees on Appropriations, State Government and Economic Development.

## MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on May 6, 1987, receded from the Senate amendment to, and passed the following bill:

House File 244, a bill for an act relating to progress payments, final payments, and retention from payments made to subcontractors on public improvement construction projects.

Also: That the Senate has on May 6, 1987, receded from the Senate amendment, and passed the following bill:

House File 345, a bill for an act relating to the procedures for authorization of drainage district improvements.

Also: That the Senate has on May 6, 1987, 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 411, a bill for an act relating to the grain indemnity fund, by eliminating credit sale contracts from its protection, providing for distribution of receivership assets excluding proceeds of the fund, raising minimum net worth requirements, and providing definitions, eliminating participation by federally licensed warehouses, and providing a penalty for late payment of fees, eligibility standards, for the appointment of additional members to the Iowa grain indemnity fund board, the adjustment of fees, a procedure for determining the value of losses, requirements for recovery from the fund, and the retroactive applicability of certain of its provisions.

Also: That the Senate has on May 6, 1987, 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 499, a bill for an act relating to education including salary increases, efficiencies, and education enhancement, relating to the establishment of an educational excellence program consisting of three phases relating to the recruitment of quality teachers, the retention of quality teachers, and the enhancement of the quality and effectiveness of teachers; activities of the state board of education relating to the accreditation process; duration of a superintendent's contract; open enrollment of pupils in contiguous school districts; postsecondary enrollment options for certain

high school students; redrawing boundary lines of area education agencies; plans for a governance structure for merged area schools; majority vote for school district bond issues under certain conditions; date of the organizational meeting of school corporations; annual publication of financial statements; sharing interscholastic activity programs; adoption of student achievement goals; provision for intercollegiate athletic activities at merged area schools; procedure for opting out of whole grade sharing; calculation of enrollment of school districts; weighting for non-English-speaking students, and provide effective dates.

Also: That the Senate has on May 6, 1987, passed the following bill in which the concurrence of the Senate was asked:

House File 673, a bill for an act to impose the premium tax on risk retention groups.

Also: That the Senate has on May 6, 1987, adopted the following concurrent resolution in which the concurrence of the Senate was asked:

House Concurrent Resolution 17, a house concurrent resolution urging the President and Congress of the United States to enact legislation for the establishment of the National Western Historic Trails Center in Council Bluffs, Iowa.

Also: That the Senate has on May 6, 1987, amended the House amendment, concurred in the House amendment as amended, and passed the following bill in which the concurrence of the House is asked:

Senate File 55, a bill for an act to remove the requirement that a gambling license cannot be issued for a period of two years for a location for which a gambling license was revoked, and removing the prohibition against conducting games of skill, games of chance, and raffles on the premises of a liquor control licensee or beer permittee.

Also: That the Senate has on May 6, 1987, amended the House amendment, concurred in the House amendment as amended, and passed the following bill in which the concurrence of the House is asked:

Senate File 455, a bill for an act relating to physical therapy by providing that physical therapy evaluation and treatment may be rendered without a prescription or referral.

Also: That the Senate has on May 6, 1987, amended the House amendment, concurred in the House amendment as amended, and passed the following bill in which the concurrence of the House is asked:

Senate File 480, a bill for an act relating to things of value given to and received by public employees, officials, members of the general assembly, other persons serving in a public capacity, and candidates, mandating reporting of certain things of value, subjecting violators to penalties, and providing an effective date.

JOHN F. DWYER, Secretary

On motion by Arnould of Scott, the House was recessed at 11:45 a.m., until 2:00 p.m.

### AFTERNOON SESSION

The House reconvened, Speaker Avenson in the chair.

## MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on May 6, 1987, amended and passed the following bill in which the concurrence of the House is asked:

House File 164, a bill for an act relating to the discretion of a notary public in performing notarial services, and limiting that discretion.

Also: That the Senate has on May 1, 1987, amended the House amendment, concurred in the House amendment as amended, and passed the following bill in which the concurrence of the House is asked:

Senate File 148, a bill for an act relating to gender balance in the appointment and election of judicial nominating commissioners.

Also: That the Senate has on May 6, 1987, refused to concur in the House amendment to the following bill in which the concurrence of the Senate was asked:

Senate File 511, a bill for an act relating to and making appropriations to agencies, boards, commissions, departments, and programs of state government relating to elected officials, the executive council, management, revenue and finance, personnel, general services, economic development, agriculture, natural resources, and education, providing effective dates, and making certain provisions retroactive.

JOHN F. DWYER, Secretary

## QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed seventy-seven members present, twenty-three absent.

## HOUSE INSISTS

Jochum of Dubuque called up for consideration **Senate File 511**, a bill for an act relating to and making appropriations to agencies, boards, commissions, departments, and programs of state government relating to elected officials, the executive council, management, revenue and finance, personnel, general services, economic development, agriculture, natural resources, and education, providing effective dates, and making certain provisions retroactive, and moved that the House insist on its amendment, which motion prevailed.

## CONFERENCE COMMITTEE APPOINTED (Senate File 511)

The Speaker announced the appointment of the conference committee to consider the differences between the House and Senate concerning Senate File 511: Jochum of Dubuque, chair; Peterson of Carroll, Swartz of Marshall, Hester of Pottawattamie and Maulsby of Calhoun.

## SENATE AMENDMENTS CONSIDERED

Chapman of Linn called up for consideration **Senate File 480**, a bill for an act relating to things of value given to and received by public employees, officials, members of the general assembly, other persons serving in a public capacity, and candidates, mandating reporting of certain things of value, subjecting violators to 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—4240 to the House amendment:

H—4240

1 Amend the House amendment, S—3705, to Senate File  
2 480 as amended, passed, and reprinted by the Senate as  
3 follows:

4 1. Page 1, by striking line 5 through page 5,  
5 line 42 and inserting the following:

6 "Section 1. Section 68B.2, Code 1987, is amended  
7 by striking the section and inserting in lieu thereof  
8 the following:

9 68B.2 DEFINITIONS.

10 When used in this chapter, unless the context  
11 otherwise requires:

12 1. "Compensation" means any money, thing of value,  
13 or financial benefit conferred in return for services  
14 rendered or to be rendered.

15 2. "Legislative employee" means a full-time  
16 officer or employee of the general assembly but does  
17 not include members of the general assembly.

18 3. "Member of the general assembly" means an  
19 individual duly elected to the senate or the house of  
20 representatives of the state of Iowa.

21 4. "Regulatory agency" means the department of  
22 agriculture and land stewardship, department of  
23 employment services, department of commerce,  
24 department of public health, department of public  
25 safety, department of education, state board of  
26 regents, department of human services, department of  
27 revenue and finance, department of inspections and  
28 appeals, department of personnel, public employment  
29 relations board, department of transportation, civil  
30 rights commission, department of public defense, and  
31 department of natural resources.

32 5. "Employee" means a full-time, salaried employee  
33 of the state of Iowa and does not include part-time  
34 employees or independent contractors. Employee  
35 includes but is not limited to all clerical personnel.

36 6. "Official" means an officer of the state of  
37 Iowa receiving a salary or per diem whether elected or  
38 appointed or whether serving full-time or part-time.

39 Official includes but is not limited to supervisory  
40 personnel and members of state agencies and does not  
41 include members of the general assembly or legislative  
42 employees.

43 7. "Agency" means a department, division, board,  
44 commission, or bureau of the state, including a  
45 regulatory agency, or any of its political  
46 subdivisions.

47 8. "Candidate" means a candidate as defined in  
48 section 56.2 and includes a person elected to public  
49 office until the person takes office.

50 9. a. "Gift" means a rendering of money,

**Page 2**

1 property, services, discount, loan forgiveness,  
2 payment of indebtedness, or anything else of value in  
3 return for which legal consideration of equal or  
4 greater value is not given and received, if the donor  
5 is in any of the following categories:

6 (1) Is doing or seeking to do business of any kind  
7 with the donee's agency.

8 (2) Is engaged in activities which are regulated  
9 or controlled by the donee's agency.

10 (3) Has interests which may be substantially and  
11 materially affected, in a manner distinguishable from  
12 the public generally, by the performance or  
13 nonperformance of the donee's official duty.

14 (4) Is a lobbyist with respect to matters within  
15 the donee's jurisdiction.

16 b. However, "gift" does not mean any of the  
17 following:

18 (1) Campaign contributions.

19 (2) Informational material relevant to a public  
20 servant's official functions, such as books,  
21 pamphlets, reports, documents, or periodicals, and  
22 registration fees or tuition not including travel or  
23 lodging, for not more than three days, at seminars or  
24 other public meetings conducted in this state, at  
25 which the public servant receives information relevant  
26 to the public servant's official functions.

27 Information or participation received under the  
28 exclusion of this paragraph may be applied to satisfy  
29 a continuing education requirement of the donee's  
30 regulated occupation or profession if the donee pays  
31 any registration costs exceeding thirty-five dollars.

32 (3) Anything received from a person related within  
33 the fourth degree by kinship or marriage, unless the  
34 donor is acting as an agent or intermediary for  
35 another person not so related.

36 (4) An inheritance.

37 (5) Anything available to or distributed to the

38 public generally without regard to official status of  
39 the recipient.

40 (6) Food, beverages, registration, and scheduled  
41 entertainment at group events to which all members of  
42 either house or both houses of the general assembly  
43 are invited.

44 (7) Actual expenses for food, beverages, travel,  
45 lodging, registration, and scheduled entertainment of  
46 the donee for a meeting, which is given in return for  
47 participation in a panel or speaking engagement at the  
48 meeting.

49 (8) Plaques or items of negligible resale value  
50 given as recognition for public services.

**Page 3**

1 10. "Local official" and "local employee" mean an  
2 official or employee of a political subdivision of  
3 this state.

4 11. "Public disclosure" means a written report  
5 filed by the fifteenth day of the month following the  
6 month in which a gift is received as required by this  
7 chapter or required by rules adopted or executive  
8 order issued pursuant to this chapter.

9 12. "Immediate family members" means the spouse  
10 and minor children of a person required to file  
11 reports pursuant to this chapter or the rules adopted  
12 or executive order issued pursuant to this chapter.

13 13. "Is doing business with the donee's agency"  
14 means being a party to any one or any combination of  
15 sales, purchases, leases, or contracts to, from, or  
16 with the state or a political subdivision, or any  
17 agency thereof.

18 Where the terms "legislative employee", "member of  
19 the general assembly", "candidate", "employee", "local  
20 employee", "official" or "local official" are used in  
21 this chapter, they include a firm of which any of  
22 those persons is a partner and a corporation of which  
23 any of those persons holds ten percent or more of the  
24 stock either directly or indirectly, and the spouse  
25 and minor children of any of those persons.

26 Sec. 2. Section 68B.5, Code 1987, is amended by  
27 striking the section and inserting in lieu thereof the  
28 following:

29 68B.5 GIFTS SOLICITED OR ACCEPTED.

30 1. An official, employee, local official, local  
31 employee, member of the general assembly, candidate,  
32 legislative employee or that person's immediate family  
33 member shall not, directly or indirectly, solicit,  
34 accept, or receive from any one donor in any one  
35 calendar day a gift or a series of gifts having a  
36 value of thirty-five dollars or more.

37 2. A person shall not, directly or indirectly,  
38 offer or make a gift or a series of gifts to an  
39 official, employee, local official, local employee,  
40 member of the general assembly, candidate, or  
41 legislative employee, in any one calendar day, if the  
42 gift or series of gifts has a value of thirty-five  
43 dollars or more. A person shall not, directly or  
44 indirectly, join with one or more other persons to  
45 offer or make a gift or a series of gifts to an  
46 official, employee, local official, local employee,  
47 member of the general assembly, candidate, or  
48 legislative employee, in any one calendar day, if the  
49 gift or series of gifts has a total value of thirty-  
50 five dollars or more. The thirty-five dollar

**Page 4**

1 limitation of this section applies separately to a  
2 person and the person's immediate family member.  
3 3. A person may give and an official, employee,  
4 local official, local employee, member of the general  
5 assembly, candidate, legislative employee or the  
6 person's immediate family member may accept in any one  
7 calendar day a gift or a series of gifts which has a  
8 value of thirty-five dollars or more and not be in  
9 violation of this section if the gift or series of  
10 gifts is donated within thirty days to a public body,  
11 a bona fide educational or charitable organization, or  
12 the department of general services. All such items  
13 donated to the department of general services shall be  
14 disposed of by assignment to state agencies for  
15 official use or by public sale.

16 Sec. 3. Section 68B.8, Code 1987, is amended to  
17 read as follows:

18 68B.8 ADDITIONAL PENALTY.

19 In addition to any penalty contained in any other  
20 provision of law, a person who knowingly and  
21 intentionally violates ~~the provisions~~ a provision of  
22 section 68B.3 to 68B.6 ~~and this section shall be is~~  
23 guilty of a serious misdemeanor and may be  
24 reprimanded, suspended, or dismissed from the person's  
25 position or otherwise sanctioned.

26 Sec. 4. Section 68B.10, subsection 3, Code 1987,  
27 is amended to read as follows:

28 3. Issue advisory opinions interpreting the intent  
29 of constitutional and statutory provisions relating to  
30 legislators and lobbyists as well as interpreting the  
31 code of ethics and rules issued pursuant to this  
32 section. Opinions shall be issued when approved by a  
33 majority of the seven members and may be issued upon  
34 the written request of a member of the general  
35 assembly or upon the committee's initiation. Opinions

36 are not binding on the legislator or lobbyist.  
37 Sec. 5. Section 68B.10, subsection 4, Code 1987,  
38 is amended by striking the subsection and inserting in  
39 lieu thereof the following:  
40 4. Receive and investigate complaints and charges  
41 against members of its house alleging a violation of  
42 the code of ethics, rules governing lobbyists, this  
43 chapter, or other matters referred to it by its house.  
44 The committee shall recommend rules for the receipt  
45 and processing of complaints made during the  
46 legislative session and those made after the general  
47 assembly adjourns.  
48 Sec. 6. Section 68B.10, Code 1987, is amended by  
49 adding the following new unnumbered paragraph after  
50 subsection 5:

Page 5

1 NEW UNNUMBERED PARAGRAPH. The ethics committees  
2 may employ independent legal counsel to assist them in  
3 carrying out their duties under this chapter with the  
4 approval of a committee's house when the general  
5 assembly is in session and with the approval of the  
6 rules and administration committee of that house when  
7 the general assembly is not in session. Payment of  
8 costs for the independent legal counsel shall be made  
9 from section 2.12.  
10 Sec. 7. Section 68B.10, unnumbered paragraph 5,  
11 Code 1987, is amended to read as follows:  
12 Violation of the code of ethics may result in the  
13 suspension of a member from the general assembly and  
14 the forfeiture of the censure, reprimand, or other  
15 sanctions as determined by a majority of the member's  
16 house. However, a member may be suspended or expelled  
17 and the member's salary forfeited only if directed by  
18 a two-thirds vote of the member's house to which the  
19 member belongs. Such A suspension, expulsion, or  
20 forfeiture of salary shall be for such the duration as  
21 specified in the directing resolution provided  
22 however, that. However, it cannot shall not extend  
23 beyond the date of adjournment of the session end of  
24 the general assembly during which the violation  
25 occurred. Violation of the rules a rule relating to  
26 lobbyists and lobbying activities may result in the  
27 suspension of any censure, reprimand, or other  
28 sanctions as determined by a majority of the members  
29 of the house in which the violation occurred.  
30 However, a lobbyist may be suspended from lobbying  
31 activities for the duration provided in the directing  
32 resolution only if directed by a two-thirds vote of  
33 the house wherein in which the violation occurred.  
34 Sec. 8. Section 68B.11, Code 1987, is amended by

35 striking the section and inserting in lieu thereof the  
36 following:

37 68B.11 REPORTING OF GIFTS AND FINANCIAL  
38 DISCLOSURE.

39 1. The house of representatives and the senate  
40 shall adopt rules requiring the reporting of gifts  
41 made to members of the general assembly, legislative  
42 employees, and their immediate family members. The  
43 rules shall require public disclosure of the nature,  
44 amount, date, and donor of a gift or gifts from any  
45 one donor made to one of those individuals which  
46 exceed fifteen dollars in cumulative value in any one  
47 calendar day. The rules shall require such disclosure  
48 by both the donor and donee. However, the rules of  
49 either or both houses may waive the reporting of food  
50 and beverage provided for immediate consumption in the

**Page 6**

1 presence of the donor.

2 2. The governor shall issue an executive order  
3 requiring the reporting of gifts made to officials and  
4 employees of the executive department of the state and  
5 their immediate family members. The executive order  
6 shall require public disclosure of the nature, amount,  
7 date, and donor of a gift or gifts from any one donor  
8 made to one of those individuals which exceeds fifteen  
9 dollars in cumulative value in any one calendar day.  
10 The executive order shall require such disclosure by  
11 both the donor and donee. The executive order may  
12 waive the reporting of food and beverage provided for  
13 immediate consumption in the presence of the donor.

14 3. The supreme court of this state shall adopt  
15 rules requiring the reporting of gifts made to  
16 officials and employees of the judicial department of  
17 this state and their immediate family members. The  
18 rules shall require public disclosure of the nature,  
19 amount, date, and donor of a gift or gifts from any  
20 one donor made to one of those individuals which  
21 exceeds fifteen dollars in cumulative value in any one  
22 calendar day. The rules shall require such disclosure  
23 by both the donor and donee. The rules may waive the  
24 reporting of food and beverage provided for immediate  
25 consumption in the presence of the donor.

26 4. The governing body of a political subdivision  
27 of this state shall adopt rules requiring the  
28 reporting of gifts made to its respective members and  
29 their immediate family members and its local officials  
30 and local employees and their immediate family  
31 members. The rules as adopted shall require public  
32 disclosure of the nature, amount, date, and donor of a  
33 gift or gifts from any one donor made to one of those

34 individuals which exceeds fifteen dollars in  
35 cumulative value in any one calendar day. The rules  
36 shall require such disclosure by both the donor and  
37 donee. The rules may waive the reporting of food and  
38 beverage provided for immediate consumption in the  
39 presence of the donor. Copies of the rules and  
40 reports shall be filed with the county auditor of the  
41 county in which the political subdivision is located.

42 The secretary of state shall develop a standard  
43 form for public disclosure of gifts in compliance with  
44 this subsection which shall be available at every  
45 county auditor's office without cost.

46 5. a. In determining the value of a gift, an  
47 individual making a gift on behalf of more than one  
48 person shall not divide the value of the gift by the  
49 number of persons on whose behalf the gift is made.

50 b. The value of a gift to the donee is the value

**Page 7**

1 actually received.

2 c. For the purposes of the reporting requirements  
3 of this section, a donor of a gift made by more than  
4 one individual to one or more donees shall report the  
5 gift if the total value of the gift to the donee  
6 exceeds fifteen dollars.

7 6. The rules required under this section shall  
8 provide that expenses for food, beverages,  
9 registration, and scheduled entertainment at group  
10 events to which all members of either house or both  
11 houses of the general assembly have been invited shall  
12 be reported for each such event by reporting the date,  
13 location, and total expense incurred by the donor or  
14 donors.

15 7. Reporting requirements adopted or issued under  
16 this section may include requirements relating to the  
17 reporting of income which is not a gift.

18 8. A person who does not make public disclosure of  
19 gifts as required by this chapter or the rules adopted  
20 or executive order issued pursuant to this chapter is  
21 guilty of a serious misdemeanor.

22 Sec. 9. Section 722.1, Code 1987, is amended by  
23 striking the section and inserting in lieu thereof the  
24 following:

**722.1 BRIBERY.**

25 A person who offers, promises, or gives anything of  
26 value or any benefit to a person who is serving or has  
27 been elected, selected, appointed, employed, or  
28 otherwise engaged to serve in a public capacity,  
29 including a public officer or employee, a referee,  
30 juror, or jury panel member, or a witness in a  
31 judicial or arbitration hearing or any official  
32

33 inquiry, or a member of a board of arbitration,  
 34 pursuant to an agreement or arrangement or with the  
 35 understanding that the promise or thing of value or  
 36 benefit will influence the act, vote, opinion,  
 37 judgment, decision, or exercise of discretion of the  
 38 person with respect to the person's services in that  
 39 capacity commits a class "D" felony. In addition, a  
 40 person convicted under this section is disqualified  
 41 from holding public office under the laws of this  
 42 state.

43 Sec. 10. Section 722.2, Code 1987, is amended by  
 44 striking the section and inserting in lieu thereof the  
 45 following:

46 722.2 ACCEPTING BRIBE.

47 A person who is serving or has been elected,  
 48 selected, appointed, employed, or otherwise engaged to  
 49 serve in a public capacity, including a public officer  
 50 or employee, a referee, juror, or jury panel member,

Page 8

1 or a witness in a judicial or arbitration hearing or  
 2 any official inquiry, or a member of a board of  
 3 arbitration who solicits or knowingly accepts or  
 4 receives a promise or anything of value or a benefit  
 5 given pursuant to an understanding or arrangement that  
 6 the promise or thing of value or benefit will  
 7 influence the act, vote, opinion, judgment, decision,  
 8 or exercise of discretion of the person with respect  
 9 to the person's services in that capacity commits a  
 10 class "C" felony. In addition, a person convicted  
 11 under this section is disqualified from holding public  
 12 office under the laws of this state.

13 Sec. 11. This Act, being deemed of immediate  
 14 importance, is effective upon enactment."

The motion prevailed and the House concurred in the Senate amendment H-4240.

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

On the question "Shall the bill pass?" (S.F. 480)

The ayes were, 67:

- |          |          |           |          |
|----------|----------|-----------|----------|
| Arnould  | Beatty   | Bisignano | Blanshan |
| Brammer  | Buhr     | Chapman   | Cohoon   |
| Connolly | Connors  | Cooper    | Corbett  |
| Corey    | De Groot | Diemer    | Doderer  |
| Dvorsky  | Eddie    | Fey       | Fogarty  |

Fuller	Garman	Groninga	Gruhn
Halvorson, R. A.	Hansen, S. D.	Harbor	Harper
Haverland	Hester	Hummel	Jochum
Knapp	Koenigs	Lageschulte	Lundby
May	McKinney	Muhlbauer	Norrgard
Ollie	Parker	Paulin	Pavich
Pellett	Peters	Petersen, D. F.	Peterson, M. K.
Platt	Poncy	Renaud	Renken
Royer	Running	Schnekloth	Schrader
Shoultz	Siegrist	Skow	Spear
Stromer	Svoboda	Swartz	Tabor
Van Camp	Wise	Mr. Speaker	

The nays were, 30:

Adams	Beaman	Bennett	Black
Branstad	Carpenter	Clark	Daggett
Halvorson, R. N.	Hammond	Hanson, D. R.	Hatch
Hermann	Holveck	Jay	Johnson
Maulsby	McKean	Metcalf	Miller
Mullins	Neuhauser	Osterberg	Plasier
Rosenberg	Shoning	Stueland	Swearingen
Teaford	Van Maanen		

Absent or not voting, 3:

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

Skow of Guthrie called up for consideration **House File 626**, a bill for an act relating to the agricultural development authority, by expanding certain definitions, providing requirements for certain farmers to participate in certain programs, providing programs to assist eligible beef cattle producers, making appropriations, and providing an effective date, amended by the Senate amendment H-3835 as follows:

H-3835

- 1 Amend House File 626 as passed by the House as
- 2 follows:
- 3 1. By striking everything after the enacting
- 4 clause and inserting the following:
- 5 "DIVISION I
- 6 Sec. 101. Section 175.2, subsection 3, Code 1987,
- 7 is amended to read as follows:
- 8 3. "Agricultural producer" means a person engaged
- 9 or intending to engage in the business of producing
- 10 and marketing agricultural produce in this state.
- 11 Sec. 102. Section 175.4, Code 1987, is amended by
- 12 adding the following new subsections:
- 13 **NEW SUBSECTION. 19.** The decline in the number of
- 14 beef cattle production operations and sheep production

15 operations is a serious problem within the state,  
 16 resulting in the conversion of land used for pasture  
 17 to row crop production, and threatens to destroy a  
 18 significant part of Iowa's agricultural base and  
 19 damage the economic viability of the state.

20 NEW SUBSECTION. 20. It is necessary to create a  
 21 program in this state to assist agricultural producers  
 22 who have established or intend to establish beef  
 23 cattle or sheep production operations, to obtain  
 24 adequate financing, and management assistance and  
 25 training, and to convert land used for row crop  
 26 production to pasture.

27 Sec. 103. Section 175.35, subsection 3, Code 1987,  
 28 is amended by adding the following new paragraphs:

29 NEW PARAGRAPH. g. The farmer has a net worth of  
 30 not more than two hundred thousand dollars.

31 NEW PARAGRAPH. h. The farmer develops a farm unit  
 32 conservation plan and enters into a conservation  
 33 agreement, as defined in section 467A.42, with the  
 34 commissioners of the soil conservation district where  
 35 the land is located within one year from the date of  
 36 entering into the program, unless the authority  
 37 requires a shorter period by rule.

38 Sec. 104. NEW SECTION. 175.36 ASSISTANCE AND  
 39 MANAGEMENT PROGRAMS FOR BEEF CATTLE PRODUCERS AND  
 40 SHEEP PRODUCERS.

41 1. The authority shall create and develop programs  
 42 to assist agricultural producers who have established  
 43 or intend to establish in this state, beef cattle  
 44 production operations or sheep production operations,  
 45 including but not limited to the following assistance:

46 a. INSURANCE OR LOAN GUARANTEE PROGRAM. An  
 47 insurance or loan guarantee program to provide for the  
 48 insuring or guaranteeing of all or part of a loan made  
 49 to an agricultural producer for the acquisition of  
 50 beef cattle or sheep to establish or expand a feeder

**Page 2**

1 cattle operation or sheep production operation.

2 b. AN INTEREST BUY-DOWN PROGRAM. The authority  
 3 may contract with a participating lending institution  
 4 and a qualified agricultural producer to reduce the  
 5 interest rate charged on a loan for the acquisition of  
 6 beef cattle breeding stock or sheep breeding stock.  
 7 The authority shall determine the amount that the rate  
 8 is reduced, by considering the lending institution's  
 9 customary loan rate for the acquisition of beef cattle  
 10 breeding stock or sheep breeding stock as certified to  
 11 the authority by the lending institution.

12 As part of the contract, in order to partially  
 13 reimburse the lending institution for the reduction of

14 the interest rate on the loan, the authority may agree  
15 to grant the lending institution any amount foregone  
16 by reducing the interest rate on that portion of the  
17 loan which is one hundred thousand dollars or less.  
18 However, the amount reimbursed shall not be more than  
19 the lesser of either of the following:

20 (1) Three percent per annum of the principal  
21 balance of the loan which is outstanding at any time  
22 for the term of the loan or within one year from the  
23 loan initiation date as defined by rules adopted by  
24 the authority.

25 (2) Fifty percent of the amount of interest  
26 foregone by the lending institution on the loan.

27 c. A COST-SHARING PROGRAM. The authority may  
28 contract with an agricultural producer to reimburse  
29 the producer for the cost of converting land planted  
30 to row crops to pasture suitable for beef cattle  
31 production or sheep production. However, the amount  
32 reimbursed shall not be more than twenty-five dollars  
33 per acre converted, or fifty percent of the conversion  
34 costs, whichever is less. The contract shall apply to  
35 not more than one hundred fifty acres of row crop land  
36 converted to pasture. The converted land shall be  
37 utilized in beef cattle production or sheep production  
38 for a minimum of five years. The amount to be  
39 reimbursed shall be reduced by the amount that the  
40 agricultural producer receives under any other state  
41 or federal program that contributes toward the cost of  
42 converting the same land from row crops to pasture.

43 d. A MANAGEMENT ASSISTANCE AND TRAINING PROGRAM.  
44 The authority in cooperation with any agency or  
45 instrumentality of the federal government or with any  
46 state agency, including any state university or those  
47 associations organized for the purpose of assisting  
48 agricultural producers involved in beef cattle  
49 production or sheep production, shall establish  
50 programs to train and assist agricultural producers to

**Page 3**

1 effectively manage beef cattle production operations  
2 or sheep production operations.

3 2. An agricultural producer shall be eligible to  
4 participate in a program established under this  
5 section only if all the following criteria are  
6 satisfied:

7 a. The agricultural producer is a resident of the  
8 state.

9 b. The agricultural producer has land or other  
10 facilities available to establish a beef cattle  
11 production operation or sheep production operation as  
12 prescribed by rules of the authority.

13 c. The agricultural producer is an individual,  
14 partnership, or a family farm corporation, as defined  
15 in section 172C.1, subsection 8.

16 d. The land or other facilities available to  
17 establish a beef cattle production operation or sheep  
18 production operation are located within the state.

19 e. The agricultural producer has a net worth of  
20 four hundred thousand dollars or less.

21 f. The agricultural producer develops a farm unit  
22 conservation plan and enters into a conservation  
23 agreement, as defined in section 467A.42, with the  
24 commissioners of the soil conservation district where  
25 the land is located within one year from the date of  
26 entering into the program, unless the authority  
27 requires a shorter period of time by rule.

28 3. The authority shall adopt rules to enforce the  
29 provisions of this section or the terms of a contract  
30 to which the authority is a party. The authority may  
31 also enforce the provisions of this section or terms  
32 of the contract by bringing an action in any court of  
33 competent jurisdiction to recover damages. As a  
34 condition of entering into the program, the authority  
35 may require that the agricultural producer consent to  
36 the jurisdiction of the courts of this state to hear  
37 any matter arising from the provisions of this  
38 section.

#### 39 DIVISION II

40 Sec. 201. Section 331.429, subsection 1, paragraph  
41 a, Code 1987, is amended to read as follows:

42 a. Transfers from the general fund not to exceed  
43 in any year the dollar equivalent of a tax of sixteen  
44 and seven-eighths cents per thousand dollars of  
45 assessed value on all taxable property in the county  
46 and an amount equivalent to the moneys derived by the  
47 general fund from ~~livestock tax credits under section~~  
48 ~~427.17~~, military service tax credits under chapter  
49 426A, and mobile home taxes under section 135D.22  
50 multiplied by the ratio of sixteen and seven-eighths

Page 4

1 cents to the general fund tax rate.

2 Sec. 202. Section 427.17, subsections 2 and 3,  
3 Code 1987, are amended by striking the subsections and  
4 inserting in lieu thereof the following:

5 2. A property tax credit for every head of cattle,  
6 not to exceed three hundred head, bought, raised, or  
7 sold in the state by a producer is allowed on the tax  
8 levied on the farm structures utilized in raising the  
9 cattle, which structures do not include structures  
10 utilized for grain or machine storage. The amount of  
11 the credit is three dollars per head if bought in the

12 state, six dollars per head if bought and sold for  
 13 slaughter at facilities in this state, or nine dollars  
 14 per head if bought, raised immediately before  
 15 slaughter, and sold for slaughter at facilities in  
 16 this state. The tax credit shall be provided to the  
 17 owner of the farm structures. The tax credit shall  
 18 not exceed two thousand seven hundred dollars per  
 19 owner.

20 3. To claim the credit allowed in subsection 2,  
 21 the owner of the farm structures shall file an  
 22 application for the credit by February 1 of the year  
 23 following the calendar year upon which the credit is  
 24 based with the county auditor of the county in which  
 25 the farm structures are located. The credit shall be  
 26 allowed against the taxes due and payable in the first  
 27 fiscal year following the calendar year upon which the  
 28 credit is based. The application shall indicate the  
 29 number of head of cattle bought, raised, or sold in  
 30 the state during the previous calendar year, and shall  
 31 include copies of receipts or invoices for the  
 32 purchase or sale for slaughter of the cattle during  
 33 the previous calendar year. On or before April 1 of  
 34 each year, after review and approval by the county  
 35 board of supervisors, the county auditor of each  
 36 county shall certify to the director of revenue and  
 37 finance the amount of credit allowed in the county  
 38 under this section. If the county auditor or the  
 39 board of supervisors denies a claim, notice of the  
 40 denial shall be given to the claimant. The claimant  
 41 may appeal the denial first to the board of  
 42 supervisors, then to the district court of that  
 43 county. As used in this section:

44 a. "Producer" means a person engaged in the  
 45 business of producing cattle.

46 b. "Owner" means the person who under the property  
 47 tax laws of this state is liable for the payment of  
 48 the property taxes on the farm structures utilized in  
 49 raising cattle. "Owner" does not include a person who  
 50 becomes an owner solely for the purpose of receiving

**Page 5**

1 the benefits of this section.  
 2 Sec. 203. Section 427.17, subsection 4, Code 1987,  
 3 is amended to read as follows:  
 4 4. The amounts due each taxing district to  
 5 reimburse them for the property tax credits allowed  
 6 pursuant to this section shall be paid on warrants  
 7 payable to the respective county treasurers by the  
 8 director of revenue and finance on July 15 of each  
 9 year. The county treasurer shall apportion the  
 10 proceeds to the various taxing districts in the

11 county.

12 Sec. 204. Section 442.2, subsection 2, Code 1987,  
13 is amended to read as follows:

14 2. The amount paid to each school district for the  
15 tax credit for livestock under section 427.17 shall be  
16 regarded as property tax. The portion of the payment  
17 which is foundation property tax shall be determined  
18 by applying the foundation property tax rate to the  
19 taxable value of livestock assessed for taxation in  
20 the district as of January 1, 1973, determined  
21 pursuant to section 427.17, and adjusted to actual  
22 value as provided in Acts of the Sixty-fifth General  
23 Assembly, chapter 1231, section 174. A school  
24 district is hereby authorized to may levy a tax on all  
25 of the taxable property within the district in an  
26 amount equal to the difference between the amount due  
27 to a school district from the personal property tax  
28 replacement fund for the preceding year and the amount  
29 actually received during the preceding fiscal year  
30 from the personal property tax replacement fund.

31 DIVISION III

32 Sec. 301. Section 422.42, subsection 3, Code 1987,  
33 is amended to read as follows:

34 3. "Retail sale" or "sale at retail" means the  
35 sale to a consumer or to any person for any purpose,  
36 other than for processing, for resale of tangible  
37 personal property or taxable services, or for resale  
38 of tangible personal property in connection with  
39 taxable services; and includes the sale of gas,  
40 electricity, water, and communication service to  
41 retail consumers or users; but does not include  
42 agricultural breeding livestock and domesticated fowl;  
43 ~~or; and does not include commercial fertilizer,~~  
44 ~~agricultural limestone, or herbicide, pesticide,~~  
45 ~~insecticide, food, and medication, and or agricultural~~  
46 ~~drain tile and, including installation thereof of~~  
47 agricultural drain tile, any of which are to be used  
48 in disease control, weed control, insect control, or  
49 health promotion of plants or livestock produced as  
50 part of agricultural production for market; and does

Page 6

1 not include electricity, steam, or any taxable service  
2 when purchased and used in the processing of tangible  
3 personal property intended to be sold ultimately at  
4 retail. When used by a manufacturer of food products,  
5 electricity, steam, and other taxable services are  
6 sold for processing when used to produce marketable  
7 food products for human consumption, including but not  
8 limited to, treatment of material to change its form,  
9 context, or condition, in order to produce the food

10 product, maintenance of quality or integrity of the  
 11 food product, changing or maintenance of temperature  
 12 levels necessary to avoid spoilage or to hold the food  
 13 product in marketable condition, maintenance of  
 14 environmental conditions necessary for the safe or  
 15 efficient use of machinery and material used to  
 16 produce the food product, sanitation and quality  
 17 control activities, formation of packaging, placement  
 18 into shipping containers, and movement of the material  
 19 or food product until shipment from the building of  
 20 manufacture. Tangible personal property is sold for  
 21 processing within the meaning of this subsection only  
 22 when it is intended that the property will, by means  
 23 of fabrication, compounding, manufacturing, or  
 24 germination become an integral part of other tangible  
 25 personal property intended to be sold ultimately at  
 26 retail; or will be consumed as fuel in creating heat,  
 27 power, or steam for processing including grain drying,  
 28 or for providing heat or cooling for livestock  
 29 buildings, or for generating electric current, or be  
 30 consumed in self-propelled implements of husbandry  
 31 engaged in agricultural production; or the property  
 32 is a chemical, solvent, sorbent, or reagent, which is  
 33 directly used and is consumed, dissipated, or  
 34 depleted, in processing personal property which is  
 35 intended to be sold ultimately at retail, and which  
 36 may not become a component or integral part of the  
 37 finished product. The distribution to the public of  
 38 free newspapers or shoppers guides is a retail sale  
 39 for purposes of the processing exemption.  
 40 Sec. 302. Section 422.45, Code 1987, is amended by  
 41 adding the following new subsection:  
 42 **NEW SUBSECTION.** The gross receipts from the sale,  
 43 furnishing, or service of gas, electricity, water, or  
 44 heat to be used in agricultural production for market.

#### DIVISION IV

46 Sec. 401. Section 422.43, subsection 11, Code  
 47 1987, is amended to read as follows:

48 11. The following enumerated services are subject  
 49 to the tax imposed on gross taxable services:

50 Alteration and garment repair; armored car; automobile

#### Page 7

1 repair; battery, tire and allied; investment  
 2 counseling, excluding investment services of trust  
 3 departments; bank service charges; barber and beauty;  
 4 boat repair; car wash and wax; carpentry; roof,  
 5 shingle, and glass repair; dance schools and dance  
 6 studios; dry cleaning, pressing, dyeing, and  
 7 laundering; electrical and electronic repair and  
 8 installation; rental of tangible personal property;

9 excavating and grading; farm implement repair of all  
10 kinds, except the repair of implements used in the  
11 production of livestock; flying service; furniture,  
12 rug, upholstery repair and cleaning; fur storage and  
13 repair; golf and country clubs and all commercial  
14 recreation; house and building moving; household  
15 appliance, television, and radio repair; jewelry and  
16 watch repair; machine operator; machine repair of all  
17 kinds; motor repair; motorcycle, scooter, and bicycle  
18 repair; oilers and lubricators; office and business  
19 machine repair; painting, papering, and interior  
20 decorating; parking facilities; pipe fitting and  
21 plumbing; wood preparation; licensed executive search  
22 agencies; private employment agencies, excluding  
23 services for placing a person in employment where the  
24 principal place of employment of that person is to be  
25 located outside of the state; sewing and stitching; .  
26 shoe repair and shoeshine; storage warehousing of raw  
27 agricultural products; telephone answering service;  
28 test laboratories, except tests on humans; termite,  
29 bug, roach, and pest eradicators; tin and sheet metal  
30 repair; turkish baths, massage, and reducing salons;  
31 weighing; welding; well drilling; wrapping, packing,  
32 and packaging of merchandise other than processed  
33 meat, fish, fowl and vegetables; wrecking service;  
34 wrecker and towing; cable television; campgrounds;  
35 carpet and upholstery cleaning; gun and camera repair;  
36 janitorial and building maintenance or cleaning; lawn  
37 care, landscaping and tree trimming and removal;  
38 lobbying service; pet grooming; reflexology; security  
39 and detective services; tanning beds or salons; and  
40 water conditioning and softening. For purposes of  
41 this subsection, gross taxable services from rental  
42 includes rents, royalties, and copyright and license  
43 fees. For purposes of this subsection, "lobbying  
44 service" means the rendering, furnishing or  
45 performing, for a fee, salary or other compensation,  
46 activities which are intended or used for the purpose  
47 of encouraging the passage, defeat, or modification of  
48 legislation or for influencing the decision of the  
49 members of a legislative committee or subcommittee or  
50 the representing, for a fee, salary or other

**Page 8**

1 compensation, on a regular basis an organization which  
2 has as one of its purposes the encouragement of the  
3 passage, defeat or modification of legislation or the  
4 influencing of the decision of the members of a  
5 legislative committee or a subcommittee. "Lobbying  
6 service" does not include the activities of a federal,  
7 state, or local government official or employee acting

8 within the course of the official's or employee's  
 9 duties or a representative of the news media engaged  
 10 only in the reporting and dissemination of news and  
 11 editorials.

12 Sec. 402. Section 422.45, subsection 26, paragraph  
 13 b, Code 1987, is amended to read as follows:

14 b. The farm machinery and equipment shall  
 15 constitute self-propelled implements or implements  
 16 customarily drawn or attached to self-propelled  
 17 implements or the farm machinery or equipment is a  
 18 grain dryer or used in the production of livestock.

19 DIVISION V

20 Sec. 501. NEW SECTION. 427B.7 ACTUAL VALUE ADDED  
 21 EXEMPTION FROM TAX — CATTLE FACILITIES.

22 A city council, or a county board of supervisors as  
 23 authorized by section 427B.2, may, by ordinance as  
 24 provided in section 427B.1, establish a partial  
 25 exemption from property taxation of the actual value  
 26 added to owner-operated cattle facilities, including  
 27 slaughter facilities and small or medium sized  
 28 feedlots, either by new construction or by the  
 29 retrofitting of existing facilities. The actual value  
 30 added to owner-operated cattle facilities, as  
 31 specified in section 427B.1, is eligible to receive a  
 32 partial exemption from taxation for a period of five  
 33 years. The amount of actual value added which is  
 34 eligible to be exempt from taxation is the same as  
 35 provided in the exemption schedule in section 427B.3.

36 DIVISION VI

37 Sec. 601. ASSISTANCE PROGRAMS — FUNDING. The  
 38 Iowa agricultural development authority shall develop  
 39 and establish assistance programs for agricultural  
 40 producers under this Act to be funded from moneys  
 41 appropriated to the Iowa agricultural development  
 42 authority for that purpose.

43 Sec. 602. EFFECTIVE DATE. This Act, being deemed  
 44 of immediate importance, takes effect upon enactment."

45 2. Title page, line 1, by striking the words "the  
 46 agricultural development authority" and inserting the  
 47 following: "agriculture".

48 3. Title page, line 4, by inserting after the  
 49 word "producers" the following: "or sheep producers".

50 4. Title page, lines 4 and 5, by striking the

Page 9

1 words "making appropriations" and inserting the  
 2 following: "providing a property tax credit for  
 3 certain facilities used in producing meat, providing  
 4 an exemption from the sales, services, and use tax on  
 5 utilities or fuel to be used in agricultural  
 6 production for market and in agricultural production

- 7 of equipment or its repair if used in the production
- 8 of livestock, providing for a property tax exemption
- 9 for certain cattle facilities, providing for funding".
- 10 5. By renumbering as necessary.

Skow of Guthrie offered the following amendment H—4237, to the Senate amendment H—3835, filed from the floor by Skow, Petersen of Muscatine, Stromer, Kremer, Fogarty, Muhlbauer, Cooper and Branstad:

H—4237

1 Amend the Senate amendment, H—3835, to House File  
2 626, as amended, passed, and reprinted by the House as  
3 follows:

4 1. By striking page 1, line 3 through page 9,  
5 line 10 and inserting the following:

6 "\_\_\_\_\_. By striking everything after the enacting  
7 clause and inserting the following:

8 "DIVISION I

9 Section 101. Section 175.2, subsection 3, Code  
10 1987, is amended to read as follows:

11 3. "Agricultural producer" means a person engaged  
12 or intending to engage in the business of producing  
13 and marketing agricultural produce in this state.

14 Sec. 102. Section 175.4, Code 1987, is amended by  
15 adding the following new subsections:

16 NEW SUBSECTION. 19. The decline in the number of  
17 beef cattle production operations is a serious problem  
18 within the state, resulting in the conversion of land  
19 used for pasture to row crop production, which  
20 threatens to destroy a significant part of Iowa's  
21 agricultural base and damage the economic viability of  
22 the state.

23 NEW SUBSECTION. 20. It is necessary to create a  
24 program in this state to assist agricultural producers  
25 who have established or intend to establish beef  
26 cattle production operations, to obtain adequate  
27 financing, and management assistance and training, and  
28 to convert land used for row crop production to  
29 pasture.

30 Sec. 103. Section 175.35, subsection 3, Code 1987,  
31 is amended by adding the following new paragraphs:

32 NEW PARAGRAPH. g. The farmer has a net worth of  
33 not more than two hundred thousand dollars.

34 NEW PARAGRAPH. h. The farmer develops a farm unit  
35 conservation plan, as defined in section 467A.42, with  
36 the commissioners of the soil conservation district  
37 where the land is located within one year from the  
38 date of entering into the program, unless the  
39 authority prescribes a shorter period by rule.

40 Sec. 104. NEW SECTION. 175.36 ASSISTANCE AND

**41 MANAGEMENT PROGRAMS FOR BEEF CATTLE PRODUCERS.**

42 1. The authority shall create and develop programs  
43 to assist agricultural producers who have established  
44 or intend to establish in this state, beef cattle  
45 production operations, including but not limited to  
46 the following assistance:  
47 a. **INSURANCE OR LOAN GUARANTEE PROGRAM.** An  
48 insurance or loan guarantee program to provide for the  
49 insuring or guaranteeing of all or part of a loan made  
50 to an agricultural producer for the acquisition of

**Page 2**

1 beef cattle to establish or expand a feeder cattle  
2 operation.  
3 b. **AN INTEREST BUY-DOWN PROGRAM.** The authority  
4 may contract with a participating lending institution  
5 and a qualified agricultural producer to reduce the  
6 interest rate charged on a loan for the acquisition of  
7 beef cattle breeding stock. The authority shall  
8 determine the amount that the rate is reduced, by  
9 considering the lending institution's customary loan  
10 rate for the acquisition of beef cattle breeding stock  
11 as certified to the authority by the lending  
12 institution.

13 As part of the contract, in order to partially  
14 reimburse the lending institution for the reduction of  
15 the interest rate on the loan, the authority may agree  
16 to grant the lending institution any amount foregone  
17 by reducing the interest rate on that portion of the  
18 loan which is one hundred thousand dollars or less.  
19 However, the amount reimbursed shall not be more than  
20 the lesser of the following:

21 (1) Three percent per annum of the principal  
22 balance of the loan outstanding at any time for the  
23 term of the loan or within one year from the loan  
24 initiation date as defined by rules adopted by the  
25 authority, whichever is less.

26 (2) Fifty percent of the amount of interest  
27 foregone by the lending institution on the loan.

28 c. **A COST-SHARING PROGRAM.** The authority may  
29 contract with an agricultural producer to reimburse  
30 the producer for the cost of converting land planted  
31 to row crops to pasture suitable for beef cattle  
32 production. However, the amount reimbursed shall not  
33 be more than twenty-five dollars per acre converted,  
34 or fifty percent of the conversion costs, whichever is  
35 less. The contract shall apply to not more than one  
36 hundred fifty acres of row crop land converted to  
37 pasture. The converted land shall be utilized in beef  
38 cattle production for a minimum of five years. The  
39 amount to be reimbursed shall be reduced by the amount

40 that the agricultural producer receives under any  
41 other state or federal program that contributes toward  
42 the cost of converting the same land from row crops to  
43 pasture.

44 d. A MANAGEMENT ASSISTANCE AND TRAINING PROGRAM.

45 The authority in cooperation with any agency or  
46 instrumentality of the federal government or with any  
47 state agency, including any state university or those  
48 associations organized for the purpose of assisting  
49 agricultural producers involved in beef cattle  
50 production, or with any farm management company if

**Page 3**

1 such company specializes in beef cattle production or  
2 in assisting beef cattle producers, as prescribed by  
3 rules adopted by the authority, shall establish  
4 programs to train and assist agricultural producers to  
5 effectively manage beef cattle production operations.

6 2. An agricultural producer shall be eligible to  
7 participate in a program established under this  
8 section only if all the following criteria are  
9 satisfied:

10 a. The agricultural producer is a resident of the  
11 state.

12 b. The agricultural producer has land or other  
13 facilities available to establish a beef cattle  
14 production operation as prescribed by rules of the  
15 authority.

16 c. The agricultural producer is an individual,  
17 partnership, or a family farm corporation, as defined  
18 in section 172C.1, subsection 8.

19 d. The land or other facilities available to  
20 establish a beef cattle production operation are  
21 located within the state.

22 e. The agricultural producer has a net worth of  
23 four hundred thousand dollars or less.

24 f. The agricultural producer develops a farm unit  
25 conservation plan, as defined in section 467A.42, with  
26 the commissioners of the soil conservation district  
27 where the land is located within one year from the  
28 date of entering into the program, unless the  
29 authority prescribes a shorter period of time by rule.

30 3. The authority shall adopt rules to enforce the  
31 provisions of this section or the terms of a contract  
32 to which the authority is a party. The authority may  
33 also enforce the provisions of this section or terms  
34 of the contract by bringing an action in any court of  
35 competent jurisdiction to recover damages. As a  
36 condition of entering into the program, the authority  
37 may require that the agricultural producer consent to  
38 the jurisdiction of the courts of this state to hear

39 any matter arising from the provisions of this  
40 section.

#### 41 DIVISION II

42 Sec. 201. Section 331.429, subsection 1, paragraph  
43 a, Code 1987, is amended to read as follows:

44 a. Transfers from the general fund not to exceed  
45 in any year the dollar equivalent of a tax of sixteen  
46 and seven-eighths cents per thousand dollars of  
47 assessed value on all taxable property in the county  
48 and an amount equivalent to the moneys derived by the  
49 general fund from ~~livestock tax credits under section~~  
50 ~~427.17~~, military service tax credits under chapter

#### Page 4

1 426A, and mobile home taxes under section 135D.22  
2 multiplied by the ratio of sixteen and seven-eighths  
3 cents to the general fund tax rate.

4 Sec. 202. Section 427.17, subsections 2 through 5,  
5 Code 1987, are amended to read as follows:

6 2. A tax credit shall be allowed each taxing  
7 school district in the state for each head of  
8 livestock that was assessed as of January 1, 1973.

9 The tax credit shall ~~commence and be effective for the~~  
10 ~~tax year 1974 and each year thereafter~~ be based upon  
11 the livestock assessed as of January 1, 1973.

12 3. On or before January 15, 1974, the county  
13 auditor of each county shall prepare a statement  
14 listing for each taxing district in the county the  
15 assessed or taxable values of all livestock assessed  
16 for taxation as of January 1, 1973. The statement  
17 shall also show the tax rates of the various taxing  
18 districts and the total amount of taxes which in the  
19 absence of this section would have been levied upon  
20 livestock assessed as of January 1, 1973. The county  
21 auditor shall certify and forward copies of the  
22 statement to the director of revenue and finance not  
23 later than January 15, 1974. The For the taxes  
24 payable for fiscal year 1987 and for subsequent fiscal  
25 years, the director of revenue and finance shall  
26 compute the applicable tax credit and the amount due  
27 to each taxing school district, which amount shall be  
28 the dollar amount which would be payable if all  
29 livestock so assessed were taxed, based upon those  
30 assessed as of January 1, 1973.

31 4. The amounts due each taxing school district  
32 shall be paid on warrants payable to the respective  
33 county treasurers by the director of revenue and  
34 finance on July 15 of each year. The county treasurer  
35 shall apportion the proceeds to the various taxing  
36 school districts in the county.

37 5. In the event that the amount appropriated for

38 reimbursement of the taxing school districts is  
39 insufficient to pay in full the amounts due to each of  
40 the taxing school districts, then the amount of each  
41 payment shall be reduced by the director of revenue  
42 and finance according to the ratio that the total  
43 amount of funds to be paid to each taxing school  
44 district bears to the total amount to be paid to all  
45 taxing school districts in the state.

46 DIVISION III

47 Sec. 301. Section 422.42, subsection 3, Code 1987,  
48 is amended to read as follows:

49 3. "Retail sale" or "sale at retail" means the  
50 sale to a consumer or to any person for any purpose,

Page 5

1 other than for processing, for resale of tangible  
2 personal property or taxable services, or for resale  
3 of tangible personal property in connection with  
4 taxable services; and includes the sale of gas,  
5 electricity, water, and communication service to  
6 retail consumers or users; but does not include  
7 agricultural breeding livestock and domestic fowl,  
8 ~~or~~; and does not include commercial fertilizer,  
9 agricultural limestone, ~~or~~ herbicide, pesticide,  
10 insecticide, food, and medication, and ~~or~~ agricultural  
11 drain tile and, including installation thereof of  
12 agricultural drain tile, any of which are to be used  
13 in disease control, weed control, insect control, or  
14 health promotion of plants or livestock produced as  
15 part of agricultural production for market; and does  
16 not include electricity, steam, or any taxable service  
17 when purchased and used in the processing of tangible  
18 personal property intended to be sold ultimately at  
19 retail. When used by a manufacturer of food products,  
20 electricity, steam, and other taxable services are  
21 sold for processing when used to produce marketable  
22 food products for human consumption, including but not  
23 limited to, treatment of material to change its form,  
24 context, or condition, in order to produce the food  
25 product, maintenance of quality or integrity of the  
26 food product, changing or maintenance of temperature  
27 levels necessary to avoid spoilage or to hold the food  
28 product in marketable condition, maintenance of  
29 environmental conditions necessary for the safe or  
30 efficient use of machinery and material used to  
31 produce the food product, sanitation and quality  
32 control activities, formation of packaging, placement  
33 into shipping containers, and movement of the material  
34 or food product until shipment from the building of  
35 manufacture. Tangible personal property is sold for  
36 processing within the meaning of this subsection only

37 when it is intended that the property will, by means  
 38 of fabrication, compounding, manufacturing, or  
 39 germination become an integral part of other tangible  
 40 personal property intended to be sold ultimately at  
 41 retail; or will be consumed as fuel in creating heat,  
 42 power, or steam for processing including grain drying,  
 43 or for providing heat or cooling for livestock  
 44 buildings, or for generating electric current, or be  
 45 consumed in self-propelled implements of husbandry  
 46 engaged in agricultural production; or the property  
 47 is a chemical, solvent, sorbent, or reagent, which is  
 48 directly used and is consumed, dissipated, or  
 49 depleted, in processing personal property which is  
 50 intended to be sold ultimately at retail, and which

**Page 6**

1 may not become a component or integral part of the  
 2 finished product. The distribution to the public of  
 3 free newspapers or shoppers guides is a retail sale  
 4 for purposes of the processing exemption.

5 Sec. 302. Section 422.45, Code 1987, is amended by  
 6 adding the following new subsection:

7 NEW SUBSECTION. The gross receipts from the sale,  
 8 furnishing, or service of gas, electricity, water, or  
 9 heat to be used in agricultural production for market.

**DIVISION IV**

11 Sec. 401. NEW SECTION. 422.47C REFUNDS —  
 12 AGRICULTURAL IMPLEMENTS, MACHINERY OR EQUIPMENT.

13 1. Sales, services, and use taxes paid on repairs  
 14 to implements or on the purchase or rental of farm  
 15 machinery or equipment, including replacement parts  
 16 which are depreciable for state and federal income tax  
 17 purposes, shall be refunded to the owner, purchaser,  
 18 or renter provided all of the following conditions are  
 19 met:

20 a. The repairs, purchase, or rental was made on or  
 21 after July 1, 1987.

22 b. The tax was paid to the retailer or timely paid  
 23 to the department by the user if section 423.14 is  
 24 applicable.

25 c. The claim is filed on forms provided by the  
 26 department and is filed between July 1 and September 1  
 27 for the previous calendar year.

28 d. The implements, machinery or equipment is  
 29 directly and primarily used in livestock or dairy  
 30 production.

31 e. The implement is not a self-propelled implement  
 32 or an implement customarily drawn or attached to a  
 33 self-propelled implement, and the machinery or  
 34 equipment is not a grain dryer, subject to an  
 35 exemption under section 422.45.

36 2. A claim for refund timely filed under  
37 subsection 1 shall be paid by the department within  
38 ninety days after the last date a claim may be filed  
39 under this section. The department of revenue and  
40 finance shall not in any calendar year pay more than  
41 three million eight hundred thousand dollars in claims  
42 for refunds filed pursuant to this section. If the  
43 department determines that the amount of claims is  
44 greater than the amount of moneys available to fully  
45 satisfy all claims, the refunds shall be paid on a  
46 prorated basis. A claimant who makes an erroneous  
47 application for refund shall be liable for payment of  
48 any refund paid plus interest at the rate in effect  
49 under section 421.7. In addition, a claimant who  
50 willfully makes a false application for refund is

Page 7

1 guilty of a simple misdemeanor and is liable for a  
2 penalty equal to fifty percent of the refund claimed.  
3 Refunds, penalties, and interest due under this  
4 section may be enforced and collected in the same  
5 manner as the tax imposed by this division.

#### 6 DIVISION V

#### 7 Sec. 501. NEW SECTION. 427B.7 ACTUAL VALUE ADDED 8 EXEMPTION FROM TAX — CATTLE FACILITIES.

9 A city council, or a county board of supervisors as  
10 authorized by section 427B.2, may, by ordinance as  
11 provided in section 427B.1, establish a partial  
12 exemption from property taxation of the actual value  
13 added to owner-operated cattle facilities, including  
14 small or medium sized feedlots but not including  
15 slaughter facilities, either by new construction or by  
16 the retrofitting of existing facilities. The  
17 application for the exemption shall be filed pursuant  
18 to section 427B.4. The actual value added to owner-  
19 operated cattle facilities, as specified in section  
20 427B.1, is eligible to receive a partial exemption  
21 from taxation for a period of five years. The amount  
22 of actual value added which is eligible to be exempt  
23 from taxation is the same as provided in the exemption  
24 schedule in section 427B.3.

#### 25 DIVISION VI

26 Sec. 601. ASSISTANCE PROGRAMS — FUNDING. The  
27 Iowa agricultural development authority shall develop  
28 and establish assistance programs for agricultural  
29 producers under this Act to be funded from moneys  
30 appropriated to the Iowa agricultural development  
31 authority for that purpose.

32 Sec. 602. EFFECTIVE DATE. Division I of this Act,  
33 being deemed of immediate importance, takes effect  
34 upon enactment."

- 35 \_\_\_\_\_. Title page, line 1, by striking the words  
 36 "the agricultural development authority" and inserting  
 37 the following: "agriculture".  
 38 \_\_\_\_\_. Title page, lines 4 and 5, by striking the  
 39 words "making appropriations" and inserting the  
 40 following: "maintaining certain tax credits to school  
 41 districts, providing for certain tax exemptions,  
 42 providing refunds for claims related to dairy or  
 43 livestock implements, equipment or machinery,  
 44 providing for a property tax exemption for certain  
 45 cattle facilities,""  
 46 2. By renumbering as necessary.

Buhr of Polk rose on a point of order and invoked Joint Rule 17, requiring a fiscal note, on amendment H—4237.

The Speaker ruled the point not well taken.

On motion by Skow of Guthrie, amendment H—4237, to the Senate amendment H—3835, was adopted.

On motion by Skow of Guthrie, the House concurred in the Senate amendment H—3835, as amended.

Skow of Guthrie 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. 626)

The ayes were, 73:

Adams	Arnould	Beaman	Beatty
Bennett	Black	Blanshan	Brammer
Branstad	Carpenter	Clark	Cohoon
Connolly	Cooper	Corbett	Corey
Daggett	Dvorsky	Eddie	Fey
Fogarty	Fuller	Garman	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hansen, S. D.	Hanson, D. R.
Harbor	Hatch	Hester	Hummel
Jochum	Johnson	Knapp	Koenigs
Kremer	Lundby	May	McKean
McKinney	Muhlbauer	Mullins	Neuhauser
Norrsgard	Ollie	Osterberg	Parker
Paulin	Pavich	Pellett	Peters
Petersen, D. F.	Peterson, M. K.	Renken	Rosenberg
Royer	Running	Schneklath	Schrader
Shoning	Siegrist	Skow	Spear
Stromer	Stueland	Svoboda	Swartz
Tabor	Van Camp	Van Maanen	Wise
Mr. Speaker			

The nays were, 22:

Bisignano	Buhr	Chapman	Connors
De Groot	Diemer	Doderer	Hammond
Harper	Haverland	Hermann	Holveck
Lageschulte	Maulsby	Metcalf	Miller
Plasier	Platt	Poney	Renaud
Shoultz	Teaford		

Absent or not voting, 5:

Groninga	Jay	Sherzan	Swearingen
Tyrrell			

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

Running of Linn called up for consideration **House File 600**, a bill for an act relating to elections and political activity and subjecting violators to a penalty, amended by the Senate amendment H—3904 as follows:

H—3904

- 1 Amend House File 600 as amended, passed, and
- 2 reprinted by the House as follows:
- 3 1. Page 1, by inserting before line 1 the
- 4 following:
- 5 "Sec. \_\_\_\_\_. Section 39.24, Code 1987, is amended to
- 6 read as follows:
- 7 39.24 SCHOOL OFFICERS.
- 8 Members of boards of directors of community and
- 9 independent school districts, and boards of directors
- 10 of merged areas shall be elected at the school
- 11 election. Their terms of office shall be three four
- 12 years, except as otherwise provided by section 275.23A
- 13 or 280A.11."
- 14 2. Page 3, line 17, by striking the word "thirty-
- 15 five" and inserting the words "thirty-five forty-two".
- 16 3. Page 3, by inserting after line 20 the
- 17 following:
- 18 "Sec. \_\_\_\_\_. Section 47.2, Code 1987, is amended by
- 19 adding the following new subsection:
- 20 NEW SUBSECTION. 6. Notwithstanding subsection 2,
- 21 the county commissioner of elections shall conduct the
- 22 regular school election and regular city election in
- 23 the precincts in that county."
- 24 4. Page 4, line 32, by striking the word
- 25 "challenged" and inserting the following: "challenged
- 26 special".
- 27 5. Page 5, line 1, by striking the word
- 28 "challenged" and inserting the word "special".
- 29 6. Page 5, line 26, by inserting after the word
- 30 "the" the following: "Iowa civil rights commission
- 31 and the".
- 32 7. Page 5, line 27, by inserting after the words

33 "human services," the following: "human rights,  
34 cultural affairs,".

35 8. Page 6, by inserting after line 20 the  
36 following:

37 "Sec. \_\_\_\_\_. Section 49.30, Code 1987, is amended by  
38 adding the following new unnumbered paragraph:

39 NEW UNNUMBERED PARAGRAPH. However, at the regular  
40 school election and the regular city election,  
41 separate ballots may be provided for the school  
42 election and the city election."

43 9. Page 9, by inserting after line 29 the  
44 following:

45 "Sec. \_\_\_\_\_. Section 49.81, subsections 2 and 3,  
46 Code 1987, are amended to read as follows:

47 2. Each person who casts a challenged special  
48 ballot under this section shall receive a printed  
49 statement in substantially the following form: "Your  
50 qualifications as an elector have been challenged for

**Page 2**

1 the following reasons:

- 2 1. ....
- 3 2. ....
- 4 3. ....

5 Your right to vote will be reviewed by the special precinct  
6 counting board on ..... You have the right and are  
7 encouraged to make a written statement and submit additional  
8 written evidence to this board supporting your qualifications  
9 as an elector. This written statement and evidence may be given  
10 to an election official of this precinct on election day or  
11 mailed or delivered to the county commissioner of elections, but  
12 must be received prior to noon on ..... at .....  
13 If your ballot is not counted you will receive notification of  
14 this fact."

15 3. Any elector may present written statements or  
16 documents, supporting or opposing the counting of any  
17 challenged special ballot, to the precinct election  
18 officials on election day, until the hour for closing  
19 the polls. Any statements or documents so presented  
20 shall be delivered to the commissioner when the  
21 election supplies are returned."

22 10. Page 10, by inserting after line 34 the  
23 following:

24 "Sec. \_\_\_\_\_. Section 50.20, Code 1987, is amended to  
25 read as follows:

26 50.20 NOTICE OF NUMBER OF CHALLENGED SPECIAL  
27 BALLOTS.

28 The commissioner shall compile a list of the number  
29 of challenged special ballots cast under section 49.81  
30 in each precinct. The list shall be made available to  
31 the public as soon as possible, but in no case later

32 than nine o'clock a.m. on the second day following the  
33 election. Any elector may examine the list during  
34 normal office hours, and may also examine the  
35 affidavit envelopes bearing the ballots of challenged  
36 electors until the reconvening of the special precinct  
37 board as required by this chapter. Only those persons  
38 so permitted by section 53.23, subsection 4, shall  
39 have access to the affidavits while that board is in  
40 session. Any elector may present written statements  
41 or documents, supporting or opposing the counting of  
42 any ~~challenged~~ special ballot, at the commissioner's  
43 office until the reconvening of the special precinct  
44 board."

45 11. Page 11, line 14, by striking the word  
46 "challenged" and inserting the following: "challenged  
47 special".

48 12. Page 11, line 17, by striking the word  
49 "challenged" and inserting the following: "challenged  
50 special".

### Page 3

1 13. Page 11, line 22, by striking the word  
2 "challenged" and inserting the word "special".

3 14. Page 11, by inserting after line 27 the  
4 following:

5 "Sec. \_\_\_\_\_. Section 50.22, Code 1987, is amended to  
6 read as follows:

7 50.22 SPECIAL PRECINCT BOARD TO DETERMINE  
8 CHALLENGES.

9 Upon being reconvened, the special precinct  
10 election board shall review the information upon the  
11 envelopes bearing the ~~challenged~~ special ballots, and  
12 all evidence submitted in support of or opposition to  
13 the right of each challenged person to vote in the  
14 election. The board may divide itself into panels of  
15 not less than three members each in order to hear and  
16 determine two or more challenges simultaneously, but  
17 each panel shall meet the requirements of section  
18 49.12 as regards political party affiliation of the  
19 members of each panel. The decision to count or  
20 reject each ballot shall be made upon the basis of the  
21 information given on the envelope containing the  
22 ~~challenged~~ special ballot, the evidence concerning the  
23 challenge, the registration and the returned receipts  
24 of registration. If a ~~challenged~~ special ballot is  
25 rejected, the person casting the ballot shall be  
26 notified by the commissioner within ten days of the  
27 reason for the rejection, on the form prescribed by  
28 the state commissioner pursuant to section 53.25, and  
29 the envelope containing the ~~challenged~~ special ballot  
30 shall be preserved unopened and disposed of in the

31 same manner as spoiled ballots. The ~~challenged~~  
32 special ballots which are accepted shall be counted in  
33 the manner prescribed by section 53.24. The  
34 commissioner shall make public the number of  
35 ~~challenged~~ special ballots rejected and not counted,  
36 at the time of the canvass of the election.

37 Sec. \_\_\_\_\_. Section 52.24, Code 1987, is amended to  
38 read as follows:

39 52.24 WHAT STATUTES APPLY — SEPARATE BALLOTS.

40 All of the provisions of the election law not  
41 inconsistent with the provisions of this chapter shall  
42 apply with full force to all counties adopting the use  
43 of voting machines. Nothing in this chapter shall be  
44 construed as prohibiting the use of a separate ballot  
45 for public measures or the use of separate ballots for  
46 the school election at the regular school and city  
47 elections.”

48 15. Page 13, by inserting after line 15 the  
49 following:

50 “Sec. \_\_\_\_\_. Section 53.17, subsection 2, Code 1987,

#### Page 4

1 is amended to read as follows:

2 2. The sealed carrier envelope may be mailed,  
3 ~~postage paid~~, to the commissioner. The carrier  
4 envelope shall indicate that greater postage than  
5 ordinary first class mail may be required. The  
6 commissioner shall pay any insufficient postage due on  
7 a carrier envelope bearing ordinary first class  
8 postage and accept the ballot. In order for the  
9 ballot to be counted, the carrier envelope must be  
10 clearly postmarked by an officially authorized postal  
11 service not later than the day before the election and  
12 received by the commissioner not later than the time  
13 established for the canvass by the board of  
14 supervisors for that election. The commissioner shall  
15 contact the post office serving the commissioner's  
16 office at the latest practicable hour prior to the  
17 canvass by the board of supervisors for that election,  
18 and shall arrange for absentee ballots received in  
19 that post office but not yet delivered to the  
20 commissioner's office to be brought to the  
21 commissioner's office prior to the canvass for that  
22 election by the board of supervisors.”

23 16. Page 15, line 33, by striking the word  
24 “Forty-five” and inserting the words “Forty-five  
25 Fifty-two”.

26 17. Page 16, line 10, by striking the word  
27 “fortieth” and inserting the words “fortieth forty-  
28 seventh”.

29 18. Page 16, by inserting after line 12 the

30 following:

31 "Sec. \_\_\_\_\_. Section 273.8, subsection 1; subsection  
32 2, unnumbered paragraph 2; and subsections 3, 5 and 6,  
33 Code 1987, are amended to read as follows:

34 1. BOARD OF DIRECTORS. The board of directors of  
35 an area education agency shall consist of not less  
36 than five nor more than nine members, each a resident  
37 of and elected in the manner provided in this section  
38 from a director district that is approximately equal  
39 in population to the other director districts in the  
40 area education agency. Each director shall serve a  
41 ~~three-year~~ four-year term which commences at the  
42 organization meeting.

43 The director district conventions shall be called  
44 and the locations of the conventions shall be  
45 determined by the area education agency administrator.  
46 ~~Annually~~ Biennially the director district conventions  
47 shall be held within two weeks following the regular  
48 school election. Notice of the time, date and place  
49 of a director district convention shall be published  
50 by the area education agency administrator at least

Page 5

1 forty-five days prior to the day of the district  
2 conventions in at least one newspaper of general  
3 circulation in the director district. The cost of  
4 publication shall be paid by the area education  
5 agency.

6 3. ORGANIZATION. The board of directors of each  
7 area education agency shall meet and organize at the  
8 first regular meeting in ~~October~~ December of each ~~odd-~~  
9 numbered year at a suitable place designated by the  
10 president. Directors whose terms commence at the  
11 organization meeting shall qualify by taking the oath  
12 of office required by section 277.28 at or before the  
13 organization meeting.

14 The provisions of section 280A.12 relating to  
15 organization, officers, appointment of secretary and  
16 treasurer, and meetings of the merged area board apply  
17 to the area education agency board.

18 5. CHANGE IN DIRECTORS. The board of an area  
19 education agency may change the number of directors on  
20 the board and shall make corresponding changes in the  
21 boundaries of director districts. Changes shall be  
22 completed not later than July 1 of a fiscal year for  
23 the director district conventions to be held the  
24 following ~~September~~ November.

25 6. BOUNDARY LINE CHANGES. To the extent possible  
26 the board shall provide that changes in the boundary  
27 lines of director districts of area education agencies  
28 shall not lengthen or diminish the term of office of a

29 director of an area education agency board. Initial  
 30 terms of office shall be set by the board so that as  
 31 nearly as possible the terms of ~~one-third~~ one-half of  
 32 the members expire ~~annually~~ biennially.

33 Sec. \_\_\_\_\_. Section 274.7, Code 1987, is amended to  
 34 read as follows:

35 274.7 DIRECTORS.

36 The affairs of each school corporation shall be  
 37 conducted by a board of directors, the members of  
 38 which in all community or independent school districts  
 39 shall be chosen for a term of ~~three~~ four years.

40 Sec. \_\_\_\_\_. Section 275.12, subsection 2, paragraphs  
 41 b, c, d and e, Code 1987, are amended to read as  
 42 follows:

43 b. Division of the entire school district into  
 44 designated geographical single director or multi-  
 45 director subdistricts on the basis of population for  
 46 each director, to be known as director districts, each  
 47 of which director districts shall be represented on  
 48 the school board by one or more directors who shall be  
 49 residents of the director district but who shall be  
 50 elected by the vote of the electors of the entire

Page 6

1 school district. The boundaries of the director  
 2 districts and the area and population included within  
 3 each district shall be such as justice, equity, and  
 4 the interests of the people may require. Changes in  
 5 the boundaries of director districts shall not be made  
 6 during a period commencing sixty days prior to the  
 7 date of the ~~annual~~ regular school election. Insofar  
 8 as may be practicable, the boundaries of the districts  
 9 shall follow established political or natural  
 10 geographical divisions.

11 c. Election of not more than one-half of the total  
 12 number of school directors at large from the entire  
 13 district and the remaining directors from and as  
 14 residents of designated single-member or multi-member  
 15 director districts into which the entire school  
 16 district shall be divided on the basis of population  
 17 for each director. In such case, all directors shall  
 18 be elected by the electors of the entire school  
 19 district. Changes in the boundaries of director  
 20 districts shall not be made during a period commencing  
 21 sixty days prior to the date of the ~~annual~~ regular  
 22 school election.

23 d. Division of the entire school district into  
 24 designated geographical single director or multi-  
 25 director subdistricts on the basis of population for  
 26 each director, to be known as director districts, each  
 27 of which director districts shall be represented on

28 the school board by one or more directors who shall be  
 29 residents of the director district and who shall be  
 30 elected by the voters of the director district. Place  
 31 of voting in the director districts shall be  
 32 designated by the commissioner of elections. Changes  
 33 in the boundaries of director districts shall not be  
 34 made during a period commencing sixty days prior to  
 35 the date of the ~~annual~~ regular school election.

36 e. In districts having seven directors, election  
 37 of three directors at large by the electors of the  
 38 entire district, ~~one no more than two~~ at each ~~annual~~  
 39 regular school election, and election of the remaining  
 40 directors as residents of and by the electors of  
 41 individual geographic subdistricts established on the  
 42 basis of population and identified as director  
 43 districts. Boundaries of the subdistricts shall  
 44 follow precinct boundaries, insofar as practicable,  
 45 and shall not be changed less than sixty days prior to  
 46 the ~~annual~~ regular school election.

47 Sec. \_\_\_\_\_. Section 275.25, subsection 3, Code 1987,  
 48 is amended to read as follows:

49 3. The directors who are elected to serve shall  
 50 serve until their successors are elected and qualify.

**Page 7**

1 At the special election, the three newly elected  
 2 director directors receiving the most votes shall be  
 3 elected to serve until the ~~director's successor~~  
 4 qualifies their successors qualify after the fourth  
 5 third regular school election date occurring after the  
 6 effective date of the reorganization; the two newly  
 7 elected directors receiving the next largest number of  
 8 votes shall be elected to serve until the directors'  
 9 successors qualify after the third second regular  
 10 school election date occurring after the effective  
 11 date of the reorganization; ~~and the two newly elected~~  
 12 ~~directors receiving the next largest number of votes~~  
 13 ~~shall be elected to serve until the directors'~~  
 14 ~~successors qualify after the second regular school~~  
 15 ~~election date occurring after the effective date of~~  
 16 ~~the reorganization.~~ However, in districts that  
 17 include all or a part of a city of fifteen thousand or  
 18 more population and in districts in which the  
 19 proposition to establish a new corporation provides  
 20 for the election of seven directors, the three four  
 21 newly elected directors receiving the most votes shall  
 22 be elected to serve until the directors' successors  
 23 qualify after the fourth third regular school election  
 24 date occurring after the effective date of the  
 25 reorganization and the three newly elected directors  
 26 receiving the next largest number of votes shall be

27 elected to serve until the directors' successors  
 28 qualify after the second regular school election date  
 29 occurring after the effective date of reorganization.  
 30 Sec. \_\_\_\_\_. Section 275.36, Code 1987, is amended to  
 31 read as follows:  
 32 275.36 SUBMISSION OF CHANGE TO ELECTORS.  
 33 If a petition for a change in the number of  
 34 directors or in the method of election of school  
 35 directors, describing the boundaries of the proposed  
 36 director districts, if any, signed by eligible  
 37 electors of the school district equal in number to at  
 38 least thirty percent of those who voted in the last  
 39 previous annual regular school election in the school  
 40 district, but not less than twenty-five persons, and  
 41 accompanied by affidavit as required by section 275.13  
 42 be filed with the school board of a school district,  
 43 not earlier than six months and not later than two  
 44 months before a regular or special school election,  
 45 the school board shall submit such proposition to the  
 46 voters at such election. If a proposition for a  
 47 change in the number of directors or in the method of  
 48 election of school directors submitted to the voters  
 49 under this section is rejected, it shall not be  
 50 resubmitted to the voters of the district in

**Page 8**

1 substantially the same form within the next three  
 2 years; if it is approved, no other proposal may be  
 3 submitted to the voters of the district under this  
 4 section within the next six years.  
 5 Sec. \_\_\_\_\_. Section 275.37, Code 1987, is amended to  
 6 read as follows:  
 7 275.37 INCREASE IN NUMBER OF DIRECTORS.  
 8 At the next succeeding annual regular school  
 9 election in a district where the number of directors  
 10 has been increased from five to seven, and directors  
 11 are elected at large, there shall be elected a  
 12 director to succeed each incumbent director whose term  
 13 is expiring in that year, and two additional  
 14 directors. Upon organizing as required by section  
 15 279.1, the newly elected director who received the  
 16 fewest votes in the election shall be assigned a term  
 17 of either one year or two years if necessary in order  
 18 that as nearly as possible ~~one-third~~ one-half of the  
 19 members of the board shall be elected each year.  
 20 Sec. \_\_\_\_\_. Section 275.38, Code 1987, is amended to  
 21 read as follows:  
 22 275.38 IMPLEMENTING CHANGED METHOD OF ELECTION.  
 23 If change in the method of election of school  
 24 directors is approved at a regular or special school  
 25 election, the directors who were serving unexpired

26 terms or were elected concurrently with approval of  
27 the change of method shall serve out the terms for  
28 which they were elected. If the plan adopted is that  
29 described in section 275.12, subsection 2, paragraph  
30 "b," "c," "d," or "e," the board shall at the earliest  
31 practicable time designate the districts from which  
32 residents are to be elected as school directors at  
33 each of the next three two succeeding annual regular  
34 school elections, arranging so far as possible for  
35 elections of directors as residents of the respective  
36 districts to coincide with the expiration of terms of  
37 incumbent members residing in those districts. If an  
38 increase in the size of the board from five to seven  
39 members is approved concurrently with the change in  
40 method of election of directors, the board shall make  
41 the necessary adjustment in the manner prescribed in  
42 section 275.37, as well as providing for  
43 implementation of the districting plan under this  
44 section.

45 Sec. \_\_\_\_\_. Section 275.41, subsections 4, 5, 6, and  
46 7, Code 1987, are amended to read as follows:

47 4. If the total number of directors determined  
48 under subsection 2 or 3 is an odd number, the board of  
49 the district with the largest population shall  
50 designate the term of office of one of the members who

**Page 9**

1 is retained to commence at the organizational meeting  
2 of the board of the newly formed district and to end  
3 at the organizational meeting following the fourth  
4 third regular school election held thereafter in the  
5 manner specified in the reorganization petition.

6 If the total number of directors determined under  
7 subsection 2 or 3 is an even number, that number of  
8 directors shall function until a special election can  
9 be held, at which time an additional director shall be  
10 elected to a term from the newly formed district  
11 ending at the organizational meeting following the  
12 fourth third regular school election held thereafter.  
13 The procedure for calling the special election shall  
14 be the procedure specified in section 275.25.

15 5. The boards of directors of school districts  
16 which are involved in the merger which have three or  
17 more directors who are retained, shall each designate  
18 two of the directors who are retained to serve terms  
19 that expire at the organizational meeting following  
20 the second first regular school election held  
21 thereafter. All other directors who are retained  
22 shall serve terms that expire at the organizational  
23 meeting following the third second regular school  
24 election held thereafter. If there is an insufficient

25 number of board members eligible to be retained from a  
 26 former school district, the board of the former school  
 27 district may appoint members to fill the vacancies. A  
 28 vacancy occurs if there is an insufficient number of  
 29 former board members who reside in the newly formed  
 30 district or if there is an insufficient number who are  
 31 willing to serve on the board of the newly formed  
 32 district.

33 6. At the ~~second~~ first regular school election  
 34 held after the effective date of the merger, the two  
 35 vacancies which will occur on the board shall be  
 36 filled in a manner specified in the reorganization  
 37 petition.

38 7. At the ~~third~~ second regular school election  
 39 held after the effective date of merger, if a five-  
 40 member board is specified in the reorganization  
 41 petition, two directors shall be elected in the manner  
 42 specified in the reorganization petition and if a  
 43 seven-member board is specified in the reorganization  
 44 petition, four directors shall be elected, two for  
 45 ~~one-year~~ two-year terms and two for ~~three-year~~ four-  
 46 year terms, in the manner specified in the  
 47 reorganization petition.

48 Sec. \_\_\_\_\_. Section 277.1, Code 1987, is amended to  
 49 read as follows:

50 277.1 REGULAR ELECTION.

**Page 10**

1 The regular election shall be held annually  
 2 biennially on the second first Tuesday in September  
 3 following the first Monday in November of each odd-  
 4 numbered year in each school district for the election  
 5 of officers of the district and merged area and for  
 6 the purpose of submitting to the voters any matter  
 7 authorized by law."

8 19. Page 16, by inserting after line 12 the  
 9 following:

10 "Sec. \_\_\_\_\_. Section 277.3, Code 1987, is amended by  
 11 adding the following new unnumbered paragraphs:  
 12 NEW UNNUMBERED PARAGRAPH. Notwithstanding sections  
 13 49.57 and 52.10, at the regular school election the  
 14 ballots for the school election are not required to be  
 15 on white paper and the ballots for different school or  
 16 director districts may be different colors.

17 NEW UNNUMBERED PARAGRAPH. Notwithstanding section  
 18 49.73, at the regular school and regular city election  
 19 the polls shall open at the same time throughout the  
 20 school district and the hours may be shortened only in  
 21 a school district which does not include a city with a  
 22 population greater than thirty-five hundred."

23 20. Page 16, line 17, by striking the word

24 "sixty-five" and inserting the words "sixty-five  
25 seventy-two".

26 21. Page 16, line 18, by striking the word  
27 "forty" and inserting the words "forty forty-seven".

28 22. Page 17, by inserting after line 3 the  
29 following:

30 "Sec. \_\_\_\_\_. Section 277.20, Code 1987, is amended  
31 to read as follows:

32 On the next Friday Monday after the regular school  
33 election, the county board of supervisors shall  
34 canvass the returns made to the county commissioner of  
35 elections from the several precinct polling places and  
36 the absentee ballot counting board, ascertain the  
37 result of the voting with regard to every matter voted  
38 upon and certify them to the board of supervisors for  
39 the county commissioner of elections under section  
40 47.2, for special elections of the district by the  
41 second Friday following the regular school election  
42 who shall, cause a record to be made thereof as  
43 required by section 50.24. Special elections held in  
44 school districts shall be canvassed at the time and in  
45 the manner required by that section. The board shall  
46 declare the results of the voting for members of  
47 boards of directors of school corporations nominated  
48 pursuant to section 277.4, and the commissioner shall  
49 at once issue a certificate of election to each person  
50 declared elected. The board shall also declare the

#### Page 11

1 results of the voting on any public question submitted  
2 to the voters of a single school district, and the  
3 commissioner shall certify the result as required by  
4 section 50.27.

5 The abstracts of the votes cast for members of the  
6 board of directors of any merged area, and of the  
7 votes cast on any public question submitted to the  
8 voters of any merged area, shall be promptly certified  
9 by the commissioner to the county commissioner of  
10 elections who is responsible under section 47.2 for  
11 conducting the special elections held for that merged  
12 area.

13 Sec. \_\_\_\_\_. Section 277.23, unnumbered paragraph 2,  
14 Code 1987, is amended to read as follows:

15 A change from five to seven directors shall be  
16 effected in a district at the first regular election  
17 after authorization by the voters or when a district  
18 becomes wholly or in part within a city of fifteen  
19 thousand population or more in the following manner:  
20 If the ~~term of one director~~ terms of two directors of  
21 the five-member board expires at the time of said  
22 regular election, ~~three~~ four directors shall be

23 elected to serve until the third second following  
 24 regular election thereafter; if the terms of two three  
 25 directors expire at the time of said regular election,  
 26 three directors shall be elected to serve until the  
 27 third second regular election thereafter and one  
 28 director two directors shall be elected to serve a  
 29 term the expiration of which coincides with the  
 30 expiration of the term of the director heretofore  
 31 singly elected until the next regular election.

32 Sec. \_\_\_\_\_. Section 277.25, Code 1987, is amended to  
 33 read as follows:

34 277.25 DIRECTORS IN NEW DISTRICTS.

35 At the first election in newly organized districts  
 36 the directors shall be elected as follows:

37 1. In districts having three directors, one  
 38 director two directors shall be elected for one year,  
 39 one for two years, and one for three four years.

40 2. In districts having five directors, two three  
 41 shall be elected for one year, two for two years, and  
 42 one two for three four years.

43 3. In districts having seven directors, two four  
 44 shall be elected for one year, two for two years, and  
 45 three for three four years.

46 Sec. \_\_\_\_\_. Section 277.28, unnumbered paragraph 1,  
 47 Code 1987, is amended to read as follows:

48 Each director elected at a regular district or  
 49 director district election, as the case may be, shall  
 50 qualify by taking the oath of office on or before the

**Page 12**

1 time set for the organization meeting of the board the  
 2 third Monday in September November each odd-numbered  
 3 year, and the election and qualification entered of  
 4 record by the secretary. The oath may be administered  
 5 by any qualified member of the board or the secretary  
 6 of the board and may be taken in substantially the  
 7 following form:

8 Sec. \_\_\_\_\_. Section 279.1, Code 1987, is amended to  
 9 read as follows:

10 279.1 ORGANIZATION.

11 The board of directors of each school corporation  
 12 shall meet and organize at two o'clock p.m., or at  
 13 seven-thirty o'clock p.m., if so ordered by the  
 14 president of the board, on the third Monday in  
 15 September November each odd-numbered year at some  
 16 suitable place to be designated by the secretary.  
 17 Notice of the place and hour of such meeting shall be  
 18 given by the secretary to each member and each member-  
 19 elect of the board.

20 Such organization shall be effected by the election  
 21 of a president from the members of the board, who

22 shall be entitled to vote as a member.

23 Sec. \_\_\_\_\_. Section 280A.11, unnumbered paragraph 1,  
24 Code 1987, is amended to read as follows:

25 The governing board of a merged area is a board of  
26 directors composed of one member elected from each  
27 director district in the area by the electors of the  
28 respective district. Members of the board shall be  
29 residents of the district from which elected.  
30 Successors shall be chosen at the annual regular  
31 school elections for members whose terms expire. The  
32 term of a member of the board of directors is ~~three~~  
33 four years and commences at the organization meeting.  
34 Vacancies on the board which occur more than ninety  
35 days prior to the next regular school election may be  
36 filled at the next regular meeting of the board by  
37 appointment by the remaining members of the board. A  
38 member so chosen shall be a resident of the district  
39 in which the vacancy occurred and shall serve until a  
40 member is elected pursuant to section 69.12 to fill  
41 the vacancy for the balance of the unexpired term. A  
42 vacancy is defined in section 277.29. A member shall  
43 not serve on the board of directors who is a member of  
44 a board of directors of a local school district or a  
45 member of an area education agency board.

46 Sec. \_\_\_\_\_. Section 280A.12, Code 1987, is amended  
47 to read as follows:

48 280A.12 DIRECTORS OF MERGED AREA.

49 In each merged area, the initial board of directors  
50 elected at the special election shall organize within

**Page 13**

1 fifteen days following the election and may thereafter  
2 proceed with the establishment of the designated area  
3 vocational school or area community college. The  
4 board of directors of the merged area shall organize  
5 at the first regular meeting in ~~October~~ December of  
6 each odd-numbered year. Organization of the board  
7 shall be effected by the election of a president and  
8 other officers from the board membership as board  
9 members determine. The board of directors shall  
10 appoint a secretary and a treasurer who shall each  
11 give bond as prescribed in section 291.2 and who shall  
12 each receive the salary determined by the board. The  
13 secretary and treasurer shall perform duties under  
14 chapter 291 and additional duties the board of  
15 directors deems necessary. However, the board may  
16 appoint one person to serve as the secretary and  
17 treasurer. If one person serves as the secretary and  
18 treasurer, only one bond is necessary for that person.  
19 The frequency of meetings other than organizational  
20 meetings shall be as determined by the board of

21 directors but the president or a majority of the  
22 members may call a special meeting at any time.  
23 Sec. \_\_\_\_\_. Section 280A.13, subsections 1 and 4,  
24 Code 1987, are amended to read as follows:

25 1. The board of a merged area may change the  
26 number of directors on the board and shall make  
27 corresponding changes in the boundaries of director  
28 districts. Changes shall be completed not later than  
29 July 1 of a fiscal year for the next regular school  
30 election to be held the next following September.

31 4. To the extent possible the board shall provide  
32 that changes in the boundary lines of director  
33 districts of merged areas do not lengthen or diminish  
34 the term of office of a director of the board.  
35 Initial terms of office shall be set by the board so  
36 that as nearly as possible the terms of ~~one-third~~ one-  
37 half of the members expire ~~annually~~ biennially.

38 Sec. \_\_\_\_\_. Section 280A.15, Code 1987, is amended  
39 to read as follows:

#### 40 280A.15 CONDUCT OF ELECTIONS.

41 1. Regular elections held ~~annually~~ biennially by  
42 the merged area for the election of members of the  
43 board of directors as required by section 280A.11, for  
44 the renewal of the twenty and one-fourth cents per  
45 thousand dollars of assessed valuation levy authorized  
46 in section 280A.22, or for any other matter authorized  
47 by law and designated for election by the board of  
48 directors of the merged area, shall be held on the  
49 date of the school election as fixed by section 277.1.  
50 The election notice shall be made a part of the local

#### Page 14

1 school election notice published as provided in  
2 section 49.53 in each local school district where  
3 voting is to occur in the merged area election and the  
4 election shall be conducted by the county commissioner  
5 of elections pursuant to chapters 39 to 53 and section  
6 277.20.

7 2. Each candidate for member of the board of  
8 directors of a merged area shall be nominated by a  
9 petition signed by not less than fifty eligible  
10 electors of the director district from which the  
11 member is to be elected. The petition shall state the  
12 number of the director district from which the  
13 candidate seeks election, and the candidate's name and  
14 status as an eligible elector of the director  
15 district. Signers of the petition, in addition to  
16 signing their names, shall show their residence,  
17 including street and number if any, the school  
18 district in which they reside, and the date they  
19 signed the petition. ~~Each nomination paper shall have~~

20 appended to it an affidavit of an eligible elector  
21 other than the candidate in substantially the form  
22 provided in section 43.17\*, except as to party  
23 affiliation. The petition shall include the affidavit  
24 of the candidate being nominated, stating the  
25 candidate's name and residence, and that the  
26 individual is a candidate, is eligible for the office  
27 sought, and if elected will qualify for the office.

28 3. Nomination papers in behalf of candidates for  
29 member of the board of directors of a merged area  
30 shall be filed with the secretary of the board not  
31 earlier than ~~sixty-five~~ seventy-two days nor later  
32 than five o'clock p.m. on the ~~fortieth~~ forty-seventh  
33 day prior to the election at which members of the  
34 board are to be elected. The secretary shall deliver  
35 all nomination petitions so filed, together with the  
36 text of any public measure being submitted by the  
37 board of directors to the electorate, to the county  
38 commissioner of elections who is responsible under  
39 section 47.2 for conducting special elections held for  
40 the merged area, not later than five o'clock p.m. on  
41 the day following the last day on which nomination  
42 petitions can be filed. That commissioner shall  
43 certify the names of candidates, and the text and  
44 summary of any public measure being submitted to the  
45 electorate, to all county commissioners of elections  
46 in the merged area by the thirty-fifth day prior to  
47 the election.

48 4. The votes cast in the election shall be  
49 canvassed and abstracts of the votes cast shall be  
50 certified as required by section 277.20. In each

#### Page 15

1 county whose commissioner of elections is responsible  
2 under section 47.2 for conducting special elections  
3 held for a merged area, the county board of  
4 supervisors shall convene at ten o'clock a.m. on the  
5 last Monday second Friday in September November,  
6 canvass the abstracts of votes cast and declare the  
7 results of the voting. The commissioner shall at once  
8 issue certificates of election to each person declared  
9 elected, and shall certify to the merged area board in  
10 substantially the manner prescribed by section 50.27  
11 the result of the voting on any public question  
12 submitted to the voters of the merged area. Members  
13 elected to the board of directors of a merged area  
14 shall qualify by taking the oath of office prescribed  
15 in section 277.28.

16 Sec. \_\_\_\_\_. Section 280A.22, subsection 1, paragraph  
17 a, Code 1987, is amended to read as follows:

18 a. In addition to the tax authorized under section

19 280A.17, the voters in any merged area may at the  
 20 annual regular school election vote a tax not  
 21 exceeding twenty and one-fourth cents per thousand  
 22 dollars of assessed value in any one year for a period  
 23 not to exceed ten years for the purchase of grounds,  
 24 construction of buildings, payment of debts contracted  
 25 for the construction of buildings, purchase of  
 26 buildings and equipment for buildings, and the  
 27 acquisition of libraries, and for the purpose of  
 28 maintaining, remodeling, improving, or expanding the  
 29 area vocational school or area community college of  
 30 the merged area. The tax shall be collected by the  
 31 county treasurers and remitted to the treasurer of the  
 32 merged area as provided in section 331.552, subsection  
 33 29. The proceeds of the tax shall be deposited in a  
 34 separate and distinct fund to be known as the voted  
 35 tax fund, to be paid out upon warrants drawn by the  
 36 president and secretary of the board of directors of  
 37 the merged area district for the payment of costs  
 38 incurred in providing the school facilities for which  
 39 the tax was voted."

40 23. Page 17, by inserting after line 3 the  
 41 following:

42 "Sec. \_\_\_\_\_. Section 376.1, Code 1987, is amended by  
 43 adding the following new unnumbered paragraph:  
 44 NEW UNNUMBERED PARAGRAPH. If the city is located  
 45 in more than one county, at the regular city election  
 46 the counties' boards of supervisors shall canvass the  
 47 results on the Monday following the election and  
 48 certify them to the county commissioner responsible  
 49 under section 47.2 for special elections who shall  
 50 certify them to the mayor and the council."

**Page 16**

1 24. Page 17, by inserting after line 31 the  
 2 following:

3 "Sec. \_\_\_\_\_. In order to accomplish the transition  
 4 from election of directors of community and  
 5 independent school districts, and of merged areas and  
 6 area education agencies, annually for terms of three  
 7 years each to election of such directors biennially  
 8 for terms of four years each, the following  
 9 adjustments in terms and times of election shall be  
 10 made:

11 1. The term of office of each director of a  
 12 community or an independent school district elected at  
 13 the annual school election in the years 1985 or 1986,  
 14 and of any person elected or appointed as provided by  
 15 law to fill a vacancy in such an office for the  
 16 balance of a term to which some other person was  
 17 elected at the annual school election in the years

18 1985 or 1986, shall be extended until the third Monday  
19 in November of the year 1989. The term of office of  
20 each director of a merged area elected at the annual  
21 school election in the years 1985 or 1986, and of any  
22 person elected or appointed as provided by law to fill  
23 a vacancy in such an office for the balance of a term  
24 to which some other person was elected at the annual  
25 school election in the years 1985 or 1986, shall be  
26 extended until the first Monday in December of the  
27 year 1989.

28 a. In community and independent school districts  
29 and merged areas having five-member boards of  
30 directors which under this subsection will elect  
31 successors to four of those members at the biennial  
32 school election in 1989, the persons so elected who  
33 received the greatest and the next greatest number of  
34 votes in that election shall serve terms of four years  
35 each, and the other persons so elected shall serve  
36 terms of two years each.

37 b. In community and independent school districts  
38 and merged areas having seven-member boards of  
39 directors which under this subsection will elect  
40 successors to five of those members at the biennial  
41 school election in 1989, the persons so elected who  
42 received the greatest, the next greatest, and the  
43 third greatest number of votes shall serve terms of  
44 four years each, and the other persons so elected  
45 shall serve terms of two years each.

46 c. In merged areas, the persons elected as  
47 directors at the biennial school election in 1989 who  
48 receive the greatest, the next greatest, the third  
49 greatest, and the fourth greatest number of votes  
50 shall serve terms of four years each, and the other

**Page 17**

1 persons so elected shall serve terms of two years  
2 each.

3 2. The term of office of each director of a  
4 community or an independent school district elected at  
5 the annual school election in the year 1987, and of  
6 any person elected or appointed as provided by law to  
7 fill a vacancy in such an office for the balance of a  
8 term to which some other person was elected at the  
9 annual school election in the year 1987, shall be ex-  
10 tended until the third Monday in November of the year  
11 1991. The term of office of each director of a merged  
12 area elected at the annual school election in the year  
13 1987, and of any person elected or appointed as  
14 provided by law to fill a vacancy in such an office  
15 for the balance of a term to which some other person  
16 was elected at the annual school election in the year

17 1987, shall be extended until the first Monday in  
18 December of the year 1991.

19 3. The term of office of each director of an area  
20 education agency board of directors elected in the  
21 years 1985 or 1986 and of any person elected to fill a  
22 vacancy in such an office shall be extended until the  
23 organization meeting in December of 1989. The term of  
24 office of each director of an area education agency  
25 board of directors elected in the year 1987 and of any  
26 person elected to fill a vacancy in such an office  
27 shall be extended until the organization meeting in  
28 December of 1991. The board of directors of each area  
29 education agency shall determine by resolution prior  
30 to July 1, 1989 which of the director positions to be  
31 elected at the 1989 director district conventions  
32 shall be elected to two-year terms and which shall be  
33 elected to four-year terms.

34 Sec. \_\_\_\_\_. The sections of this Act amending  
35 sections 39.24, 47.2, 49.30, 52.24, 273.8, 274.7,  
36 275.25, 275.36, 275.37, 275.38, 275.41, 277.1, 277.3,  
37 277.20, 277.23, 277.25, 277.28, 279.1, 280A.11,  
38 280A.12, 280A.13, 280A.15, 280A.22, and 376.1 and the  
39 section providing the transition from the election of  
40 directors of community and independent school  
41 districts and of merged areas and area education  
42 agencies annually for terms of three years each to  
43 election of such directors biennially for terms of  
44 four years each shall take effect January 1, 1988."

Running of Linn offered the following amendment H—4028, to the  
Senate amendment H—3904, filed by him and moved its adoption:

H—4028

1 Amend the Senate amendment, H—3904, to House File  
2 600 as amended, passed, and reprinted by the House as  
3 follows:

4 1. Page 1, by striking lines 14 through 23.

5 2. Page 1, by striking lines 35 through 42.

6 3. Page 3, by striking lines 36 through 47 and  
7 inserting the following: "at the time of the canvass  
8 of the election." "

9 4. Page 4, by striking lines 23 through 28.

10 5. Page 5, line 8, by striking the words "Oetober  
11 December" and inserting the following: "October".

12 6. Page 5, line 24, by striking the words  
13 "~~September~~ November" and inserting the following:  
14 "September".

15 7. Page 10, by striking lines 2 through 4 and  
16 inserting the following: "biennially on the second  
17 Tuesday in September in each odd-numbered year in each  
18 school district for the election".

- 19 8. Page 10, by striking lines 8 through 27.  
 20 9. By striking page 10, line 30 through page 11,  
 21 line 13, and inserting the following:  
 22 "“Sec. \_\_\_\_\_. Section 277.23, unnumbered paragraph  
 23 2,”."  
 24 10. Page 12, line 2, by striking the words  
 25 "~~September~~ November" and inserting the following:  
 26 "September".  
 27 11. Page 12, line 15, by striking the words  
 28 "~~September~~ November" and inserting the following:  
 29 "September".  
 30 12. Page 13, line 5, by striking the words  
 31 "~~October~~ December" and inserting the word "October".  
 32 13. Page 14, line 31, by striking the words  
 33 "~~sixty-five~~ seventy-two" and inserting the following:  
 34 "sixty-five".  
 35 14. Page 14, line 32, by striking the words  
 36 "~~fortieth~~ forty-seventh" and inserting the following:  
 37 "fortieth".  
 38 15. Page 15, by striking line 5 and inserting the  
 39 words "last Monday in September".  
 40 16. Page 15, by striking lines 40 through 50.  
 41 17. Page 16, line 19, by striking the word  
 42 "November" and inserting the following: "September".  
 43 18. Page 16, line 26, by striking the word  
 44 "December" and inserting the word "October".  
 45 19. Page 17, line 10, by striking the word  
 46 "November" and inserting the word "September".  
 47 20. Page 17, line 18, by striking the word  
 48 "December" and inserting the word "October".  
 49 21. Page 17, line 23, by striking the word  
 50 "December" and inserting the word "October".

**Page 2**

- 1 22. Page 17, line 28, by striking the word  
 2 "December" and inserting the word "October".  
 3 23. Page 17, line 35, by striking the figures  
 4 "39.24, 47.2, 49.30, 52.24,".  
 5 24. Page 17, line 35, by inserting after the  
 6 figure "274.7," the following: "275.12,".  
 7 25. Page 17, lines 36 and 37, by striking the  
 8 figures "277.3, 277.20,".  
 9 26. Page 17, line 38, by striking the word and  
 10 figures "280A.22, and 376.1" and inserting the  
 11 following: "and 280A.22".

Amendment H—4028 was adopted.

Running of Linn asked and received unanimous consent to reconsider amendment H—4028 and amendment H—4028 was again taken up for consideration.

Running of Linn moved the adoption of amendment H—4028, to the Senate amendment H—3904.

A non-record roll call was requested.

The ayes were 46, nays 21.

Amendment H—4028 was adopted.

Hanson of Delaware asked and received unanimous consent to withdraw amendment H—4032 filed by him on April 28, 1987.

Shoultz of Black Hawk offered the following amendment H—4109, to the Senate amendment H—3904, filed by him and moved its adoption:

H—4109

- 1 Amend the Senate amendment, H—3904, to House File
- 2 600 as amended, passed, and reprinted by the House as
- 3 follows:
- 4 1. Page 5, line 40, by inserting after the word
- 5 "paragraphs" the following: "a,".
- 6 2. Page 5, by inserting after line 42 the
- 7 following:
- 8 "a. Election at large from the entire district by
- 9 the electors of the entire district unless the school
- 10 district has a certified enrollment of greater than
- 11 five thousand students."

A non-record roll call was requested.

The ayes were 42, nays 28.

Amendment H—4109 was adopted.

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Kremer of Buchanan, for the remainder of the day, on request of Diemer of Black Hawk.

Running of Linn offered the following amendment H—4230, to the Senate amendment H—3904, filed by him from the floor and moved its adoption:

H—4230

- 1 Amend the Senate amendment, H—3904, to House File
- 2 600 as amended, passed, and reprinted by the House as
- 3 follows:
- 4 1. Page 15, by inserting after line 39 the
- 5 following:

6 " \_\_\_\_\_. Page 17, by inserting after line 3 the  
 7 following:  
 8 "Sec. \_\_\_\_\_. Section 280A.22, subsection 1, Code  
 9 1987, is amended by adding the following new lettered  
 10 paragraph:  
 11 NEW LETTERED PARAGRAPH. f. During the years 1988  
 12 and 1990, the board of directors of a merged area may  
 13 cause the tax authorized by paragraph "a" to be placed  
 14 before the voters of the merged area at a special  
 15 election to be held on the second Tuesday in September  
 16 of that year. All provisions of this subsection,  
 17 other than the date of the authorizing election, shall  
 18 apply the authorization and implementation of the tax.  
 19 This paragraph is repealed December 31, 1990." "

Amendment H—4230 was adopted.

On motion by Running of Linn, the House concurred in the Senate amendment H—3904, as amended.

Running 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. 600)

The ayes were, 74:

Adams	Arnould	Beatty	Bisignano
Black	Blanshan	Buhr	Chapman
Clark	Cohoon	Connolly	Connors
Cooper	Corey	Diemer	Dvorsky
Eddie	Fey	Fogarty	Fuller
Garman	Groninga	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. R.
Harbor	Harper	Haverland	Hester
Holveck	Jay	Jochum	Johnson
Knapp	Koenigs	Lageschulte	Lundby
May	McKinney	Miller	Muhlbauer
Neuhauser	Norrgard	Ollie	Osterberg
Parker	Pavich	Pellett	Peters
Peterson, M. K.	Plasier	Platt	Poncy
Renaud	Rosenberg	Royer	Running
Schnekloth	Schrader	Sherzan	Shoning
Shoultz	Skow	Spear	Stueland
Svoboda	Swartz	Tabor	Teaford
Wise	Mr. Speaker		

The nays were, 20:

Beaman	Bennett	Branstad	Carpenter
Daggett	De Groot	Hatch	Hermann

Hummel	Maulsby	McKean	Metcalf
Mullins	Paulin	Petersen, D. F.	Renken
Siegrist	Stromer	Van Camp	Van Maanen

Absent or not voting, 6:

Brammer	Corbett	Doderer	Kremer
Swearingen	Tyrrell		

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

### COMMITTEE RECOMMENDATION

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

JOSEPH O'HERN  
Chief Clerk of the House

### COMMITTEE ON APPROPRIATIONS

**Senate File 513**, 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.

Fiscal Note is not required.

Recommended **Do Pass** May 5, 1987.

### RULES SUSPENDED

Peterson of Carroll asked and received unanimous consent to suspend the rules for the immediate consideration of Senate File 513.

### Appropriations Calendar

**Senate File 513**, 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.

Hatch of Polk offered the following amendment H—4247 filed by him and Hammond of Story from the floor:

H-4247

- 1 Amend Senate File 513 as passed by the Senate as
- 2 follows:
- 3 1. Page 10, by striking lines 33 and 34 and
- 4 inserting the following: "fiscal year beginning
- 5 October 1, 1988, at least fifteen percent of the funds
- 6 appropriated by".

The following amendment H-4257, to amendment H-4247, filed by Hatch of Polk from the floor was adopted by unanimous consent:

H-4257

- 1 Amend amendment H-4247, to Senate File 513 as
- 2 passed by the Senate as follows:
- 3 1. Page 1, line 5, by striking the words "at
- 4 least".

On motion by Hatch of Polk, amendment H-4247, as amended, was adopted.

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

On the question "Shall the bill pass?" (S.F. 513)

The ayes were, 94:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Black	Branstad
Buhr	Carpenter	Chapman	Clark
Cohoon	Connolly	Connors	Cooper
Corey	Daggett	De Groot	Diemer
Doderer	Dvorsky	Eddie	Fey
Fogarty	Fuller	Garman	Groninga
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Hansen, S. D.	Hanson, D. R.	Harbor	Harper
Hatch	Haverland	Hermann	Hester
Holveck	Hummel	Jay	Jochum
Johnson	Knapp	Koenigs	Lageschulte
Lundby	Maulsby	May	McKean
McKinney	Metcalf	Miller	Muhlbauer
Mullins	Neuhauser	Norrgard	Ollie
Osterberg	Parker	Paulin	Pavich
Pellett	Peters	Petersen, D. F.	Peterson, M. K.
Plasier	Platt	Poncy	Renaud
Renken	Rosenberg	Royer	Running
Schneklath	Schrader	Sherzan	Shoning
Shoultz	Siegrist	Skow	Spear
Stromer	Stueland	Svoboda	Swartz
Tabor	Teaford	Van Camp	Van Maanen
Wise	Mr. Speaker		

The nays were, none.

Absent or not voting, 6:

Blanshan	Brammer	Corbett	Kremer
Swearingen	Tyrrell		

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

### COMMITTEE RECOMMENDATION

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

JOSEPH O'HERN  
Chief Clerk of the House

### COMMITTEE ON APPROPRIATIONS

**Senate File 517**, a bill for an act appropriating petroleum overcharge funds.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H-4243** May 6, 1987.

### RULES SUSPENDED

Arnould of Scott asked and received unanimous consent to suspend the rules for the immediate consideration of Senate File 517.

**Senate File 517**, a bill for an act appropriating petroleum overcharge funds, with report of committee recommending amendment and passage was taken up for consideration.

Jochum of Dubuque offered the following amendment H-4243 filed by the committee on appropriations:

H-4243

- 1 Amend Senate File 517, as amended, passed, and re-
- 2 printed by the Senate, as follows:
- 3 1. By striking everything after the enacting
- 4 clause and inserting the following:
- 5 "Section 1. There is appropriated for the fiscal
- 6 year beginning July 1, 1987 and ending June 30, 1989,
- 7 the following amounts, or so much thereof as is
- 8 necessary, from the funds in the Exxon and Stripper
- 9 Well accounts in the energy conservation trust fund
- 10 created in section 93.11, as indicated, to the energy
- 11 and geological resources division of the department of
- 12 natural resources for disbursement under section 93.11
- 13 to the following agencies for the purposes designated:

	Exxon	Stripper Wells
14		
15	1. To the division of	
16	community action agencies	
17	of the department of human	
18	rights for qualifying energy	
19	conservation programs for	
20	low-income persons, including	
21	but not limited to energy	
22	weatherization projects, and	
23	including administrative	
24	costs . . . . . \$ 175,000	\$
25	2. To the department of	
26	natural resources for the	
27	following purposes:	
28	a. For deposit in the	
29	energy bank for schools and	
30	merged area schools created	
31	in 360 Iowa administrative code,	
32	rule 6.5 . . . . . \$	\$ 500,000
33	b. An independent study	
34	evaluating federal weather-	
35	ization due July 1, 1988 . . . . . \$ 75,000	\$
36	c. For energy conservation	
37	efforts by low-income nonprofit	
38	housing organizations . . . . . \$	\$ 500,000
39	d. For a competitive grant	
40	program administered by the	
41	energy fund disbursement	
42	council with the following	
43	funds to be transferred to the	
44	designated agencies for the	
45	indicated purposes:	
46	(1) To the department of	
47	natural resources in cooperation	
48	with the department of economic	
49	development to provide venture	
50	capital to new businesses	

Page 2

1	in Iowa whose products or services	
2	are directly related to energy	
3	conservation . . . . . \$	\$ 500,000
4	(2) To the department of	
5	natural resources for energy	
6	conservation grants and contracts	
7	to be used to fund cost-effective	
8	and environmentally sound energy	
9	conservation and renewable	
10	resource projects which meet the	
11	guidelines of one or more of the	

12	five energy programs specified in		
13	Pub. L. No. 97-377, § 155, 96		
14	Stat. 1830, 1919 (1982) . . . . .	\$ 1,000,000	\$
15	e. For the administration		
16	of the programs funded by		
17	this subsection, except		
18	paragraph "f" . . . . .	\$	\$ 200,000
19	f. For deposit in the		
20	oil overcharge account of		
21	the groundwater protection		
22	fund created by House File		
23	631, 1987 Iowa Acts, and		
24	allocated as provided in		
25	that Act . . . . .	\$ 2,000,000	\$ 3,530,000
26	3. To the state depart-		
27	ment of transportation for		
28	the following purposes:		
29	a. For energy conserva-		
30	tion loans, grants, or ex-		
31	penditures to aid mass		
32	transit, to be distributed		
33	according to the existing		
34	department of transporta-		
35	tion formula and targeted		
36	for low-income Iowans . . . . .	\$	\$ 1,700,000
37	b. For grants and loans		
38	for one or more pilot proj-		
39	ects of intermodal trans-		
40	portation facilities, in-		
41	cluding ports, terminals,		
42	transfer facilities and		
43	freight distribution centers . . . . .	\$ 750,000	\$
44	c. For energy con-		
45	servation projects . . . . .	\$	\$ 1,500,000
46	4. To the state board of		
47	regents for research by the		
48	Iowa State University of		
49	science and technology cen-		
50	ter for industrial research		

**Page 3**

1	and service on establishing		
2	a waste stream for used		
3	motor oil, investigating		
4	alternative disposal methods,		
5	and coordinating with other		
6	states' research projects		
7	on used motor oil collec-		
8	tion and disposal . . . . .	\$	\$ 30,000
9	5. To the department		
10	of economic development for		

11 the Iowa main street ..... \$ 125,000                    \$  
 12 6. To the department of  
 13 general services for energy  
 14 conservation improvements  
 15 at Terrace Hill ..... \$                    \$                    50,000  
 16 Sec. 2.

17 1. It is a condition of the funds appropriated by  
 18 section 1, subsection 1, paragraph "a", of this Act  
 19 that the department of human rights adopt rules to  
 20 provide that rents shall not be raised because of the  
 21 increased value of dwelling units due solely to  
 22 weatherization assistance provided under that  
 23 paragraph.

24 2. Notwithstanding section 8.33, the funds  
 25 appropriated by section 1, subsection 3, paragraph "c"  
 26 shall not revert and shall continue until the  
 27 completion of the projects.

28 3. If an appropriation made by section 1 from the  
 29 Stripper Wells account of the energy conservation  
 30 trust fund is eligible to be made in whole or in part  
 31 from the Exxon account, then, to the extent of that  
 32 eligibility, that appropriation shall be made from the  
 33 Exxon account instead of the Stripper Wells account.

34 Sec. 3. There is appropriated to the designated  
 35 agencies from the Amoco/Beldridge/Nordstrom account,  
 36 Amoco Refined account, OKC & Coline account, and the  
 37 Exxon account in the energy conservation trust fund  
 38 created in section 93.11 for the fiscal year beginning  
 39 July 1, 1987 and ending July 1, 1988 the following  
 40 amounts, or so much thereof as is necessary to  
 41 maintain the funding level for each of the following  
 42 programs at the level of the preceding fiscal year, to  
 43 supplement federal funds for the following programs:

44 1. To the department of  
 45 human rights for low-income  
 46 weatherization program ..... \$936,934

47 2. To the department of  
 48 natural resources for:  
 49 a. Institutional conser-  
 50 vation program ..... \$270,702

Page 4

1 b. State energy conservation  
 2 program ..... \$ 118,500  
 3 c. Energy extension service  
 4 program ..... \$49,700

5 All the funds in the Amoco/Beldridge/Nordstrom  
 6 account, Amoco Refined account, and OKC & Coline  
 7 account shall be appropriated by this section before  
 8 the funds in the Exxon account are appropriated by  
 9 this section.

10 Sec. 4. The state agencies appropriated and  
11 disbursed funds under section 1 of this Act shall  
12 adopt rules under chapter 17A to establish and  
13 implement the programs funded by this Act.

14 Sec. 5. Section 93.11, subsections 1 and 4, Code  
15 1987, are amended by striking the subsections and  
16 inserting in lieu thereof the following:

17 1. a. The energy conservation trust fund is  
18 created within the state treasury. This state on  
19 behalf of itself, its citizens, and its political  
20 subdivisions accepts any moneys awarded or allocated  
21 to the state, its citizens, and its political  
22 subdivisions as a result of the federal court  
23 decisions and federal department of energy settlements  
24 resulting from alleged violations of federal petroleum  
25 pricing regulations and deposits the moneys in the  
26 energy conservation trust fund.

27 b. The energy conservation trust fund is  
28 established to provide for an orderly, efficient, and  
29 effective mechanism to make maximum use of moneys  
30 available to the state, in order to increase energy  
31 conservation efforts and thereby to save the citizens  
32 of this state energy expenditures. The moneys in the  
33 accounts in the fund shall be expended only upon  
34 appropriation by the general assembly and only for  
35 programs which will benefit citizens who may have  
36 suffered economic penalties resulting from the alleged  
37 petroleum overcharges.

38 c. The moneys awarded or allocated from each court  
39 decision or settlement shall be placed in a separate  
40 account in the energy conservation trust fund.  
41 Notwithstanding section 453.7, interest and earnings  
42 on investments from moneys in the fund shall be  
43 credited proportionately to the accounts in the fund.

44 d. Unless prohibited by the conditions applying to  
45 an account, the moneys in the energy conservation  
46 trust fund may be used for the payment of attorney  
47 fees and expenses incurred by the state to obtain the  
48 moneys and shall be paid by the director of revenue  
49 and finance from the available moneys in the fund  
50 subject to the approval of the attorney general.

**Page 5**

1 e. However, petroleum overcharge funds received  
2 pursuant to claims filed on behalf of the state, its  
3 institutions, departments, agencies, or political  
4 subdivisions shall be deposited in the general fund of  
5 the state to be disbursed directly to the appropriate  
6 claimants in accordance with federal guidelines and  
7 subject to the approval of the attorney general.

8 4. The administrator of the energy and geological

9 resources division of the department of natural  
10 resources shall be the administrator of the energy  
11 conservation trust fund. The administrator shall  
12 disburse moneys appropriated by the general assembly  
13 from the accounts in the fund in accordance with the  
14 federal court orders, law and regulation, or  
15 settlement conditions applying to the moneys in that  
16 account, and subject to the approval of the energy  
17 fund disbursement council if such approval is  
18 required. The council, after consultation with the  
19 attorney general, shall immediately approve the  
20 disbursement of moneys from the account in the fund  
21 for projects which meet the federal court orders, law  
22 and regulations, or settlement conditions which apply  
23 to that account.

24 Sec. 6. Section 93.11, subsection 3, unnumbered  
25 paragraph 1, Code 1987, is amended to read as follows:

26 An energy fund disbursement council is established.

27 The council shall be composed of the governor or the  
28 governor's designee, the director of the department of  
29 management, who shall serve as the council's  
30 chairperson, the administrator of the division of  
31 community action agencies of the department of human  
32 rights, the administrator of the energy and geological  
33 resources division of the department of natural  
34 resources, and a designee of the director of the  
35 department of transportation, who is knowledgeable in  
36 the field of energy conservation. The council shall  
37 include as nonvoting members two members of the senate  
38 appointed by the majority leader of the senate and two  
39 members of the house of representatives appointed by  
40 the speaker of the house. The legislative members  
41 shall be appointed upon the convening and for the  
42 period of each general assembly. Not more than one  
43 member from each house shall be of the same political  
44 party. The council shall be staffed by the energy and  
45 geological resources division of the department of  
46 natural resources. The attorney general shall provide  
47 legal assistance to the council.

48 Sec. 7. Section 93.11, Code 1987, is amended by  
49 adding the following new subsections:

50 NEW SUBSECTION. 5. The following accounts are

**Page 6**

- 1 established in the energy conservation trust fund:
- 2 a. The Warner/Imperial account.
- 3 b. The Amoco/Beldridge/Nordstrom account.
- 4 c. The Exxon account.
- 5 d. The Stripper Wells account.
- 6 e. The Diamond Shamrock account.
- 7 f. The Amoco Refined account.

8 g. The OKC & Coline account.

9 h. The other funds account.

10 NEW SUBSECTION. 6. The moneys in the account in  
11 the energy conservation trust fund distributed to the  
12 state as a result of the 1985 federal court decision  
13 finding Exxon corporation in violation of federal  
14 petroleum pricing regulations shall be expended, to  
15 the extent possible, over a period of no more than six  
16 years and shall be disbursed for projects which meet  
17 the strict guidelines of the five existing federal  
18 energy conservation programs specified in Pub. L. No.  
19 97-377, § 155, 96 Stat. 1830, 1919 (1982). The  
20 council shall approve the disbursement of moneys from  
21 the account in the fund for other projects only if the  
22 project meets one or more of the following conditions:

23 a. The projects meet the guidelines for allowable  
24 projects under a modification order entered by the  
25 federal court in the case involving Exxon corporation.

26 b. The projects meet the guidelines for allowable  
27 projects under a directive order entered by the  
28 federal court in the case involving Exxon corporation.

29 c. The projects meet the guidelines for allowable  
30 projects under the regulations adopted or written  
31 clarifications issued by the United States department  
32 of energy.

33 Sec. 8. 1986 Iowa Acts, chapter 1249, section 4,  
34 unnumbered paragraph 1, is amended to read as follows:

35 There is appropriated from the funds available in  
36 the energy conservation trust fund, established in  
37 section 93.11, for the fiscal year period beginning  
38 July 1, 1986, and ending June 30, ~~1987~~ 1988, to the  
39 energy and geological resources division of the  
40 department of natural resources for disbursement under  
41 section 93.11, the following amounts, or so much  
42 thereof as is necessary, to be used for the purposes  
43 designated consistent with the expressed legislative  
44 intent of this Act:

45 Sec. 9. The treasurer of state shall transfer and  
46 deposit funds in the petroleum overcharge fund created  
47 by section 93.15 into the appropriate accounts in the  
48 energy conservation trust fund created by section  
49 93.11. Any appropriation of the funds in the  
50 petroleum overcharge fund shall follow and apply to

**Page 7**

1 the funds in the energy conservation trust fund.

2 Sec. 10. Section 93.15, Code 1987, is repealed."

3 2. Title page, line 1, by inserting after the  
4 word "Act" the words "relating to and".

Jochum of Dubuque offered the following amendment H—4245, to the committee amendment H—4243, filed by him from the floor and moved its adoption:

H—4245

- 1 Amend the Committee amendment, H—4243, to Senate
- 2 File 517 as amended, passed, and reprinted by the
- 3 Senate as follows:
- 4 1. Page 1, line 31, by striking the figure "360"
- 5 and inserting the following: "565".
- 6 2. Page 3, line 18, by striking the words
- 7 "paragraph "a",".

Amendment H—4245 was adopted.

Van Camp of Scott offered the following amendment H—4255, to the committee amendment H—4243, filed by him from the floor and moved its adoption:

H—4255

- 1 Amend the amendment, H—4243, to Senate File 517, as
- 2 amended, passed, and reprinted by the Senate as
- 3 follows:
- 4 1. Page 1, by striking lines 36 through 38.
- 5 2. Page 2, by striking lines 4 through 14.
- 6 3. Page 2, by striking lines 37 through 43.
- 7 4. Page 3, line 37, by inserting after the word
- 8 "account" the following: "and for subsection 1 the
- 9 Stripper Wells account".
- 10 5. Page 3, by striking line 46 and inserting the
- 11 following:
- 12 "weatherization program .....\$ 3,186,934
- 13 Five hundred thousand (500,000) dollars of the
- 14 funds appropriated by this subsection shall be from
- 15 the Stripper Wells account."
- 16 6. Renumber as necessary.

Roll call was requested by Van Camp of Scott and Stromer of Hancock.

On the question "Shall amendment H—4255, to the committee amendment H—4243, be adopted?" (S.F. 517)

The ayes were, 38:

Beaman	Bennett	Branstad	Carpenter
Clark	Corey	Daggett	De Groot
Eddie	Garman	Halvorson, R. A.	Hanson, D. R.
Harbor	Hermann	Hester	Hummel
Lageschulte	Lundby	Maulsby	McKean
Metcalf	Miller	Mullins	Paulin

Pellett	Petersen, D. F.	Plasier	Platt
Renken	Royer	Schnekioth	Shoning
Siegrist	Stromer	Stueland	Svoboda
Van Camp	Van Maanen		

The nays were, 55:

Adams	Arnould	Beatty	Bisignano
Black	Blanshan	Buhr	Chapman
Cohoon	Connolly	Connors	Cooper
Doderer	Dvorsky	Fey	Fogarty
Fuller	Groninga	Gruhn	Halvorson, R. N.
Hammond	Hansen, S. D.	Harper	Hatch
Haverland	Holveck	Jay	Jochum
Johnson	Knapp	Koenigs	May
McKinney	Muhlbauer	Neuhauser	Norrgard
Ollie	Osterberg	Parker	Pavich
Peters	Peterson, M. K.	Poncy	Renaud
Rosenberg	Running	Schrader	Shoultz
Skow	Spear	Swartz	Tabor
Teaford	Wise	Mr. Speaker	

Absent or not voting, 7:

Brammer	Corbett	Diemer	Kremer
Sherzan	Swearingen	Tyrrell	

Amendment H—4255 lost.

On motion by Knapp of Dubuque, the committee amendment H—4243, as amended, 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. 517)

The ayes were, 93:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Black	Branstad
Buhr	Carpenter	Chapman	Clark
Cohoon	Connolly	Connors	Cooper
Corbett	Corey	Daggett	De Groot
Diemer	Doderer	Dvorsky	Eddie
Fey	Fogarty	Fuller	Garman
Groninga	Gruhn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. R.	Harbor
Harper	Hatch	Haverland	Hermann
Hester	Holveck	Hummel	Jay
Johnson	Knapp	Koenigs	Lageschulte
Lundby	Maulsby	May	McKean
McKinney	Metcalf	Miller	Muhlbauer

Mullins	Neuhauser	Norrgard	Ollie
Osterberg	Parker	Paulin	Pavich
Pellett	Peters	Petersen, D. F.	Peterson, M. K.
Plasier	Platt	Poncy	Renaud
Renken	Rosenberg	Royer	Running
Schnekloth	Schrader	Sherzan	Shoning
Shoultz	Siegrist	Skow	Spear
Stueland	Svoboda	Swartz	Tabor
Teaford	Van Camp	Van Maanen	Wise
Mr. Speaker			

The nays were, none.

Absent or not voting, 7:

Blanshan	Brammer	Jochum	Kremer
Stromer	Swearingen	Tyrrell	

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

### MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on May 6, 1987, adopted the following joint resolution in which the concurrence of the House is asked:

Senate Joint Resolution 12, a joint resolution ratifying a proposed amendment to the Constitution of the United States to provide for a delay in an increase in compensation to members of congress until an intervening election of representatives has occurred.

Also: That the Senate has, on May 6, 1987, adopted the conference committee report and passed Senate File 311, a bill for an act increasing the speed limit to sixty-five miles per hour on fully controlled-access, divided, multilaned highways including the interstate highway system, and providing a conditional effective date.

Also: That the Senate has on May 6, 1987, amended the House amendment, concurred in the House amendment as amended, and passed the following bill in which the concurrence of the House is asked:

Senate File 504, a bill for an act relating to the compensation and benefits for public officials and employees by specifying salary rates and ranges, by providing adjustments for salaries, by providing coverage and adjustments for health, life, disability and dental insurance, by changing retirement benefits received by certain members of the Iowa public employees' retirement system, by creating a county compensation board and specifying its duties, by making coordinating amendments to the Code, and by providing effective dates.

Also: That the members of the conference committee, on the part of the Senate, appointed May 6, 1987, to Senate File 511, a bill for an act relating to and making appropriations to agencies, boards, commissions, departments, and programs of state government relating to elected officials, the executive council, management, revenue and

finance, personnel, general services, economic development, agriculture, natural resources, and education, providing effective dates, and making certain provisions retroactive, are: The Senator from Dubuque, Senator Welsh, Chair; the Senator from Tama, Senator Husak; the Senator from Johnson, Senator Varn; the Senator from Scott, Senator Holden; and the Senator from Clayton, Senator Tieden.

JOHN F. DWYER, Secretary

## SENATE AMENDMENT CONSIDERED House Refused to Concur

Jochum of Dubuque called up for consideration **Senate File 504**, a bill for an act relating to the compensation and benefits for public officials and employees by specifying salary rates and ranges, by providing adjustments for salaries, by providing coverage and adjustments for health, life, disability and dental insurance, by changing retirement benefits received by certain members of the Iowa public employees' retirement system, by creating a county compensation board and specifying its duties, by making coordinating amendments to the Code, and by providing effective dates, amended by the House, further amended by the Senate and moved that the House concur in the following Senate amendment H—4258 to the House amendment:

H—4258

- 1 Amend the House amendment, S—4010, to Senate File
- 2 504, as amended, passed and reprinted by the Senate as
- 3 follows:
- 4 1. Page 1, by striking line 29 through page 2,
- 5 line 8.
- 6 2. Page 2, by striking line 37 and inserting in
- 7 lieu thereof the following:
- 8 "\_\_\_\_\_. Page 16, line 17, by inserting after the
- 9 word "assembly." the following: "The amount of the
- 10 daily expense allowance included in wages shall not
- 11 exceed fifty dollars per day." "
- 12 3. Page 2, by striking lines 40 and 41.

The motion lost and the House refused to concur in the Senate amendment H—4258.

## IMMEDIATE MESSAGES

Arnould of Scott asked and received unanimous consent that the following bills be immediately messaged to the Senate: House Files 600 and 684 and Senate Files 17, 504, 513 and 517.

## 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 311, a bill for an act increasing the speed limit to sixty-five miles per hour on fully controlled-access, divided, multilaned highways including the interstate highway system, and providing a conditional effective date.

#### EXPLANATIONS OF VOTE

I was necessarily absent from the House chamber on May 5, 1987. Had I been present, I would have voted "nay" on amendment H—4167 to House File 683 and "aye" on Senate File 55.

**CONNOLLY** of Dubuque

I was necessarily absent from the House chamber on May 5, 1987. Had I been present, I would have voted "aye" on House File 680.

**EDDIE** of Buena Vista

#### PRESENTATION OF VISITORS

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

Thirty seventh grade students from North Kossuth Middle School, Swea City, accompanied by Bob Eggerth. By Branstad of Winnebago.

Twenty high school students from Moravia High School, Moravia, accompanied by Lyle Stevens. By Jay of Appanoose.

Fifteen college students from Indian Hills Community College, Ottumwa, accompanied by Sherri Ziegler and Pat Huston. By Poncy of Wapello.

Eight sixth grade students from Bayard Elementary School, Bayard, accompanied by Jeanie Lemke. By Skow of Guthrie.

Fifty sixth grade students from Clarion Junior High School, Clarion, accompanied by Carol Rohrer. By Stromer of Hancock.

#### SUBCOMMITTEE ASSIGNMENTS

##### Senate File 509

Appropriations: Peterson of Carroll, Chair; Jochum and Van Maanen.

##### Senate File 515

Economic Development: Running, Chair; Beaman, Connolly, Groninga, Hanson of Delaware, Miller and Parker.

**Senate File 516**

Appropriations: Jochum, Chair; McKean and McKinney.

**Senate File 517**

Appropriations: Knapp, Chair; Buhr and Maulsby.

**Senate File 518**

Appropriations: Peterson of Carroll, Chair; Halvorson of Webster and Van Maanen.

**COMMITTEE RECOMMENDATIONS**

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

**JOSEPH O'HERN**  
Chief Clerk of the House

**COMMITTEE ON APPROPRIATIONS**

**Senate File 515**, a bill for an act relating to the allocations and appropriations of lottery revenues and the programs for which the revenues may be used.

Fiscal Note is not required.

Recommended **Do Pass** May 5, 1987.

**Pursuant to Rule 31.7, Senate File 515 was referred to the committee on economic development.**

**Senate File 518**, a bill for an act relating to and making appropriations to state agencies whose responsibilities relate to public defense, public safety, transportation, and enforcement, and including allocation of moneys from the road use tax fund and providing effective dates.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H-4252** May 6, 1987.

**COMMITTEE ON LABOR AND INDUSTRIAL RELATIONS**

**Senate File 507**, a bill for an act relating to the adoption of a benefit ratio unemployment compensation contribution array system and providing for the Act's applicability.

Fiscal Note is not required.

Recommended **Do Pass** May 6, 1987.

**COMMITTEE ON STATE GOVERNMENT**

**Senate File 501**, a bill for an act relating to the organization and procedures of state government, by making modifications to the authority for and procedures relating to governmental budget and finance administration, by making modifications in the authority for and procedures relating to state personnel administration, by making modifications to the powers, procedures, and structure of certain state governmen-

tal agencies, by making adjustments to the 1986 legislation reorganizing state government, by making other related adjustments and modifications, and by providing an effective date.

Fiscal Note is not required.

Recommended **Do Pass** May 6, 1987.

### RESOLUTION FILED

**HR 12**, by Fogarty, a resolution relating to support for gifted and talented children programs.

Laid over under **Rule 25**.

### AMENDMENTS FILED

H-4225	H.F.	682	Chapman of Linn
H-4226	S.F.	516	Shoultz of Black Hawk
H-4227	S.F.	396	Rosenberg of Story
H-4229	S.F.	518	Skow of Guthrie
			Kremer of Buchanan
H-4231	S.F.	518	Diemer of Black Hawk
H-4232	H.F.	677	Fey of Scott
			Neuhauser of Johnson
			Ollie of Clinton
			Rosenberg of Story
			Haverland of Polk
			McKean of Jones
			Hatch of Polk
			Halvorson of Webster
			Dvorsky of Johnson
			Van Camp of Scott
			Adams of Hamilton
			Lundby of Linn
H-4233	S.F.	55	Senate Amendment
H-4234	S.F.	455	Senate Amendment
H-4235	H.F.	677	Fey of Scott
			Fuller of Hardin
			Neuhauser of Johnson
			Ollie of Clinton
			Diemer of Black Hawk
			Branstad of Winnebago
			Gruhn of Dickinson
			Jay of Appanoose
			Van Camp of Scott
			Cohoon of Des Moines
			May of Worth
			Haverland of Polk
			McKean of Jones
			Hanson of Delaware
			Bisignano of Polk
			Hatch of Polk
			Halvorson of Webster
			Doderer of Johnson
			Dvorsky of Johnson
			Adams of Hamilton
			Osterberg of Linn
			Lundby of Linn
H-4236	H.F.	658	Parker of Jasper
			Swartz of Marshall
			Renken of Grundy
			Hummel of Benton
H-4238	H.F.	677	Connolly of Dubuque

H-4239	S.F.	518	Pavich of Pottawattamie
H-4241	S.F.	518	Kremer of Buchanan Skow of Guthrie
H-4242	S.F.	148	Senate Amendment
H-4244	H.F.	164	Senate Amendment
H-4246	S.F.	518	Van Maanen of Mahaska
H-4248	S.F.	518	Van Camp of Scott
H-4249	S.F.	518	Van Camp of Scott Connolly of Dubuque
H-4250	S.F.	515	Van Camp of Scott
H-4251	H.F.	316	Cooper of Lucas Platt of Muscatine
H-4252	S.F.	518	Committee on Appropriations
H-4253	S.F.	518	Harbor of Mills Branstad of Winnebago
H-4254	S.F.	501	Brammer of Linn
H-4256	S.F.	484	Stromer of Hancock
H-4259	S.F.	518	Jochum of Dubuque Pavich of Pottawattamie
H-4260	S.F.	518	Van Maanen of Mahaska
H-4261	S.F.	187	Hummel of Benton Renaud of Polk Halvorson of Webster
H-4262	S.F.	518	Van Camp of Scott Petersen of Muscatine
H-4263	S.F.	518	Halvorson of Webster Pavich of Pottawattamie
H-4264	S.F.	518	May of Worth Branstad of Winnebago

On motion by Arnould of Scott, the House adjourned at 7:20 p.m., until 9:00 a.m., Thursday, May 7, 1987.

# JOURNAL OF THE HOUSE

One Hundred Sixteenth Calendar Day — Seventy-ninth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Thursday, May 7, 1987

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

Prayer was offered by the Honorable Horace Daggett, state representative from Adams County.

The Journal of Wednesday, May 6, 1987, 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 7, 1987, 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 567, a bill for an act relating to permanency planning for children by providing for dispositional and placement review hearings for certain children subject to the jurisdiction of the juvenile court, by authorizing permanency placement orders for certain children in need of assistance, by modifying certain grounds and procedures for the termination of parental rights, and by establishing an adoption exchange.

Also: That the Senate has on May 6, 1987, amended and passed the following bill in which the concurrence of the House is asked:

House File 650, a bill for an act relating to providing private instruction and this Act is repealed July 1, 1990.

Also: That the Senate has on on May 5, 1987, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 479, a bill for an act relating to the use and application of pesticides and making penalties applicable.

Also: That the Senate has on May 5, 1987, refused to concur in the House amendment to the following bill in which the concurrence of the Senate was asked:

Senate File 510, a bill for an act relating to the conducting of classified research at institutions under the state board of regents.

Also: That the Senate has on May 6, 1987, passed the following bill in which the concurrence of the House is asked:

Senate File 514, a bill for an act to appropriate moneys for educational improvement, including moneys for teacher salaries, benefits, and sabbaticals and for the education of certain children.

Also: That the Senate has on May 7, 1987, passed the following bill in which the concurrence of the House is asked:

Senate File 519, a bill for an act relating to the time for claiming urban revitalization tax exemptions.

Also: That the Senate has on May 5, 1987, amended the House amendment, concurred in the House amendment as amended, and adopted the following concurrent resolution in which the concurrence of the House is asked:

Senate Concurrent Resolution 35, a concurrent resolution relating to the board of regents ten-year building program.

JOHN F. DWYER, 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 First Regular Session of the Seventy-second General Assembly were presented to the following Pages by Speaker Avenson and Minority Leader Stromer of Hancock:

Robb Anderson	Natalie Neill
Lori Baldwin	Amy Peterson
Paula Joy Bloemendaal	David Quirk
Amy Blouin	Janelle Rohlena
David Caraway	Amy Ruth
Susan Choate	Kristi Santi
Jacqueline Church	Susan Sears
Christopher Ellis	Julie Taiber
Patricia Groven	Teresa Tasler
Dawn Hansen	Owen Winder
Todd Kolbe	Kelley Workman
Mindy Mathews	Renee Wurzer
	Valerie Young

The House rose and expressed its appreciation to the Pages.

### SENATE MESSAGE CONSIDERED

**Senate Joint Resolution 12**, by committee on appropriations, a joint resolution ratifying a proposed amendment to the Constitution of the United States to provide for a delay in an increase in compensation to members of congress until an intervening election of representatives has occurred.

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

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Black of Jasper, for a portion of the day, on request of Koenigs of Mitchell.

## SENATE AMENDMENT CONSIDERED

Cooper of Lucas called up for consideration **House File 316**, a bill for an act relating to park user permits and providing a penalty and an effective date, amended by the Senate amendment H-4112 as follows:

H-4112

1 Amend House File 316, as amended, passed, and re-  
2 printed by the House, as follows:

3 1. Page 1, line 1, by striking the figures "6, 8"  
4 and inserting the following: "6, 7, 8".

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

7 "f. A vehicle operated by a person attending  
8 organized swimming lessons offered in the park and  
9 parked in a parking area designated by the department  
10 for those participants."

11 3. Page 2, line 1, by inserting after the word  
12 "permit." the words "If more than one motor vehicle is  
13 registered to members of the same household which  
14 resides in Iowa, a member of that household may  
15 purchase calendar year permits for the second motor  
16 vehicle for a fee of one dollar by showing to the  
17 county recorder the registration card of the second  
18 and proof of a calendar year permit for the first  
19 motor vehicle."

20 4. Page 2, by striking lines 9 and 10 and  
21 inserting the following: "issued. The department  
22 shall issue replacement permits, without fee, to  
23 persons whose original permit has been damaged,  
24 partially destroyed, or otherwise rendered unusable.  
25 A person shall apply to the department or its  
26 authorized representative for a replacement permit by  
27 presenting a verifiable remnant of the damaged,  
28 partially destroyed, or unusable permit."

29 5. By striking page 2, line 11 through page 3,  
30 line 13 and inserting the following:

31 "7. A user permit is not transferable between  
32 vehicles and shall be displayed as the commission  
33 department prescribes by rule. The permit shall  
34 contain space upon which the motor vehicle  
35 registration plate numbers and letters shall be  
36 entered.

37 8. a. An officer of the commission department who

38 observes a motor vehicle parked in violation of this  
39 section shall take the vehicle's registration number  
40 and may take other information displayed on the  
41 vehicle which may identify its user and deliver to the  
42 driver or conspicuously affix to the vehicle a notice  
43 of violation in writing on a form provided by the  
44 ~~commission~~ department. A person who receives the  
45 notice or knows that a notice has been affixed to the  
46 motor vehicle owned or controlled by the person may  
47 pay a civil penalty of twenty dollars to the  
48 ~~commission~~ department within twenty days. If the  
49 civil penalty is not timely paid, the ~~commission~~  
50 department may cause a complaint to be filed against

Page 2

1 the owner or operator of the motor vehicle before a  
2 magistrate for the violation of this section in the  
3 manner provided in section 804.1. Timely payment of  
4 the civil penalty shall be a bar to any prosecution  
5 for that violation of this section. All civil  
6 penalties collected under this subsection shall be  
7 deposited in the general fund of the state.

8 b. If a citation is issued for a violation of this  
9 section and a plea of guilty is entered on or before  
10 the time and date set for appearance, the fine shall  
11 be ~~thirty~~ fifteen dollars and court costs and the  
12 criminal penalty surcharge of section 911.2 shall not  
13 be imposed.

14 c. The ~~commission~~ department shall provide to its  
15 officers sets of triplicate notices each identified by  
16 separate serial numbers on each copy of notice. One  
17 copy shall be used as a notice of violation and  
18 delivered to the person charged or affixed to the  
19 vehicle illegally parked, one copy shall be sworn to  
20 by the officer as a complaint and may be filed with  
21 the clerk of the district court of the county if the  
22 civil penalty is not timely paid to the ~~commission~~  
23 department and one copy shall be retained by the  
24 ~~commission~~ department for record purposes.

25 10. A person who receives a notice of violation  
26 under this section may, before a complaint is filed  
27 and in lieu of paying the civil penalty, produce proof  
28 that the person has acquired a current calendar year  
29 permit. The proof shall be submitted to the  
30 ~~commission~~ department in the same manner as the civil  
31 penalty."

Cooper of Lucas offered the following amendment H — 4251, to the

Senate amendment H—4112, filed by him and Platt of Muscatine and moved its adoption:

H—4251

- 1 Amend the Senate amendment, H—4112, to House File
- 2 316 as amended, passed, and reprinted by the House as
- 3 follows:
- 4 1. Page 1, by striking lines 5 through 10.
- 5 2. Page 1, line 16, by striking the words “one
- 6 dollar” and inserting the following: “two dollars”.
- 7 3. Page 1, by inserting after line 19 the
- 8 following:
- 9 “\_\_\_\_\_. Page 2, by striking lines 5 through 8 and
- 10 inserting the following: “110.11. A writing fee ~~may~~
- 11 ~~shall not be charged for dispensing the user permits~~
- 12 ~~as provided under section 110.12 for licenses.~~
- 13 ~~Duplicate user permits shall not be~~.”
- 14 4. Renumber as necessary.

Amendment H—4251 was adopted.

Diemer of Black Hawk offered the following amendment H—4267, to the Senate amendment H—4112, filed by him from the floor and moved its adoption:

H—4267

- 1 Amend the Senate amendment, H—4112, to House File
- 2 316, as amended, passed, and reprinted by the House,
- 3 as follows:
- 4 1. By striking page 1, line 29 through page 2,
- 5 line 31 and inserting the following:
- 6 “\_\_\_\_\_. Page 2, by inserting after line 10 the
- 7 following:
- 8 “7. A user permit is not transferable between
- 9 vehicles and shall be displayed as the ~~commission~~
- 10 department prescribes by rule. The permit shall
- 11 contain space upon which the motor vehicle
- 12 registration plate numbers and letters shall be
- 13 entered.””

A non-record roll call was requested.

The ayes were 22, nays 36.

Amendment H—4267 lost.

On motion by Cooper of Lucas, the House concurred in the Senate amendment H—4112, as amended.

Cooper of Lucas 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. 316)

The ayes were, 55:

Adams	Arnould	Beaman	Beatty
Bisignano	Blanshan	Brammer	Chapman
Cohoon	Connolly	Connors	Cooper
Doderer	Eddie	Fey	Fuller
Garman	Gruhn	Halvorson, R. A.	Hansen, S. D.
Harbor	Haverland	Hummel	Jay
Jochum	Johnson	Knapp	Koenigs
Maulsby	May	McKinney	Muhlbauer
Neuhauser	Norrgard	Ollie	Parker
Paulin	Pavich	Peters	Petersen, D. F.
Peterson, M. K.	Platt	Poncy	Royer
Schrader	Sherzan	Shoultz	Siegrist
Skow	Spear	Svoboda	Swartz
Tabor	Wise	Mr. Speaker	

The nays were, 40:

Bennett	Branstad	Buhr	Carpenter
Clark	Corbett	Corey	Daggett
De Groot	Diemer	Fogarty	Groninga
Halvorson, R. N.	Hammond	Hanson, D. R.	Harper
Hermann	Hester	Holveck	Lageschulte
Lundby	McKean	Metcalf	Miller
Mullins	Osterberg	Pellett	Plasier
Renaud	Renken	Rosenberg	Running
Schneklath	Shoning	Stromer	Stueland
Swearingen	Teaford	Van Camp	Van Maanen

Absent or not voting, 5:

Black	Dvorsky	Hatch	Kremer
Tyrrell			

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

### HOUSE INSISTS

Schrader of Marion called up for consideration **Senate File 510**, a bill for an act relating to the conducting of classified research at institutions under the state board of regents, and moved that the House insist on its amendment, which motion prevailed.

CONFERENCE COMMITTEE APPOINTED  
(Senate File 510)

The Speaker announced the appointment of the conference committee to consider the differences between the House and Senate concerning Senate File 510: Schrader of Marion, chair; Hatch of Polk, Buhr of Polk, Harbor of Mills and Stueland of Clinton.

RULES SUSPENDED

Arnould of Scott asked and received unanimous consent to suspend the rules for the immediate consideration of Senate File 518.

CONSIDERATION OF BILLS  
Appropriations Calendar

Senate File 518, a bill for an act relating to and making appropriations to state agencies whose responsibilities relate to public defense, public safety, transportation, and enforcement, and including allocation of moneys from the road use tax fund and providing effective dates, with report of committee recommending amendment and passage was taken up for consideration.

Pavich of Pottawattamie offered the following amendment H-4252 filed by the committee on appropriations.

H-4252

- 1 Amend Senate File 518 as amended, passed and
- 2 reprinted by the Senate as follows:
- 3 1. Page 1, by striking lines 8 through 19 and
- 4 inserting the following:
- 5 "1. For salaries and support for
- 6 not more than twenty-four point
- 7 thirty-six full-time equivalent
- 8 positions, maintenance and
- 9 miscellaneous purposes ..... \$ 749,800
- 10 Notwithstanding section 384.15, subsection 7,
- 11 paragraph "b", there is appropriated from the
- 12 unencumbered and unobligated money remaining in the
- 13 law enforcement training reimbursement fund on June
- 14 30, 1987 to the Iowa law enforcement academy the sum
- 15 of twenty-eight thousand two hundred (28,200) dollars
- 16 for repair of a chiller unit, repair of a parking lot,
- 17 repair or replacement of carpet and replacement of a
- 18 washing machine at the academy."
- 19 2. Page 4, by striking lines 4 through 11 and
- 20 inserting the following:
- 21 "a. For salaries and support for
- 22 not more than forty-five point
- 23 seventy-five full-time equivalent

24 positions, maintenance, and miscel-  
 25 laneous purposes of the department's  
 26 administrative functions including  
 27 the medical examiner's office and  
 28 the criminal justice information  
 29 system ..... \$ 1,957,800".  
 30 3. Page 5, by striking lines 12 through 31 and  
 31 inserting the following:  
 32 "a. For salaries and support for  
 33 not more than one hundred forty full-  
 34 time equivalent positions, maintenance,  
 35 and miscellaneous purposes, including  
 36 lease or lease-purchase of laboratory  
 37 equipment, of the division of criminal  
 38 investigation containing the bureaus  
 39 of identification, drug and liquor  
 40 law enforcement, pari-mutuel law  
 41 enforcement, including the state's  
 42 contribution to the peace officers'  
 43 retirement, accident, and disability  
 44 system provided in chapter 97A in  
 45 the amount of sixteen percent of the  
 46 salaries for which the funds are  
 47 appropriated ..... \$ 5,380,575".  
 48 4. Page 6, by striking lines 5 through 18 and  
 49 inserting the following:  
 50 "c. Notwithstanding section 384.15, subsection 7,

**Page 2**

1 paragraph "b", there is appropriated from the  
 2 unencumbered and unobligated money remaining in the  
 3 law enforcement training reimbursement fund on June  
 4 30, 1987 to the department of public safety, division  
 5 of criminal investigation, the sum of one hundred  
 6 thousand (100,000) dollars, or so much thereof as is  
 7 necessary, to be used for salaries, support,  
 8 maintenance, and miscellaneous purposes."  
 9 5. Page 6, by striking lines 19 through 23.  
 10 6. Page 6, by striking lines 24 through 33.  
 11 7. Page 7, by striking lines 6 through 19 and  
 12 inserting the following:  
 13 "1. For salaries and support  
 14 for not more than four hundred  
 15 forty full-time equivalent  
 16 positions, maintenance, and miscel-  
 17 laneous purposes including the  
 18 federal Highway Safety Act program,  
 19 and the state's contributions to the  
 20 peace officers' retirement, acci-  
 21 dent, and disability system pro-  
 22 vided in chapter 97A in the

23 amount of sixteen percent of  
 24 the salaries for which the funds  
 25 are appropriated ..... \$ 19,256,000".  
 26 8. Page 8, by striking lines 2 through 6.  
 27 9. By striking page 8, line 22 through page 9,  
 28 line 5 and inserting the following:  
 29 "STATE DEPARTMENT OF TRANSPOR-  
 30 TATION  
 31 1. For salaries and support for  
 32 not more than six hundred nine full-  
 33 time equivalent positions, mainten-  
 34 ance, and miscellaneous purposes ..... \$ 17,977,243".  
 35 10. By striking page 9, line 34 through page 10,  
 36 line 19 and inserting the following:  
 37 "STATE DEPARTMENT OF TRANSPOR-  
 38 TATION  
 39 1. For salaries and support  
 40 for not more than three thousand  
 41 three hundred seventy-five full-  
 42 time equivalent positions,  
 43 maintenance, and miscellaneous  
 44 purposes ..... \$135,054,390".  
 45 11. Page 11, line 7, by striking the figure  
 46 "417,237" and inserting the following: "1,417,237".  
 47 12. Page 11, by striking lines 8 through 15.  
 48 13. Page 12, by inserting after line 35 the  
 49 following:  
 50 "3. For removal and disposal

**Page 3**

1 of asbestos from the Ames  
 2 office complex ..... \$ 1,000,000".  
 3 14. Page 13, line 1, by striking the figure "3."  
 4 and inserting the following: "4".  
 5 15. By striking page 13, line 13 through page 14,  
 6 line 34.

Stromer of Hancock moved to defer action on Senate File 518.

**MOTION TO SUSPEND RULES LOST**  
 (Senate File 484)

Petersen of Muscatine asked for unanimous consent to suspend the rules to consider Senate File 484.

Objection was raised.

Petersen of Muscatine moved to suspend the rules to immediately consider Senate File 484.

Roll call was requested by Stromer of Hancock and Bennett of Ida.

Rule 75 was invoked.

On the question "Shall the rules be suspended to immediately consider Senate File 484?"

The ayes were, 42:

Beaman	Bennett	Branstad	Carpenter
Clark	Corbett	Corey	Daggett
De Groot	Diemer	Eddie	Garman
Hanson, D. R.	Harbor	Hermann	Hester
Hummel	Kremer	Lageschulte	Lundby
Maulsby	McKean	Metcalf	Miller
Muhlbauer	Paulin	Pellett	Petersen, D. F.
Plasier	Platt	Poney	Renken
Royer	Running	Schnekloth	Shoning
Siegrist	Stromer	Stueland	Swearingen
Van Camp	Van Maanen		

The nays were, 55:

Adams	Arnould	Beatty	Bisignano
Blanshan	Brammer	Buhr	Chapman
Cohon	Connolly	Connors	Cooper
Doderer	Dvorsky	Fey	Fogarty
Fuller	Groninga	Gruhn	Halvorson, R. N.
Hammond	Hansen, S. D.	Harper	Hatch
Haverland	Holveck	Jay	Jochum
Johnson	Knapp	Koenigs	May
McKinney	Mullins	Neuhauser	Norrgard
Ollie	Osterberg	Parker	Pavich
Peters	Peterson, M. K.	Renaud	Rosenberg
Schrader	Sherzan	Shoultz	Skow
Spear	Svoboda	Swartz	Tabor
Teaford	Wise	Mr. Speaker	

Absent or not voting, 3:

Black                      Halvorson, R. A.      Tyrrell

The motion to suspend the rules lost.

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Tyrrell of Iowa, for an indefinite period, on request of Kremer of Buchanan.

The House resumed consideration of the motion to defer Senate File 518.

Stromer of Hancock asked and received unanimous consent to withdraw his motion to defer Senate File 518.

The House stood at ease at 10:15 a.m., until the fall of the gavel.

The House resumed session and consideration of the committee amendment H—4252 to Senate File 518 at 11:26 a.m., Connors of Polk in the chair.

Pavich of Pottawattamie offered the following amendment H—4266, to the committee amendment H—4252, filed by him from the floor and moved its adoption:

H—4266

- 1 Amend the Committee on Appropriations amendment, H—
- 2 4252, to Senate File 518 as amended, passed and
- 3 reprinted by the Senate as follows:
- 4 1. Page 1, by striking lines 30 through 49 and
- 5 inserting the following:
- 6 "\_\_\_\_\_. Page 6, by inserting after line 4 the
- 7 following:"
- 8 2. Page 2, by inserting after line 8 the
- 9 following:
- 10 "\_\_\_\_\_. Page 6, line 5, by striking the word "c."
- 11 and inserting the following: "d."

Amendment H—4266 was adopted.

Jochum of Dubuque offered the following amendment H—4259, to the committee amendment H—4252, filed by him and Pavich of Pottawattamie and moved its adoption:

H—4259

- 1 Amend the Committee on Appropriations amendment, H—
- 2 4252, to Senate File 518 as amended, passed and
- 3 reprinted by the Senate as follows:
- 4 1. Page 2, by inserting after line 34 the
- 5 following:
- 6 "\_\_\_\_\_. Page 9, line 22, by inserting after the
- 7 word "fund" the following: "from revenue credited to
- 8 the road use tax fund under section 423.24, subsection
- 9 1, paragraph "b",".
- 10 \_\_\_\_\_. Page 9, line 25, by striking the words and
- 11 figures "one million (1,000,000)" and inserting the
- 12 following: "seven hundred fifty thousand (750,000)".
- 13 2. Page 2, by striking line 47 and inserting the
- 14 following:
- 15 "\_\_\_\_\_. Page 11, lines 8 and 9, striking the words
- 16 "general fund of the state" and inserting the
- 17 following: "road use tax fund from revenue credited
- 18 to the road use tax fund under section 423.24,
- 19 subsection 1, paragraph "b" ".

Amendment H—4259 was adopted.

On motion by Pavich of Pottawattamie, the committee amendment

H—4252, as amended, was adopted, placing out of order amendment H—4239 filed by Pavich of Pottawattamie on May 6, 1987.

Diemer of Black Hawk asked and received unanimous consent to withdraw amendment H—4231 filed by him on May 6, 1987.

Van Maanen of Mahaska offered amendment H—4246 filed by him and requested division as follows:

H—4246

- 1 Amend Senate File 518, as amended, passed, and
- 2 reprinted by the Senate as follows:

H—4246A

- 3 1. Page 7, line 6, by striking the figure "1."

H—4246B

- 4 2. Page 8, line 7, by striking the figure and
- 5 word "2. For" and inserting the following:
- 6 "Sec. \_\_\_\_\_. There is appropriated from the primary
- 7 road fund to the department of public safety, division
- 8 of highway safety and uniformed force, for the fiscal
- 9 year beginning July 1, 1987 and ending June 30, 1988,
- 10 for".
- 11 3. Page 9, line 22, by striking the words "road
- 12 use tax" and inserting the words "primary road".

The Speaker announced that amendment H—4246A was out of order.

On motion by Van Maanen of Mahaska, amendment H—4246B was adopted.

Van Camp of Scott offered the following amendment H—4262 filed by him and Petersen of Muscatine and moved its adoption:

H—4262

- 1 Amend Senate File 518, as amended, passed, and re-
- 2 printed by the Senate, as follows:
- 3 1. Page 8, by inserting before line 7 the
- 4 following:
- 5 "It is the intent of the general assembly that the
- 6 appropriation from the road use tax fund to the
- 7 department of public safety, division of highway
- 8 safety and uniformed force, be reduced by one-quarter
- 9 in each succeeding fiscal year such that by the fiscal
- 10 year beginning July 1, 1991 and thereafter no moneys
- 11 shall be appropriated from the road use tax fund to
- 12 the department of public safety, division of highway
- 13 safety and uniform force."

A non-record roll call was requested.

The ayes were 38, nays 45.

Amendment H—4262 lost.

Van Camp of Scott asked and received unanimous consent to withdraw amendment H—4248 filed by him on May 6, 1987.

May of Worth offered the following amendment H—4264 filed by him and Branstad of Winnebago:

H—4264

1 Amend Senate File 518 as amended, passed and  
2 reprinted by the Senate as follows:

3 1. Page 11, by inserting after line 7 the  
4 following:

5 "Sec. \_\_\_\_\_. Notwithstanding provisions of chapter  
6 573 of the Code relating to claims of subcontractors  
7 or suppliers, there is appropriated from the primary  
8 road fund the sum of fifty-five thousand four hundred  
9 thirty-eight (55,438) dollars for the payment of  
10 subcontractors left unpaid as a result of a bankruptcy  
11 or business failure of a contractor which is a party  
12 in a contract with the state department of  
13 transportation and a near-simultaneous bankruptcy of a  
14 bonding company covering the work of the contractor,  
15 such as the situation involving state department of  
16 transportation reference number FN-105-2(7)—21-98 in  
17 Worth county. Further, the department is authorized  
18 to assume the place of these subcontractors for  
19 reimbursement in the matter of the liquidation of  
20 Carriers Insurance Company."

21 2. Page 17, by inserting after line 22 the  
22 following:

23 "Sec. \_\_\_\_\_. Section 573.2, Code 1987, is amended by  
24 adding the following new unnumbered paragraph:  
25 NEW UNNUMBERED PARAGRAPH. A public corporation  
26 making payment to reimburse a contractor or  
27 subcontractor for a new bond as required by this  
28 section shall be subrogated to all of the rights of a  
29 contractor or subcontractor against each other and  
30 against the insolvent bonding company."

Lageschulte of Bremer rose on a point of order that amendment H—4264 was not germane.

The Speaker ruled the point well taken and amendment H—4264 not germane.

Arnould of Scott asked and received unanimous consent that Senate File 518 be deferred and that the bill retain its place on the calendar.

## SENATE MESSAGES CONSIDERED

**Senate File 514**, by committee on appropriations, a bill for an act to appropriate moneys for educational improvement, including moneys for teacher salaries, benefits, and sabbaticals and for the education of certain children.

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

**Senate File 519**, by committee on ways and means, a bill for an act relating to the time for claiming urban revitalization tax exemptions.

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

On motion by Arnould of Scott, the House was recessed at 12:07 p.m., until 1:15 p.m.

## AFTERNOON SESSION

The House reconvened, Speaker Avenson in the chair.

## RULES SUSPENDED

Arnould of Scott asked and received unanimous consent to suspend the rules and take up out of order House File 682.

## CONSIDERATION OF BILLS

## Ways and Means Calendar

**House File 682**, a bill for an act relating to exemption certificates and processing activities under the state sales, services, and use tax and providing an effective date, was taken up for consideration.

Chapman of Linn offered the following amendment H—4225 filed by her and moved its adoption:

H—4225

- 1 Amend House File 682 as follows:
- 2 1. By striking page 4, line 9 through page 5,
- 3 line 32.
- 4 2. Title page, lines 1 and 2, by striking the
- 5 words "and processing activities".

Amendment H—4225 was adopted.

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

On the question "Shall the bill pass?" (H.F. 682)

The ayes were, 93:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Blanshan	Brammer
Buhr	Carpenter	Chapman	Clark
Cohoon	Connolly	Connors	Cooper
Corbett	Corey	Daggett	De Groot
Diemer	Doderer	Dvorsky	Eddie
Fey	Fogarty	Fuller	Garman
Groninga	Gruhn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. R.	Harbor
Harper	Haverland	Hermann	Hester
Holveck	Hummel	Jochum	Johnson
Knapp	Koenigs	Kremer	Lageschulte
Lundby	Maulsby	May	McKean
McKinney	Metcalf	Miller	Muhlbauer
Mullins	Neuhauser	Norrgard	Ollie
Osterberg	Parker	Paulin	Pavich
Pellett	Peters	Petersen, D. F.	Peterson, M. K.
Platt	Poncy	Renaud	Renken
Rosenberg	Royer	Running	Schnekloth
Schrader	Sherzan	Shoning	Siegrist
Skow	Spear	Stromer	Stueland
Svoboda	Swartz	Swearingen	Tabor
Teaford	Van Camp	Van Maanen	Wise
Mr. Speaker			

The nays were, none.

Absent or not voting, 7:

Black	Branstad	Hatch	Jay
Plasier	Shoultz	Tyrrrell	

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 682)

Arnould of Scott asked and received unanimous consent that House File 682 be immediately messaged to the Senate.

#### Appropriations Calendar

The House resumed consideration of **Senate File 518**, a bill for an act relating to and making appropriations to state agencies whose responsibilities relate to public defense, public safety, transportation, and enforcement, and including allocation of moneys from the road use tax fund and providing effective dates, previously deferred.

Groninga of Cerro Gordo in the chair at 1:55 p.m.

Van Maanen of Mahaska offered the following amendment H—4260 filed by him and moved its adoption:

H—4260

- 1 Amend Senate File 518 as amended, passed and
- 2 reprinted by the Senate as follows:
- 3 1. Page 12, by inserting after line 35 the
- 4 following:
- 5 "It is the intent of the general assembly that the
- 6 state department of transportation check on the
- 7 availability of existing buildings in these cities to
- 8 determine the feasibility of remodeling existing
- 9 buildings rather than constructing new facilities."

Amendment H—4260 was adopted.

Halvorson of Webster offered the following amendment H—4263 filed by him and Pavich of Pottawattamie and moved its adoption:

H—4263

- 1 Amend Senate File 518, as amended, passed, and
- 2 reprinted by the Senate as follows:
- 3 1. Page 13, by inserting after line 12 the
- 4 following:
- 5 "Sec. \_\_\_\_\_. Section 306.42, Code 1987, amended by
- 6 adding the following new subsection:
- 7 NEW SUBSECTION. 6. Notwithstanding any other
- 8 provision of the Code, for transfers of roads and
- 9 streets made after May 1, 1987, neither the
- 10 transferring jurisdiction or the receiving
- 11 jurisdiction shall be held liable for any claim or
- 12 damage for any act or omission relating to the design,
- 13 construction, or maintenance of the road or street
- 14 that occurred prior to the effective date of the
- 15 transfer. This paragraph shall apply to all transfers
- 16 pursuant to this chapter or section 313.2."

Amendment H—4263 was adopted.

Skow of Guthrie asked and received unanimous consent to defer action on amendment H—4229.

Kremer of Buchanan offered the following amendment H—4241 filed by him and Skow of Guthrie:

H—4241

- 1 Amend Senate File 518, as amended, passed, and re-
- 2 printed by the Senate, as follows:
- 3 1. Page 16, by inserting after line 11 the
- 4 following:
- 5 "Sec. \_\_\_\_\_. NEW SECTION. 321.372A VEHICLE OWNER

6 LIABILITY FOR FAILURE TO OBEY SCHOOL BUS WARNING  
7 DEVICES.

8 The driver of a school bus who observes a violation  
9 of section 321.372, subsection 3, may prepare a  
10 written report on a form provided by the department of  
11 public safety indicating that a violation has  
12 occurred. The school bus driver or a school official  
13 may deliver the report not more than twenty-four hours  
14 after the violation occurred to a peace officer of the  
15 state or a peace officer of the county or municipality  
16 in which the violation occurred. The report shall  
17 state the time and the location at which the violation  
18 occurred and shall include the registration plate  
19 number and a description of the vehicle involved in  
20 the violation.

21 Not more than forty-eight hours after receiving a  
22 report of a violation of section 321.372, subsection  
23 3, from a school bus driver or a school official, the  
24 peace officer shall prepare a uniform traffic citation  
25 for the violation and shall personally serve it upon  
26 the owner of the vehicle. If acting with reasonable  
27 diligence the officer is unable to serve the citation  
28 personally to the owner, service may be made by  
29 leaving a copy of the citation at the owner's place of  
30 abode within this state in the presence of a competent  
31 member of the family at least fourteen years of age  
32 who is informed of the contents of the citation. If  
33 the owner's current place of business and place of  
34 abode are not known, service may be made by mailing a  
35 copy of the citation by certified mail to the owner's  
36 last known address.

37 The owner of a vehicle involved in a violation of  
38 section 321.372, subsection 3, is liable for the  
39 violation and shall be deemed to be the driver of the  
40 vehicle. It is not a defense that the owner was not  
41 driving the vehicle at the time of the violation  
42 except in any of the following circumstances:

43 1. The owner establishes that at the time of the  
44 violation the vehicle was in the custody of an  
45 identified person other than the owner.

46 2. The owner of the vehicle is a lessor of  
47 vehicles licensed under chapter 321F and the owner  
48 establishes that at the time of the violation the  
49 vehicle was in the custody of a lessee pursuant to a  
50 lease as defined in chapter 321F and the owner

Page 2

1 provides a peace officer with the name, address, and  
2 operator's license number of the lessee.

3 3. The owner of the vehicle is a motor vehicle  
4 dealer or manufacturer and the owner establishes that

5 the vehicle was being driven by another person on a  
6 trial run or test drive or for another reason at the  
7 time of the violation and the dealer or manufacturer  
8 provides a peace officer with the name, address, and  
9 operator's license number of the person driving the  
10 vehicle.

11 4. The vehicle was stolen at the time of the  
12 violation.

13 If the owner of the vehicle establishes that the  
14 vehicle was being driven by another person at the time  
15 of the violation as provided in this section that  
16 person and not the owner shall be charged with the  
17 violation.

18 Sec. \_\_\_\_\_, Section 321.484, unnumbered paragraph 3,  
19 Code 1985, is amended to read as follows:

20 If a peace officer as defined in section 801.4 has  
21 reasonable cause to believe the driver of a motor  
22 vehicle has violated sections 321.261, 321.262, or  
23 321.264, ~~or 321.372~~, the officer may request any owner  
24 of the motor vehicle to supply information identifying  
25 the driver. When requested, the owner of the vehicle  
26 shall identify the driver to the best of ~~his or her~~  
27 the owner's ability. However, the owner of the  
28 vehicle is not required to supply identification  
29 information to the officer if the owner believes the  
30 information is self-incriminating."

31 2. Title page, line 4, by inserting after the  
32 word "fund" the following: "and providing that under  
33 certain circumstances the owner of a vehicle which is  
34 violating the warning lamps or stop arm of a school  
35 bus shall be deemed to be the driver, making penalties  
36 applicable".

Pavich of Pottawattamie rose on a point of order that amendment  
H-4241 was not germane.

The Speaker ruled the point well taken and amendment H-4241  
not germane.

Skow of Guthrie asked for unanimous consent to consider amend-  
ment H-4241.

Objection was raised.

Skow of Guthrie moved that the rules be suspended to consider  
amendment H-4241.

A non-record roll call was requested.

Rule 75 was invoked.

The ayes were 49, nays 43.

The motion to suspend the rules, having failed to receive a constitutional majority, lost.

Skow of Guthrie asked and received unanimous consent to withdraw amendment H—4229, previously deferred, filed by him and Kremer of Buchanan on May 6, 1987.

Van Camp of Scott offered the following amendment H—4249 filed by him and Connolly of Dubuque:

H—4249

1 Amend Senate File 518, as amended, passed, and  
2 reprinted by the Senate as follows:  
3 1. Page 16, by inserting before line 12 the  
4 following:  
5 "Sec. \_\_\_\_\_. Section 321.46, subsection 3,  
6 unnumbered paragraph 1, Code 1987, is amended to read  
7 as follows:  
8 The applicant shall be entitled to a credit for  
9 that portion of the registration fee of the vehicle  
10 sold, traded, or junked within the state which had not  
11 expired prior to the transfer of ownership of the  
12 vehicle. The registration fee for the new  
13 registration for the vehicle acquired shall be reduced  
14 by the amount of the credit. The credit shall be  
15 computed on the basis of the number of months  
16 remaining in the registration year, rounded to the  
17 nearest whole dollar. The credit shall be subject to  
18 the following limitations:"

Chapman of Linn rose on a point of order that amendment H—4249 was not germane.

The Speaker ruled the point well taken and amendment H—4249 not germane.

Renken of Grundy offered the following amendment H—4271 filed by him from the floor:

H—4271

1 Amend Senate File 518 as amended, passed and  
2 reprinted by the Senate, as follows:  
3 1. Page 16, by inserting before line 12 the  
4 following:  
5 "Sec. \_\_\_\_\_. Section 321.445, subsection 2, Code  
6 1987, is amended by striking the subsection and  
7 inserting in lieu thereof the following:  
8 2. The fact of use, or nonuse, of safety belts or  
9 safety harnesses by a person is not admissible or  
10 material as evidence in civil actions brought for  
11 damages.  
12 Sec. \_\_\_\_\_. Section 321.445, subsections 3 and 4,  
13 Code 1987, are amended by striking the subsections."

Pavich of Pottawattamie rose on a point of order that amendment H—4271 was not germane.

The Speaker ruled the point well taken and amendment H—4271 not germane.

Harbor of Mills offered the following amendment H—4253 filed by him and Branstad of Winnebago:

H—4253

1 Amend Senate File 518 as amended, passed and  
2 reprinted by the Senate as follows:

3 1. Page 17, by inserting before line 23 the  
4 following:

5 "Sec. \_\_\_\_\_. Section 327H.24, Code 1987, is amended  
6 by adding the following new unnumbered paragraph:

7 NEW UNNUMBERED PARAGRAPH. Notwithstanding section  
8 453.7, subsection 2, interest and earnings on moneys  
9 deposited in the railroad assistance fund shall be  
10 credited to the railroad assistance fund. Interest  
11 and earnings credited to the railroad assistance fund  
12 under this paragraph shall be expended as  
13 nonreimbursable grants."

14 2. Page 17, by inserting before line 23 the  
15 following:

16 "Sec. \_\_\_\_\_. 1983 Iowa Acts, chapter 198, section  
17 32, unnumbered paragraph 1, is amended to read as  
18 follows:

19 SEC. 32. Notwithstanding the provisions of section  
20 423.24, there is transferred from revenues collected  
21 under chapter 423 during each year of the fiscal  
22 period beginning July 1, 1983 and ending June 30, 1985  
23 from the use tax imposed on motor vehicles, trailers  
24 and motor vehicle accessories and equipment under  
25 section 423.7 the sum of seven million five hundred  
26 thousand (7,500,000) dollars which shall be  
27 transferred to the special railroad facility fund to  
28 be used exclusively for the purposes provided in this  
29 section. The Iowa railway finance authority may enter  
30 into a partnership agreement as allowed under section  
31 307B.7, subsection 7, for the purpose of acquiring the  
32 right-of-way of the Chicago, Rock Island and Pacific  
33 railroad. The funds shall be expended to supplement  
34 private investment capital obtained for that purpose  
35 by matching any private investment capital on an equal  
36 basis. The funds transferred to the special railroad  
37 facility fund under this section shall be considered  
38 an interest-free loan to be repaid to the road use tax  
39 fund from receipts credited to the special railroad  
40 facility fund under section 307B.23 except that moneys  
41 credited for repayment of the loan during the period

42 beginning July 1, 1987 and ending June 30, 1989, shall  
 43 be credited to the railroad assistance fund."

Koenigs of Mitchell rose on a point of order that amendment H—4253 was not germane.

The Speaker ruled the point not well taken and amendment H—4253 germane.

Harbor of Mills moved the adoption of amendment H—4253.

A non-record roll call was requested.

The ayes were 46, nays 32.

Amendment H—4253 was adopted.

Skow of Guthrie offered the following amendment H—4299 filed by him from the floor:

H—4299

- 1 Amend Senate File 518, as amended, passed, and re-
- 2 printed by the Senate, as follows:
- 3 1. Page 3, by inserting after line 27 the fol-
- 4 lowing:
- 5 "Funds appropriated under this subsection shall be
- 6 terminated January 1, 1988, and moneys not expended
- 7 shall be returned to the general fund of the state, if
- 8 the federal government refuses to terminate what is
- 9 referred to as the "Montgomery Amendment"."

Hummel of Benton rose on a point of order that amendment H—4299 was not germane.

The Speaker ruled the point not well taken and amendment H—4299 germane.

Skow of Guthrie moved the adoption of amendment H—4299.

Roll call was requested by Skow of Guthrie and Harbor of Mills.

On the question "Shall amendment H—4299 be adopted?"  
 (S.F. 518)

The ayes were, 34:

Adams	Beatty	Black	Blanshan
Brammer	Buhr	Cphoon	Connolly
Connors	Dvorsky	Fuller	Halvorson, R. N.
Hammond	Harper	Hatch	Haverland
Holveck	Jay	Jochum	Johnson
Koenigs	Lundby	Neuhauser	Norrgard
Osterberg	Peterson, M. K.	Rosenberg	Schrader

Sherzan Teaford	Shoultz Mr. Speaker (Groninga)	Skow	Svoboda
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The nays were, 58:

Beaman	Bennett	Branstad	Carpenter
Chapman	Clark	Cooper	Corbett
Corey	Daggett	De Groot	Diemer
Doderer	Eddie	Fey	Fogarty
Garman	Gruhn	Halvorson, R. A.	Hansen, S. D.
Hanson, D. R.	Harbor	Hermann	Hummel
Knapp	Kremer	Lageschulte	Maulsby
May	McKean	McKinney	Metcalf
Miller	Muhlbauer	Mullins	Ollie
Parker	Paulin	Pavich	Pellett
Peters	Petersen, D. F.	Plasier	Platt
Pony	Renaud	Renken	Royer
Running	Schnekloth	Shoning	Siegrist
Spear	Stueland	Swartz	Tabor
Van Camp	Van Maanen		

Absent or not voting, 8:

Arnould	Avenson	Bisignano	Hester
Stromer	Swearingen	Tyrrell	Wise

Amendment H — 4299 lost.

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

On the question "Shall the bill pass?" (S.F. 518)

The ayes were, 90:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Black	Blanshan
Brammer	Branstad	Buhr	Carpenter
Chapman	Clark	Cohoon	Connolly
Connors	Cooper	Corbett	Corey
Daggett	De Groot	Diemer	Dvorsky
Eddie	Fey	Fogarty	Fuller
Garman	Gruhn	Halvorson, R. A.	Hammond
Hansen, S. D.	Hanson, D. R.	Harbor	Harper
Hatch	Haverland	Hermann	Holveck
Hummel	Jay	Jochum	Johnson
Knapp	Koenigs	Kremer	Lageschulte
Lundby	Maulsby	May	McKinney
Metcalf	Miller	Muhlbauer	Mullins
Neuhauser	Norrard	Ollie	Osterberg
Parker	Paulin	Pavich	Pellett
Peters	Petersen, D. F.	Peterson, M. K.	Plasier

Platt	Poncy	Renaud	Renken
Rosenberg	Royer	Running	Schneklath
Schrader	Sherzan	Shoning	Siegrist
Spear	Stromer	Stueland	Svoboda
Tabor	Teaford	Van Camp	Van Maanen
Wise	Mr. Speaker (Groninga)		

The nays were, 3:

Halvorson, R. N.	McKean	Skow
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Absent or not voting, 7:

Avenson	Doderer	Hester	Shoultz
Swartz	Swearingen	Tyrrell	

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 members of the conference committee, on the part of the Senate, appointed May 7, 1987, to Senate File 510, a bill for an act relating to the conducting of classified research at institutions under the state board of regents, are: The Senator from Johnson, Senator Varn, Chair; the Senator from Linn, Senator Wells; the Senator from Dallas, Senator Rior-dan; the Senator from Clay, Senator Holt; and the Senator from Polk, Senator Readinger.

JOHN F. DWYER, Secretary

The House stood at ease at 3:08 p.m., until the fall of the gavel.

The House resumed session at 3:54 p.m., Groninga of Cerro Gordo 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 5, 1987, amended and passed the following bill in which the concurrence of the House is asked:

House File 377, a bill for an act relating to public financing of political campaigns, appropriating funds, and providing penalties and providing effective dates.

JOHN F. DWYER, Secretary

#### COMMITTEE RECOMMENDATION

MR. SPEAKER: The Chief Clerk of the House respectfully

reports that the following committee recommendation has been received and is on file in the office of the Chief Clerk.

**JOSEPH O'HERN**  
Chief Clerk of the House

**COMMITTEE ON ECONOMIC DEVELOPMENT**

**Senate File 515**, a bill for an act relating to the allocations and appropriations of lottery revenues and the programs for which the revenues may be used.

Fiscal Note is not required.

**Recommended Amend and Do Pass with amendment H—4265** May 6, 1987.

**RULES SUSPENDED**

Arnould of Scott asked and received unanimous consent to suspend the rules for the immediate consideration of Senate File 515.

**Appropriations Calendar**

**Senate File 515**, a bill for an act relating to the allocations and appropriations of lottery revenues and the programs for which the revenues may be used, with report of committee recommending amendment and passage was taken up for consideration.

Running of Linn offered the following amendment H—4265 filed by the committee on economic development:

H—4265

- 1 Amend Senate File 515, as amended, passed, and re-
- 2 printed by the Senate, as follows:
- 3 1. Page 3, line 4, by inserting after the word
- 4 "grants." the following: "Loans in excess of fifty
- 5 thousand dollars involving a city or county, if the
- 6 city or county has established a special economic de-
- 7 velopment fund to which repayments of interest would
- 8 be credited and from which moneys would be used solely
- 9 for additional economic development projects or
- 10 purposes, shall be made on the following terms:
- 11 principal payments shall be paid to the community
- 12 economic betterment account; interest payments shall
- 13 be paid to the city or county making the loan; and the
- 14 city or county shall supervise and enforce the terms
- 15 of the loan and the cost of supervision and
- 16 enforcement shall be borne and paid by the city or
- 17 county from funds other than those received as
- 18 interest payments on economic development loans."
- 19 2. Page 3, line 21, by inserting after the word
- 20 "businesses" the following: "and shall consider the
- 21 level of excess production capacity within an industry
- 22 when making this determination".
- 23 3. Page 3, by striking lines 22 through 25 and

24 inserting the following: "In determining the impact  
25 on businesses in competition with the business being  
26 considered for assistance, jobs created as a result of  
27 other jobs being displaced elsewhere in the state  
28 shall not be considered direct jobs created."

29 4. Page 4, line 20, by inserting after the word  
30 "from" the following: "the merged area schools".

31 5. Page 5, lines 24 and 25, by striking the words  
32 "three million six hundred" and inserting the  
33 following: "six million six hundred seventy-five".

34 6. Page 5, line 26, by striking the words "one  
35 million" and inserting the following: "one three  
36 million seven hundred fifty thousand".

37 7. Page 5, line 27, by striking the words "one  
38 million" and inserting the following: "one three  
39 million seven hundred fifty thousand".

40 8. Page 5, lines 33 and 34, by striking the words  
41 "seven million one hundred fifty" and inserting the  
42 following: "eight million three hundred seventy-  
43 five".

44 9. Page 6, line 4, by striking the words "eight  
45 million" and inserting the following: "seven million  
46 two hundred fifty thousand".

47 10. Page 6, line 24, by striking the words "one  
48 million three hundred sixty-five thousand" and  
49 inserting the following: "two million".

50 11. Page 6, by striking lines 25 through 35 and

## Page 2

1 inserting the following: "dollars."

2 12. Page 7, line 3, by inserting after the word  
3 "million" the following: "five hundred thousand".

4 13. Page 7, line 7, by striking the word "one"  
5 and inserting the following: "six".

6 14. Page 7, line 16, by inserting after the word  
7 "dollars" the following: "of which fifty thousand  
8 dollars shall be used by the department to hire a  
9 rural development coordinator; forty-five thousand  
10 dollars for an informational referral center; and  
11 ninety-five thousand dollars for model rural  
12 development projects".

13 15. Page 7, line 28, by striking the words "of  
14 new incubators" and inserting the following: "of at  
15 least one new incubator in the fiscal year".

16 16. Page 7, lines 32 and 33, by striking the  
17 words "within a certain time frame" and inserting the  
18 following: "from the need for further grants within  
19 three years of its start-up".

20 17. Page 8, by striking lines 24 through 31 and  
21 inserting the following: "dollars."

22 18. By striking page 9, line 4 through page 10,

23 line 6 and inserting the following:

24 "NEW LETTERED PARAGRAPH. i. For the fiscal year  
 25 beginning July 1, 1987 only, to the department of  
 26 economic development the sum of one hundred thousand  
 27 dollars, or so much as is necessary, to provide a  
 28 grant to the organizers from the 1988 world ag expo in  
 29 the Amana colonies."

30 19. Page 10, line 32, by inserting after the word  
 31 "dollars" the following: "of which five hundred  
 32 thousand dollars shall be allocated to the Iowa State  
 33 University of science and technology for the national  
 34 center for food and industrial agricultural product  
 35 development; and two hundred fifty thousand dollars  
 36 shall be allocated to the University of Northern Iowa  
 37 for the decision making science institute".

38 20. Page 11, by striking lines 4 through 14.

39 21. Page 11, line 18, by striking the words  
 40 "maintenance, and miscellaneous purposes" and insert-  
 41 ing the following: "and maintenance".

42 22. Page 11, line 20, by inserting after the word  
 43 "institute." the following: "The peace institute  
 44 shall not use any of the state funds for the construc-  
 45 tion or purchase of real property."

46 23. Page 11, line 21, by striking the words "a  
 47 and c" and inserting the following: "c and h".

48 24. Page 11, by striking lines 23 through 29.

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

### Page 3

1 "h. There is appropriated from the allotment made  
 2 to the jobs now capitals account under subsection 1  
 3 for the fiscal year beginning July 1, 1986 to the  
 4 legislative council for the use of the world trade  
 5 advisory committee the sum of one hundred twenty-five  
 6 thousand dollars, or so much thereof as is necessary,  
 7 to pay expenses of the members of the committee and  
 8 other expenses approved by the committee.  
 9 Notwithstanding subsection 7, any moneys not expended  
 10 under this paragraph by June 30, 1987 shall revert to  
 11 the Iowa plan fund to be allotted be transferred for  
 12 the fiscal year beginning July 1, 1987 to the various  
 13 accounts in the Iowa plan fund department of economic  
 14 development for a labor management council for which  
 15 the department may contract out."

16 26. Page 12, line 7, by striking the word "one"  
 17 and inserting the following: "two".

18 27. Page 12, line 8, by striking the words  
 19 "tourism and cultural centers." and inserting the  
 20 following: "welcome centers as provided in 1987 Iowa  
 21 Acts, House File 540. Of the amounts appropriated,

22 sixty thousand dollars shall be used for the  
23 establishment of rural centers to be located in or  
24 near communities with populations of five thousand or  
25 less. Not more than twenty thousand dollars shall be  
26 expended for each center. The local communities are  
27 required to equally match state funds."

28 28. Page 12, by striking lines 11 through 13 and  
29 inserting the following: "for construction,  
30 equipment, renovation, and other costs associated with  
31 buildings in the capitol complex the sum of two  
32 million seven hundred fifty thousand dollars for each  
33 of the fiscal years beginning July 1, 1987; July 1,  
34 1988; and July 1, 1989 to the department of general  
35 services. Of the total funds appropriated, seven  
36 hundred fifty thousand dollars shall be utilized to  
37 pay costs of equipping the new historical building and  
38 the costs of moving exhibits into that building; the  
39 funds shall next be used to construct and equip  
40 additional space for the general assembly as approved  
41 by the legislative council; and the remaining funds  
42 shall be used for renovation and remodeling of  
43 buildings in the capitol complex."

44 29. Page 12, by striking lines 14 through 24.

45 30. Page 12, by striking lines 29 and 30 and  
46 inserting the following: "sum of fifty thousand  
47 dollars."

48 31. By striking page 12, line 35 through page 13,  
49 line 1 and inserting the following: "the sum of fifty  
50 thousand dollars."

#### Page 4

1 32. Page 13, by inserting after line 30 the fol-  
2 lowing:

3 "Sec. \_\_\_\_\_. Section 28.101, subsection 2,  
4 unnumbered paragraph 1, Code 1987, is amended to read  
5 as follows:

6 To aid in fulfilling the purpose of the primary  
7 research and marketing center for business and  
8 international trade, the department may provide grants  
9 to establish satellite centers throughout the state.  
10 To facilitate establishment of satellite centers, the  
11 state is divided up into fifteen regional economic  
12 delivery areas which have the same area boundaries as  
13 merged areas, as defined in section 280A.2, in  
14 existence on May 3, 1985. Each regional delivery area  
15 wishing to receive a grant from the department to  
16 establish a satellite center in its area shall create  
17 a regional coordinating council which shall develop a  
18 plan for the area to coordinate all federal, state,  
19 and local economic development services within the  
20 area. After developing this plan, the council may

21 seek a grant for a satellite center by submitting the  
22 coordinating plan and an application for a grant to  
23 the department. A grant shall not be awarded within  
24 the regional economic delivery area without the  
25 approval of the regional coordinating plan by the  
26 department. The department may rescind its approval  
27 of a regional coordinating plan upon thirty days  
28 notice, if the department determines that the stated  
29 purpose of the plan is not being carried out. The  
30 department may then accept an alternative proposal for  
31 a regional coordinating plan. If a regional  
32 coordinating council is awarded a grant for a  
33 satellite center, it shall employ a center director at  
34 the satellite center. The regional coordinating  
35 councils shall have sole authority to hire the  
36 director of the satellite centers. If, in the opinion  
37 of the department, the director of any satellite  
38 center is not fulfilling the regional coordinating  
39 plan, the department may rescind its approval of the  
40 plan. The center director's duties and  
41 responsibilities include the following:"

Speaker Avenson in the chair at 4:12 p.m.

Running of Linn offered the following amendment H—4275, to the committee amendment H—4265, filed by him from the floor and moved its adoption:

H—4275

1 Amend the Committee amendment, H—4265, to Senate  
2 File 515, as amended, passed, and reprinted by the  
3 Senate, as follows:  
4 1. Page 2, line 26, by striking the words  
5 "economic development" and inserting the following:  
6 "agriculture and land stewardship".

A non-record roll call was requested.

The ayes were 51, nays 37.

Amendment H—4275 was adopted.

Corbett of Linn offered the following amendment H—4303, to the committee amendment H—4265, filed by him from the floor and moved its adoption:

H—4303

1 Amend the Committee amendment, H—4265, to Senate  
2 File 515, as amended, passed, and reprinted by the  
3 Senate, as follows:  
4 1. Page 2, line 45, by inserting after the word  
5 "property" the following: "or for salaries".

A non-record roll call was requested.

The ayes were 38, nays 49.

Amendment H—4303 lost.

Division of the committee amendment H—4265 was requested as follows:

H—4265A — page 1, lines 3 through 50; page 2, lines 1 through 20, lines 30 through 37 and lines 39 through 50; all of pages 3 and 4.

H—4265B — page 2, lines 20 and 21.

H—4265C — page 2, lines 22 through 29.

H—4265D — page 2, line 38.

On motion by Running of Linn, the committee amendment H—4265A was adopted.

On motion by Running of Linn, the committee amendment H—4265B was adopted.

On motion by Running of Linn, the committee amendment H—4265C, as amended, was adopted.

Running of Linn moved the adoption of the committee amendment H—4265D.

Roll call was requested by Van Camp of Scott and Stromer of Hancock.

Rule 75 was invoked.

On the question “Shall the committee amendment H—4265D be adopted?” (S.F. 515)

The ayes were, 58:

Adams	Arnould	Beatty	Bisignano
Black	Blanshan	Brammer	Buhr
Chapman	Cphoon	Connolly	Connors
Cooper	Doderer	Dvorsky	Fey
Fogarty	Fuller	Groninga	Gruhn
Halvorson, R. N.	Hammond	Hansen, S. D.	Harbor
Harper	Hatch	Haverland	Holveck
Jay	Jochum	Johnson	Knapp
Koenigs	Lundby	May	McKinney
Muhlbauer	Neuhauser	Norrgard	Ollie
Osterberg	Parker	Pavich	Peters
Peterson, M. K.	Poncy	Renaud	Rosenberg
Running	Sherzan	Skow	Spear
Svoboda	Swartz	Tabor	Teaford
Wise	Mr. Speaker		

The nays were, 39:

Beaman	Bennett	Branstad	Carpenter
Clark	Corbett	Corey	Daggett
De Groot	Diemer	Eddie	Garman
Halvorson, R. A.	Hanson, D. R.	Hermann	Hester
Hummel	Kremer	Lageschulte	Maulsby
McKean	Metcalf	Miller	Mullins
Paulin	Pellett	Petersen, D. F.	Plasier
Platt	Renken	Royer	Schneklloth
Shoning	Siegrist	Stromer	Stueland
Swearingen	Van Camp	Van Maanen	

Absent or not voting, 3:

Schrader	Shoultz	Tyrrell
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The committee amendment H—4265D was adopted.

Van Camp of Scott offered the following amendment H—4250 filed by him:

H—4250

1 Amend Senate File 515 as amended, passed and  
 2 reprinted by the Senate as follows:  
 3 1. Page 1, by inserting before line 1 the  
 4 following:  
 5 "Sec. \_\_\_\_\_. Section 99E.10, subsection 1,  
 6 unnumbered paragraph 1, Code 1987, is amended to read  
 7 as follows:  
 8 Upon receipt of any revenue, the commissioner shall  
 9 deposit the moneys in the lottery fund created  
 10 pursuant to section 99E.20 with the exception of the  
 11 revenue to be deposited in the prescription drug  
 12 program fund pursuant to subsection 4. As nearly as  
 13 is practicable, at least fifty percent of the  
 14 projected annual revenue, after deduction of the  
 15 amount of the sales tax, accruing from the sale of  
 16 tickets or shares is appropriated for payment of  
 17 prizes to the holders of winning tickets. After the  
 18 payment of prizes, all of the following shall be  
 19 deducted from lottery revenue prior to disbursement:"  
 20 2. Page 1, by inserting after line 31 the  
 21 following:  
 22 "Sec. \_\_\_\_\_. Section 99E.10, Code 1987, is amended  
 23 by adding the following new subsection:  
 24 NEW SUBSECTION. 4. The commissioner shall deposit  
 25 one hundred percent of lottery revenues derived from  
 26 video lottery games in the prescription drug program  
 27 fund created in the office of the treasurer of state.  
 28 The moneys credited to the prescription drug program  
 29 fund are appropriated to the department of elder  
 30 affairs to fund the prescription drug program

31 established pursuant to section 249D.60. Any interest  
 32 earned on moneys credited to the fund shall remain in  
 33 the fund and shall be expended to fund the  
 34 prescription drug program. As used in this section,  
 35 "video lottery games" means lottery games involving a  
 36 machine designed similar to a video amusement game  
 37 with the exception that prizes are awarded at random  
 38 by the lottery agency at the conclusion of the game."

39 3. Page 15, by inserting after line 30 the  
 40 following:

41 "Sec. \_\_\_\_\_. NEW SECTION. 249D.60 PRESCRIPTION  
 42 DRUG PROGRAM.

43 The commission shall adopt a plan for, and the  
 44 department shall initiate a prescription drug program  
 45 to subsidize the prescription drug costs of elders who  
 46 have limited resources to pay these costs. The  
 47 department shall establish a cost-sharing schedule  
 48 which reflects the ability of the elder to pay  
 49 prescription drug costs, including the elder's  
 50 eligibility for medicare or other reimbursement, if

**Page 2**

1 available. The commission may enter into agreements  
 2 with providers, provider associates, or other state  
 3 agencies to administer all or part of the program or  
 4 to provide related services, and may use up to five  
 5 percent of the moneys appropriated to the department  
 6 for the administrative costs of this program. The  
 7 commission shall establish administrative rules  
 8 pursuant to chapter 17A to govern the operation of  
 9 this program."

Haverland of Polk in the chair at 4:54 p.m.

Van Camp of Scott moved the adoption of amendment H—4250.

Roll call was requested by Van Camp of Scott and Bennett of Ida.

On the question "Shall amendment H—4250 be adopted?"  
 (S.F. 515)

The ayes were, 40:

Beaman	Bennett	Branstad	Carpenter
Clark	Corbett	Corey	Daggett
De Groot	Diemer	Eddie	Garman
Halvorson, R. A.	Hanson, D. R.	Harbor	Hermann
Hester	Hummel	Kremer	Lageschulte
Lundby	Maulsby	McKean	Miller
Paulin	Pellett	Petersen, D. F.	Plasier
Platt	Renken	Rosenberg	Royer
Schnekloth	Shoning	Siegrist	Stromer
Stueland	Swearingen	Van Camp	Van Maanen

The nays were, 51:

Adams	Arnould	Beatty	Blanshan
Brammer	Buhr	Chapman	Cohoon
Connolly	Connors	Cooper	Doderer
Dvorsky	Fey	Fogarty	Fuller
Groninga	Gruhn	Halvorson, R. N.	Hammond
Hansen, S. D.	Harper	Hatch	Holveck
Jay	Jochum	Johnson	Knapp
Koenigs	May	McKinney	Muhlbauer
Mullins	Neuhauser	Norrgard	Osterberg
Parker	Pavich	Peters	Peterson, M. K.
Poncy	Renaud	Running	Schrader
Skow	Spear	Svoboda	Swartz
Teaford	Wise	Mr. Speaker (Haverland)	

Absent or not voting, 9:

Avenson	Bisignano	Black	Metcalf
Ollie	Sherzan	Shoultz	Tabor
Tyrrell			

Amendment H—4250 lost.

Hanson of Delaware offered the following amendment H—4300 filed by him from the floor and moved its adoption:

H—4300

- 1 Amend Senate File 515, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, by inserting before line 1 the
- 4 following:
- 5 "Section 1. Section 99E.9, Code 1987, is amended
- 6 by adding the following new subsection:
- 7 **NEW SUBSECTION.** In making decisions relating to
- 8 the marketing or advertising of the Iowa lottery and
- 9 the various games offered, the board shall give
- 10 consideration to marketing or advertising through
- 11 Iowa-based advertising agencies and media outlets."

Amendment H—4300 was adopted.

McKean of Jones offered the following amendment H—4302 filed by him from the floor and moved its adoption:

H—4302

- 1 Amend Senate File 515 as amended, passed and
- 2 reprinted by the Senate as follows:
- 3 1. Page 7, line 20, by inserting after the word
- 4 "dollars." the following: "The program shall apply to
- 5 towns with a population between five thousand and
- 6 fifty thousand and all county seat towns whose
- 7 populations do not exceed fifty thousand."

A non-record roll call was requested.

The ayes were 38, nays 42.

Amendment H—4302 lost.

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

On the question "Shall the bill pass?" (S.F. 515)

The ayes were, 92:

Adams	Arnould	Avenson	Beaman
Beatty	Bennett	Bisignano	Black
Brammer	Branstad	Buhr	Carpenter
Chapman	Clark	Cphoon	Connolly
Connors	Cooper	Corbett	Corey
Daggett	De Groot	Diemer	Doderer
Dvorsky	Eddie	Fey	Fogarty
Fuller	Garman	Groninga	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Hansen, S. D.
Hanson, D. R.	Harbor	Harper	Hatch
Hermann	Hester	Holveck	Jay
Jochum	Johnson	Knapp	Koenigs
Kremer	Lageschulte	Lundby	May
McKean	McKinney	Metcalf	Miller
Muhlbauer	Mullins	Neuhauser	Norrgard
Osterberg	Parker	Paulin	Pavich
Pellett	Peters	Petersen, D. F.	Peterson, M. K.
Plasier	Platt	Poncy	Renaud
Rosenberg	Royer	Running	Schnekloth
Schrader	Sherzan	Shoning	Shoultz
Siegrist	Skow	Spear	Stromer
Stueland	Swartz	Swearingen	Tabor
Teaford	Van Camp	Wise	Mr. Speaker (Haverland)

The nays were, 3:

Hummel	Renken	Van Maanen
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Absent or not voting, 5:

Blanshan	Maulsby	Ollie	Svoboda
Tyrrell			

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

SENATE AMENDMENTS CONSIDERED  
House Refused to Concur

Hatch of Polk called up for consideration **Senate Concurrent Resolution 35**, relating to the board of regents ten-year building program, amended by the House, further amended by the Senate and moved that the House concur in the following Senate amendment H—4268 to the House amendment:

H—4268

1 Amend the House amendment, S—3964, to Senate  
2 Concurrent Resolution 35, as passed by the Senate, as  
3 follows:

4 1. Page 1, by striking lines 5 and 6 and  
5 inserting the following: "amount not exceeding sixty-  
6 six million three hundred thousand (66,300,000)".

7 2. Page 1, by striking lines 9 and 10 and  
8 inserting the following: "is authorized, is sixty-six  
9 million three hundred thousand (66,300,000), all or  
10 any part of which may be".

11 3. Page 1, by striking lines 16 and 17 and  
12 inserting the following: "inserting the following:  
13 "exceed sixty-six million three hundred thousand  
14 (66,300,000) dollars:"."

15 4. Page 1, by striking lines 20 through 34 and  
16 inserting the following:

17	" <u>State University of Iowa</u> . . . . .	\$ 25,100,000
18	Laser laboratories	
19	International center (old	
20	law center) remodeling	
21	Cost of issuance of bonds	
22	<u>Iowa State University</u> . . . . .	\$ 38,200,000
23	Molecular biology building	
24	Home economics building-phase I	
25	Meat irradiation facility	
26	University research park development	
27	Industrial education remodeling	
28	Veterinary medicine research	
29	institute laboratory	
30	Cost of issuance of bonds	
31	<u>University of Northern Iowa</u> . . . . .	\$ 3,000,000
32	Latham hall remodeling	
33	Cost of issuance of bonds	
34	Total	<u>\$ 66,300,000".</u>

The motion lost and the House refused to concur in the Senate amendment H—4268, to the House amendment.

## House Concurred

Blanshan of Greene called up for consideration **Senate File 148**, a bill for an act relating to gender balance in the appointment and election of judicial nominating commissioners, amended by the House, further amended by the Senate and moved that the House concur in the following Senate amendment H—4242 to the House amendment:

H—4242

- 1 Amend the House amendment S—3599, to Senate File
- 2 148 as amended, passed and reprinted by the Senate as
- 3 follows:
- 4 1. Page 3, line 27, by inserting after the word
- 5 "section." the following: "This section shall not
- 6 prohibit an individual from completing a term being
- 7 served on June 30, 1987."

The motion prevailed and the House concurred in the Senate amendment H—4242.

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. 148)

The ayes were, 83:

Adams	Arnould	Avenson	Beaman
Beatty	Bisignano	Black	Blanshan
Brammer	Branstad	Buhr	Carpenter
Chapman	Clark	Cphoon	Connolly
Connors	Cooper	Corbett	Corey
De Groot	Diemer	Doderer	Dvorsky
Fogarty	Fuller	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. R.
Harper	Hatch	Hermann	Hester
Holveck	Hummel	Jay	Jochum
Johnson	Knapp	Koenigs	Lageschulte
Lundby	May	McKean	McKinney
Metcalf	Muhlbauer	Mullins	Neuhauser
Norrsgard	Ollie	Osterberg	Parker
Paulin	Pavich	Peters	Peterson, M. K.
Plasier	Platt	Poncy	Renaud
Rosenberg	Running	Schrader	Sherzan
Shoning	Shoultz	Siegrist	Skow
Spear	Stromer	Stueland	Svoboda
Swartz	Swearingen	Tabor	Teaford
Van Camp	Wise	Mr. Speaker	
		(Haverland)	

The nays were, 14:

Bennett	Daggett	Eddie	Garman
Harbor	Kremer	Maulsby	Miller
Pellett	Petersen, D. F.	Renken	Royer
Schnekloth	Van Maanen		

Absent or not voting, 3:

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

Lageschulte of Bremer called up for consideration **House File 493**, a bill for an act to provide office space and other physical facilities for the district court administrator, amended by the Senate, and moved that the House concur in the following Senate amendment H—4204:

H—4204

- 1 Amend House File 493, as passed by the House, as
- 2 follows:
- 3 1. Page 1, line 8, by striking the words "supreme
- 4 court" and inserting the following: "chief judge of
- 5 the respective judicial districts".

The motion prevailed and the House concurred in the Senate amendment H—4204.

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

On the question "Shall the bill pass?" (H.F. 493)

The ayes were, 76:

Adams	Arnould	Avenson	Beaman
Bisignano	Black	Blanshan	Brammer
Branstad	Buhr	Carpenter	Chapman
Clark	Cohoon	Connolly	Connors
Corbett	De Groot	Diemer	Doderer
Dvorsky	Fogarty	Garman	Groninga
Halvorson, R. A.	Halvorson, R. N.	Hammond	Hansen, S. D.
Hanson, D. R.	Harper	Hatch	Holveck
Hummel	Jay	Jochum	Johnson
Knapp	Koenigs	Kremer	Lageschulte
Lundby	May	McKinney	Metcalf
Miller	Muhlbauer	Mullins	Neuhauser
Norrgard	Osterberg	Parker	Paulin
Pavich	Peters	Petersen, D. F.	Peterson, M. K.
Plasier	Platt	Poney	Renaud
Rosenberg	Running	Schrader	Shoning

Shoultz	Siegrist	Skow	Spear
Stromer	Svoboda	Swartz	Swearingen
Tabor	Van Camp	Wise	Mr. Speaker (Haverland)

The nays were, 18:

Cooper	Corey	Daggett	Eddie
Fuller	Gruhn	Harbor	Hermann
Hester	Maulsby	McKean	Ollie
Pellett	Renken	Royer	Schneklath
Stueland	Van Maanen		

Absent or not voting, 6:

Beatty	Bennett	Fey	Sherzan
Teaford	Tyrrell		

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

### UNANIMOUS CONSENT

Lundby of Linn asked and received unanimous consent to change her vote from "nay" to "aye" on Senate File 148 and the vote was so recorded.

### IMMEDIATE MESSAGES

Arnould of Scott asked and received unanimous consent that the following be immediately messaged to the Senate: Senate File 515, Senate Concurrent Resolution 35 and House File 316.

Parker of Jasper called up for consideration **House File 658**, a bill for an act relating to the allocation of the state ceiling on private activity bonds for tax-exempt purposes and providing an effective date, amended by the Senate amendment H—3906 as follows:

H—3906

- 1 Amend House File 658 as passed by the House as
- 2 follows:
- 3 1. Page 8, line 32, by striking the word "reasonable"
- 4 and inserting in lieu thereof the word "reasonable".
- 5 2. Page 8, line 35, by striking the word "appropriate"
- 6 and inserting in lieu thereof the word "appropriate".

The Speaker announced that amendment H—4224 filed by Parker of Jasper on May 5, 1987 was out of order.

Parker of Jasper offered the following amendment H—4236, to the Senate amendment H—3906, filed by Parker, et al.:

H—4236

1 Amend the Senate amendment, H—3906, to House File  
2 658, as passed by the House, as follows:

3 "1. Page 1, by striking lines 1 through 6  
4 and inserting the following:

5 "Amend House File 658 as passed by the House as  
6 follows:

7 1. Page 8, line 32, by striking the word "reasonable"  
8 and inserting in lieu thereof the word "reasonable".

9 2. Page 8, line 35, by striking the word "appropriate"  
10 and inserting in lieu thereof the word "appropriate".

11 3. Page 9, by inserting after line 9 the following:

12 "Sec. \_\_\_\_\_. Section 524.803, subsection 1, Code  
13 1987, is amended by adding the following new lettered  
14 paragraph:

15 NEW LETTERED PARAGRAPH. f. Organize, acquire, or  
16 invest in a subsidiary for the purpose of engaging in  
17 any one or more of the following, subject to the prior  
18 approval of the superintendent:

19 (1) Nondepository activities that a state bank is  
20 authorized to engage in directly under this chapter.

21 (2) Any activity that a bank service corporation  
22 is authorized to engage in under state or federal law  
23 or regulation.

24 (3) Any activity authorized pursuant to section  
25 524.825.

26 Sec. \_\_\_\_\_. NEW SECTION. 524.825 SECURITIES  
27 ACTIVITIES.

28 Subject to the prior approval of the  
29 superintendent, a state bank or a subsidiary of a  
30 state bank organized or acquired pursuant to section  
31 524.803, subsection 1, paragraph "f" may engage in  
32 directly, or may organize, acquire, or invest in a  
33 subsidiary for the purpose of engaging in securities  
34 activities and any aspect of the securities industry,  
35 including, but not limited to, any of the following:

36 1. Issuing, underwriting, selling, or distributing  
37 stocks, bonds, debentures, notes, interest in mutual  
38 funds or money-market-type mutual funds, or other  
39 securities.

40 2. Organizing, sponsoring, and operating one or  
41 more mutual funds.

42 3. Acting as a securities broker-dealer licensed  
43 under chapter 502. The business relating to  
44 securities shall be conducted through, and in the name  
45 of, the broker-dealer. The requirements of chapter  
46 502 apply to any business of the broker-dealer  
47 transacted in this state.

48 A subsidiary engaging in activities authorized by  
49 this section may also engage in any other authorized  
50 activities under section 524.803, subsection 1,

## Page 2

1 paragraph "f".

2 Sec. \_\_\_\_\_. Section 524.901, subsection 1, Code 1987,  
3 is amended by adding the following new lettered  
4 paragraph:

5 NEW LETTERED PARAGRAPH. f. Futures, forward, and  
6 standby contracts to purchase and sell any of the  
7 instruments eligible for state banks' purchase and  
8 sale, subject to the prior approval of the  
9 superintendent and pursuant to applicable federal laws  
10 and regulations governing such contracts. Purchase  
11 and sale of such contracts shall be conducted in  
12 accordance with safe and sound banking practices and  
13 with levels of the activity being reasonably related  
14 to the state bank's business needs and capacity to  
15 fulfill its obligations under the contracts.

16 Sec. \_\_\_\_\_. Section 524.901, subsection 1, Code 1987,  
17 is amended by adding the following new lettered  
18 paragraph:

19 NEW LETTERED PARAGRAPH. g. Bonds and securities  
20 which are authorized investments under paragraph "a",  
21 "b", "c", or "d" include investments in an investment  
22 company or investment trust registered under the  
23 Investment Company Act of 1940, 15 U.S.C. § 80a, the  
24 portfolio of which is limited to the United States  
25 government obligations described in paragraph "a",  
26 "b", "c", or "d" and to repurchase agreements fully  
27 collateralized by the United States government  
28 obligations described in paragraph "a", "b", "c", or  
29 "d", if the investment company or investment trust  
30 takes delivery of the collateral either directly or  
31 through an authorized custodian.

32 Sec. \_\_\_\_\_. Section 524.901, subsection 3, paragraph  
33 d, Code 1987, is amended to read as follows:

34 d. Shares in a corporation which the state bank is  
35 authorized to acquire and hold pursuant to section  
36 524.803, subsection 1, paragraphs "c", "d", and "e",  
37 and "f" and section 524.825.

38 Sec. \_\_\_\_\_. Section 524.901, subsection 3, Code  
39 1987, is amended by adding the following new lettered  
40 paragraphs:

41 NEW LETTERED PARAGRAPH. i. Shares of investment  
42 companies, up to a maximum of twenty percent of  
43 capital and surplus of the state bank in any one  
44 company, if the portfolio of such an investment  
45 company consists wholly of investments in which the  
46 state bank could invest directly without limitation  
47 pursuant to this section.

48 NEW LETTERED PARAGRAPH. j. Shares of investment  
49 companies whose portfolios contain investments which  
50 are subject to limitations pursuant to this section,

## Page 3

1 provided that a state bank's investment in such shares  
2 does not exceed the limitation set forth in this  
3 section for the underlying instrument.

4 Sec. \_\_\_\_\_. Section 524.901, Code 1987, is amended  
5 by adding the following new subsection:

6 NEW SUBSECTION. 6. A state bank may, in the  
7 exercise of the powers granted in this chapter,  
8 purchase cash value life insurance contracts which may  
9 include provisions for the lump sum payment of  
10 premiums and which may include insurance against the  
11 loss of the lump sum payment. The cash value life  
12 insurance contracts purchased from any one company  
13 shall not exceed twenty percent of capital and surplus  
14 of the state bank.

15 Sec. \_\_\_\_\_. Section 533.4, subsection 5, Code 1987,  
16 is amended by adding the following new paragraph.

17 NEW PARAGRAPH. i. Commercial paper issued by  
18 United States corporations as defined by rule.

19 Sec. \_\_\_\_\_. Section 533.4, subsection 7, Code 1987,  
20 is amended to read as follows:

21 7. Assess fines as may be provided by the bylaws  
22 for failure to make repayments on loans and payments  
23 on shares when due, provided no such fine shall exceed  
24 one percent per month on amounts in arrears or five  
25 cents, whichever is the larger.

26 Sec. \_\_\_\_\_. Section 533.5, Code 1987, is amended by  
27 striking the section and inserting in lieu thereof the  
28 following:

29 **533.5 MEMBERSHIP.**

30 The membership of a credit union consists of those  
31 persons in the common bond, duly admitted, who have  
32 paid any required one-time or periodic membership fee,  
33 or both, have subscribed to one or more shares, and  
34 have complied with the other requirements specified by  
35 the articles of incorporation and bylaws. To continue  
36 membership, a member must comply with any changes in  
37 the par value of the share. Credit union organization  
38 shall be available to groups of individuals who have a  
39 common bond of association such as, but not limited  
40 to, occupation, common employer, or residence within  
41 specified geographic boundaries. Changes in the  
42 common bond may be made by the board of directors. If  
43 adopted as a policy by the board of directors of a  
44 credit union, members who cease to meet qualifications  
45 of membership may retain their credit union membership  
46 and all membership privileges. Organizations,  
47 incorporated or otherwise, may be members.

48 Sec. \_\_\_\_\_. Section 533.9, unnumbered paragraph 1,  
49 Code 1987, is amended to read as follows:

50 Within five days following the organization meeting

## Page 4

1 and each annual meeting the directors shall elect from  
2 their own number a chairperson of the board, a vice  
3 chairperson, ~~president and a secretary, of whom the~~  
4 ~~last two may be the same individual, and also a chief~~  
5 financial officer whose title shall be designated by  
6 the board of directors, a credit committee of not less  
7 than three members, and an auditing committee of not  
8 less than three members, and may also elect alternate  
9 members of the credit committee. The board may  
10 appoint an executive committee to act on its behalf  
11 when designated for that purpose. It shall be the  
12 duty of the ~~The~~ directors ~~to have general management~~  
13 of the affairs of the credit union, ~~particularly to:~~

14 Sec. \_\_\_\_\_. Section 533.9, subsections 1 through 7,  
15 and unnumbered paragraph 2, Code 1987, are amended by  
16 striking the subsections and unnumbered paragraph.

17 Sec. \_\_\_\_\_. Section 533.11, subsections 1 and 2,  
18 Code 1987, are amended to read as follows:

19 1. Make or cause to be made an examination of the  
20 affairs of the credit union at least quarterly semi-  
21 annually, including an audit of its books and, in the  
22 event said if the committee feels such action to be  
23 necessary, it shall call the members together  
24 thereafter after the audit and submit to them its  
25 report.

26 2. Make or cause to be made an annual audit and  
27 report and submit ~~the same~~ it at the annual meeting of  
28 the members.

29 Sec. \_\_\_\_\_. Section 533.34, subsection 1, Code 1987,  
30 is amended to read as follows:

31 1. A state credit union may convert into a federal  
32 credit union with the approval of the administrator of  
33 the national credit union administration and by the  
34 affirmative vote of a majority of the credit union's  
35 members ~~eligible to~~ who vote on the proposal. This  
36 vote, if taken, shall be at a special meeting called  
37 for that purpose and shall be in the manner prescribed  
38 by the bylaws. Any member eligible to vote and not  
39 present at the meeting may, within twenty days after  
40 the date on which the meeting was held, vote in favor  
41 of conversion by signing a statement in a form  
42 satisfactory to the superintendent. This vote shall  
43 have the same force and effect as if cast at the  
44 meeting.

45 Sec. \_\_\_\_\_. Section 533.38, unnumbered paragraph 1,  
46 Code 1987, is amended to read as follows:

47 A corporate central credit union may be  
48 established. Credit unions organized under this  
49 chapter, the Federal Credit Union Act, or any other  
50 credit union act and credit union organizations may be

## Page 5

1 members. In addition, regulated financial  
2 institutions, nonprofit organizations, and cooperative  
3 organizations may be members to the extent and manner  
4 provided for in the bylaws of the corporate central  
5 credit union. The corporate central credit union  
6 shall have all the powers, restrictions, and  
7 obligations imposed upon, or granted to a credit union  
8 under this chapter, except that the corporate central  
9 credit union may exercise any of the following  
10 additional powers subject to the adoption of rules by  
11 the superintendent pursuant to chapter 17A and with  
12 the prior written approval of the superintendent:

13 Sec. \_\_\_\_\_. NEW SECTION. 533.48 INVESTMENT IN  
14 BANKS OR SAVINGS AND LOAN ASSOCIATIONS.

15 1. INVESTMENTS IN BANKS. A credit union may, with  
16 the prior approval of the superintendent, invest in  
17 the capital stock, obligations, or other securities of  
18 a bank.

19 2. INVESTMENT IN SAVINGS AND LOANS. A credit  
20 union may, with the prior approval of the  
21 superintendent, invest in the capital stock,  
22 obligations, or other securities of a state savings  
23 and loan association.

24 3. FINDINGS REQUIRED. The superintendent shall  
25 not grant an approval under subsection 1 or 2, except  
26 after making one of the following findings:

27 a. Based upon a preponderance of the evidence  
28 presented, the proposed investment will not have the  
29 immediate effect of significantly reducing competition  
30 between depository financial institutions located in  
31 the same community as the institution whose shares  
32 would be acquired.

33 b. Based upon a preponderance of the evidence  
34 presented, the proposed investment would have an  
35 anticompetitive effect as described in paragraph "a",  
36 but other factors, specifically cited, outweigh the  
37 anticompetitive effect so that there would be a net  
38 public benefit as a result of the investment.

39 4. COMPETITION PRESERVED. The subsequent  
40 liquidation of a bank or state savings and loan  
41 association whose shares are acquired under this  
42 section shall not prevent the subsequent incorporation  
43 of another bank or savings and loan association in the  
44 same community, and the superintendent of banking  
45 shall not find the liquidation of such a bank to be  
46 grounds for disapproving the incorporation of another  
47 bank in the same community under section 524.305, and  
48 the superintendent of savings and loan associations  
49 shall not find the liquidation of such a savings and  
50 loan association to be grounds for disapproving the

## Page 6

1 incorporation of another savings and loan association  
2 in the same community under chapter 534.

3 Sec. \_\_\_\_\_. Section 534.103, subsection 6, Code  
4 1987, is amended to read as follows:

5 6. LIMITED TRUST POWERS. Associations An  
6 association incorporated under this chapter may act as  
7 trustee for trusts which are created or organized in  
8 the United States, and which form part of a stock  
9 bonus, pension, or profit sharing plan which qualifies  
10 for special tax treatment under section 401(d) or  
11 subsection (a) of section 408 of the Internal Revenue  
12 Code of 1954, as amended, or as trustee with no active  
13 fiduciary duties, if the funds of ~~such~~ the trust are  
14 invested only in savings accounts or deposits in ~~such~~  
15 the association or in obligations or securities issued  
16 by ~~such~~ the association. All funds held in such a  
17 fiduciary capacity by any ~~such~~ an association may be  
18 commingled for appropriate purposes of investment, but  
19 individual records shall be kept by the fiduciary for  
20 each participant and shall show in proper detail all  
21 transactions engaged in under the authority of this  
22 subsection.

23 The ~~administrator~~ superintendent is authorized to  
24 grant by special permit to an association the right to  
25 act as trustee, executor, administrator, guardian, or  
26 in any other fiduciary capacity. However, this  
27 authority is available only for periods of time when  
28 federally chartered savings and loan associations  
29 operating in this state are granted similar authority,  
30 and the state authorization is subject to the rights  
31 and limitations established in rules adopted by the  
32 superintendent, which shall be consistent with the  
33 rights and limitations for federally chartered  
34 associations engaged in this type of activity.

35 Sec. \_\_\_\_\_. Section 534.107, Code 1987, is amended  
36 to read as follows:

37 534.107 EXPENDITURES AND OPERATING EXPENSES.

38 All expenses for management in conducting the  
39 affairs of an association, ~~excluding the cost of~~  
40 ~~borrowed money, shall be paid from interest, service~~  
41 ~~charges and other sources of profit.~~ The said  
42 operating expense for of an association in any one  
43 year shall not exceed three percent for associations  
44 with assets not to exceed eight hundred thousand  
45 dollars and two percent for those over such amount as  
46 shown by the associations in their last annual report  
47 of the association's average assets during that year  
48 without the written approval of the superintendent.

49 Sec. \_\_\_\_\_. Section 534.111, unnumbered paragraph 2,  
50 Code 1987, is amended to read as follows:

## Page 7

1 Every association organized under the provisions of  
2 this chapter shall have and exercise has all the  
3 rights, powers, and privileges pertaining to savings  
4 and to loans not in conflict with the laws of this  
5 state, which are conferred upon federal savings and  
6 loan associations by the Home Owners' Loan Act of  
7 1933, title 12, section 1464, United States Code 12  
8 U.S.C. § 1464, and conferred by regulations adopted by  
9 the federal home loan bank board and the federal  
10 savings and loan insurance corporation.

11 Sec. \_\_\_\_\_. NEW SECTION. 534.112 REGULATORY  
12 CAPITAL.

13 An association shall maintain regulatory capital in  
14 the amount required by regulations of the federal  
15 savings and loan insurance corporation. For the  
16 purpose of this section, "regulatory capital" means  
17 the sum of all reserve accounts (except specific  
18 reserves established to offset actual or anticipated  
19 losses), undivided profits, surplus, capital stock,  
20 and any other nonwithdrawable accounts.

21 Sec. \_\_\_\_\_. Section 534.207, subsection 1, paragraph  
22 a, Code 1987, is amended to read as follows:

23 a. Loans secured by first liens or first claims on  
24 residential real estate, participation interests in  
25 groups of loans secured by first liens or first claims  
26 on residential real estate, securities that are  
27 secured by groups of loans secured by first liens or  
28 first claims on residential real estate, or property  
29 improvement loans for the making of improvements upon  
30 residential real property, or a combination of these.

31 Sec. \_\_\_\_\_. Section 534.209, Code 1987, is amended  
32 by striking the section and inserting in lieu thereof  
33 the following:

34 534.209 COMMERCIAL LENDING AND ACCOUNTS.

35 1. An association shall not hold more than forty  
36 percent of its assets in commercial loans and consumer  
37 loans as an annual average based on monthly  
38 computations.

39 2. An association may accept a commercial NOW  
40 account. For the purposes of this subsection, a  
41 "commercial NOW account" is a NOW account, as  
42 authorized by section 534.301, subsection 3, for a  
43 commercial, corporate, business, or agricultural  
44 entity.

45 3. For the purposes of this section, unless the  
46 context otherwise requires:

47 a. "Commercial loan" means a loan to a person  
48 borrowing money for a business or agricultural  
49 purpose.

50 b. "Business purpose" means a loan to a for-profit

## Page 8

1 entity, or a for-profit activity, including but not  
2 limited to a commercial, service, or industrial  
3 enterprise carried on for profit, or an investment  
4 activity.

5 c. "Agricultural purpose" means as defined in  
6 section 535.13.

7 d. "Commercial loan" does not include a loan  
8 secured by an interest in real estate for the purpose  
9 of financing the acquisition of real estate or the  
10 construction of improvements on real estate. In  
11 determining which loans are "commercial loans" the  
12 rules of construction stated in section 535.2,  
13 subsection 2, paragraph "b", apply.

14 4. For the purposes of this section, a lease of  
15 personal property is treated as a commercial loan if a  
16 loan to the lessee to acquire the property would have  
17 been a commercial loan.

18 Sec. \_\_\_\_\_. NEW SECTION. 534.215 FALSE STATEMENT  
19 FOR CREDIT.

20 A person who knowingly does either of the following  
21 is guilty of a fraudulent practice:

22 1. Makes or causes to be made, directly or  
23 indirectly, a false statement in writing with the  
24 intent that the false statement shall be relied upon  
25 by an association for the purpose of procuring the  
26 delivery of property, the payment of cash, or the  
27 receipt of credit in any form, for the benefit of the  
28 person or of any other person in which the person is  
29 interested or for whom the person is acting.

30 2. Procures the delivery of property, the payment  
31 of cash, or the receipt of credit in any form, knowing  
32 that a false statement in writing has been made  
33 concerning the financial condition or means or ability  
34 to pay of the person, or any other person in which the  
35 person is interested or for whom the person is acting,  
36 if the person knew that the association relied or  
37 would rely upon the false written statement.

38 Sec. \_\_\_\_\_. Section 534.307, subsection 2, Code  
39 1987, is amended by striking the subsection.

40 Sec. \_\_\_\_\_. Section 534.505, subsection 4, Code  
41 1987, is amended by striking the subsection.

42 Sec. \_\_\_\_\_. Section 534.702, Code 1987, is amended  
43 by adding the following new subsection:

44 NEW SUBSECTION. 9. Subject to the laws and  
45 regulations of the United States, a foreign  
46 association transacting business within this state is  
47 subject to the provisions of this chapter and is  
48 subject to the supervision of the superintendent as to  
49 its operations in this state. Notwithstanding  
50 subsection 2 of section 534.102, the term

**Page 9**

1 "association" or "state association" in this chapter  
 2 shall include a foreign association and any foreign  
 3 association which is a party to a plan of merger under  
 4 section 534.511 as to its operations in this state."

5 4. Title page, line 2, by inserting after the  
 6 word "purposes" the following: ", the powers of  
 7 certain financial institutions, acts which constitute  
 8 a fraudulent practice, imposing penalties,".

9 5. By renumbering as necessary."

Speaker Avenson in the chair at 5:35 p.m.

Sherzan of Polk offered the following amendment H—4327, to amendment H—4236, to the Senate amendment H—3906, filed by him and Schnekloth of Scott from the floor and moved its adoption:

H—4327

1 Amend the amendment, H—4236, to the Senate  
 2 amendment, H—3906, to House File 658 as passed by the  
 3 House as follows:

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

6 "Sec. \_\_\_\_\_. Section 537.2501, Code 1987, is amended  
 7 by adding the following new subsection:

8 **NEW SUBSECTION. 3.** A creditor may contract for  
 9 and receive additional charges, including charges as a  
 10 result of default by the consumer, as agreed between  
 11 the consumer and the creditor with respect to a loan  
 12 under open-end credit pursuant to a credit card issued  
 13 by the creditor which entitles the cardholder to  
 14 purchase or lease goods or services from at least one  
 15 hundred persons not related to the card issuer."

A non-record roll call was requested.

The ayes were 22, nays 55.

Amendment H—4327 lost.

On motion by Parker of Jasper, amendment H—4236, to the Senate amendment H—3906, was adopted.

On motion by Parker of Jasper, the House concurred in the Senate amendment H—3906, as amended.

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

On the question "Shall the bill pass?" (H.F. 658)

The ayes were, 96:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Black	Blanshan
Brammer	Branstad	Buhr	Carpenter
Chapman	Clark	Cohoon	Connolly
Connors	Cooper	Corbett	Corey
Daggett	De Groot	Diemer	Doderer
Dvorsky	Eddie	Fey	Fogarty
Fuller	Garman	Groninga	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Hansen, S. D.
Hanson, D. R.	Harbor	Harper	Hatch
Haverland	Hester	Holveck	Hummel
Jay	Jochum	Johnson	Knapp
Koenigs	Kremer	Lageschulte	Lundby
Maulsby	May	McKean	McKinney
Metcalf	Miller	Muhlbauer	Mullins
Neuhauser	Norrgard	Ollie	Osterberg
Parker	Paulin	Pavich	Pellett
Peters	Petersen, D. F.	Peterson, M. K.	Plasier
Platt	Poncy	Renaud	Renken
Rosenberg	Royer	Running	Schrader
Sherzan	Shoning	Siegrist	Skow
Spear	Stromer	Stueland	Svoboda
Swartz	Swearingen	Tabor	Teaford
Van Camp	Van Maanen	Wise	Mr. Speaker

The nays were, 1:

Schnekloth

Absent or not voting, 3:

Hermann

Shoultz

Tyrrell

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 626)

Skow of Guthrie called up for consideration the motion to reconsider Senate File 626, filed by him from the floor and moved to reconsider the vote by which House File 626, a bill for an act relating to the agricultural development authority, by expanding certain definitions, providing requirements for certain farmers to participate in certain programs, providing programs to assist eligible beef cattle producers, making appropriations, and providing an effective date, passed the House and was placed on its last reading on May 6, 1987.

A non-record roll call was requested.

The ayes were 60, nays 4.

The motion prevailed and the House reconsidered House File 626.

Skow of Guthrie moved to reconsider the vote by which the House concurred in the Senate amendment H—3835 (found on pages 2040 through 2049 of the House Journal), as amended, on May 6, 1987.

The motion prevailed and the House reconsidered the Senate amendment H—3835.

Skow of Guthrie moved to reconsider the vote by which amendment H—4237 (found on pages 2049 through 2056 of the House Journal), to the Senate amendment H—3835, was adopted by the House on May 6, 1987.

The motion prevailed and the House reconsidered amendment H—4237.

Skow of Guthrie offered the following amendment H—4296, to amendment H—4237, to the Senate amendment H—3835, filed by him from the floor and moved its adoption:

H—4296

- 1 Amend amendment, H—4237, to the Senate amendment,
- 2 H—3835, to House File 626, as amended, passed, and
- 3 reprinted by the House, as follows:
- 4 1. Page 6, by striking line 9 and inserting the
- 5 following: "heat to be used in implements of
- 6 husbandry engaged in agricultural production."

Amendment H—4296 was adopted.

On motion by Skow of Guthrie, amendment H—4237, as amended, was adopted.

On motion by Skow of Guthrie, the House concurred in the Senate amendment H—3835, as amended.

Skow of Guthrie 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. 626)

The ayes were, 68:

Arnould	Beaman	Beatty	Bennett
Black	Blanshan	Brammer	Branstad
Clark	Cohon	Connolly	Connors

Cooper	Corey	Daggett	Dvorsky
Eddie	Fogarty	Fuller	Garman
Gruhn	Halvorson, R. A.	Hansen, S. D.	Hanson, D. R.
Harbor	Harper	Hatch	Haverland
Hester	Hummel	Jay	Jochum
Johnson	Knapp	Koenigs	Kremer
Lundby	May	McKinney	Miller
Muhlbauer	Mullins	Norrgard	Ollie
Osterberg	Parker	Paulin	Pavich
Pellet	Petersen, D. F.	Peterson, M. K.	Rosenberg
Royer	Sherzan	Shoning	Shultz
Siegrist	Skow	Spear	Stromer
Stueland	Svoboda	Swartz	Swearingen
Tabor	Van Camp	Wise	Mr. Speaker

The nays were, 31:

Adams	Bisignano	Buhr	Carpenter
Chapman	Corbett	De Groot	Diemer
Doderer	Fey	Groninga	Halvorson, R. N.
Hammond	Hermann	Holveck	Lageschulte
Maulsby	McKean	Metcalf	Neuhauser
Peters	Plasier	Platt	Poncy
Renaud	Renken	Running	Schnekloth
Schrader	Teaford	Van Maanen	

Absent or not voting, 1:

Tyrrell

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 518)

Arnould of Scott asked and received unanimous consent that Senate File 518 be immediately messaged to the Senate.

On motion by Arnould of Scott, the House recessed at 5:58 p.m., until 6:30 p.m.

### EVENING SESSION

The House reconvened, Speaker Avenson in the chair.

### QUORUM CALL

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

## MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on May 7, 1987, amended and passed the following bill in which the concurrence of the House is asked:

House File 79, a bill for an act prohibiting smoking in certain public places and providing a penalty.

Also: That the Senate has on May 7, 1987, insisted on its amendment to House File 500, a bill for an act relating to the state civil rights law and the civil rights commission, and the members of the conference committee, on the part of the Senate are: The Senator from Polk, Senator Mann, Chair; the Senator from Dubuque, Senator Carr; the Senator from Woodbury, Senator Sturgeon; the Senator from Buena Vista, Senator Fuhrman; and the Senator from Hardin, Senator Taylor.

Also: That the Senate has on May 7, 1987, refused to concur in the House amendment to the following bill in which the concurrence of the Senate was asked:

Senate File 17, a bill for an act relating to the penalty for cruelty to animals.

Also: That the Senate has on May 7, 1987, insisted on its amendment to Senate File 504, a bill for an act relating to the compensation and benefits for public officials and employees by specifying salary rates and ranges, by providing adjustments for health, life, disability and dental insurance, by changing retirement benefits received by certain members of the Iowa public employees' retirement system, by creating a county compensation board and specifying its duties, by making coordinating amendments to the Code, and by providing effective dates, and the members of the conference committee, on the part of the Senate are: The Senator from Dubuque, Senator Carr, Chair; the Senator from Linn, Senator Horn; the Senator from Pottawattamie, Senator Gronstal; the Senator from Boone, Senator Nystrom; and the Senator from Bremer, Senator Jensen.

Also: That the Senate has on May 7, 1987, refused to concur in the House amendment to the following bill in which the concurrence of the Senate was asked:

Senate File 513, 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 May 7, 1987, adopted the following concurrent resolution in which the concurrence of the House is asked:

Senate Concurrent Resolution 33, a senate concurrent resolution relating to the reform of the welfare system.

JOHN F. DWYER, Secretary

**CONFERENCE COMMITTEE APPOINTED**  
**(Senate File 504)**

The Speaker announced the appointment of the conference committee to consider the differences between the House and Senate concerning Senate File 504: Jochum of Dubuque, Chair; Peterson of Carroll, Swartz of Marshall, Halvorson of Clayton and Stueland of Clinton.

The House stood at ease at 7:45 p.m., until the fall of the gavel.

The House resumed session at 7:58 p.m., Speaker Avenson in the chair.

**IMMEDIATE MESSAGE**  
**(House File 658)**

Arnould of Scott asked and received unanimous consent that House File 658 be immediately messaged to the Senate.

**MESSAGES FROM THE SENATE**

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on May 7, 1987, 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 316, a bill for an act relating to park user permits and providing a penalty and an effective date.

Also: That the Senate has, on May 7, 1987, insisted on its amendment to Senate Concurrent Resolution 35, a concurrent resolution relating to the board of regents ten-year building program, and the members of the conference committee on the part of the Senate are: The Senator from Linn, Senator Horn, Chair; the Senator from Johnson, Senator Varn; the Senator from Marion, Senator Dieleman; the Senator from Bremer, Senator Jensen; and the Senator from Clay, Senator Holt.

JOHN F. DWYER, Secretary

**RULES SUSPENDED**

Arnould of Scott asked and received unanimous consent to suspend the rules for the immediate consideration of Senate File 501.

**Regular Calendar**

**Senate File 501**, a bill for an act relating to the organization and procedures of state government, by making modifications to the authority for and procedures relating to governmental budget and finance administration, by making modifications in the authority for

and procedures relating to state personnel administration, by making modifications to the powers, procedures, and structure of certain state governmental agencies, by making adjustments to the 1986 legislation reorganizing state government, by making other related adjustments and modifications, and by providing an effective date, with report of committee recommending passage was taken up for consideration.

Blanshan of Greene offered amendment H—4332 filed by him and Hanson of Delaware from the floor and requested division as follows:

H—4332

- 1 Amend Senate File 501, as amended, passed, and
- 2 reprinted by the Senate, as follows:

H—4332A

- 3 1. Page 1, by striking lines 1 through 8.
- 4 2. By striking page 2, line 10 through page 4,
- 5 line 7.
- 6 3. Page 5, by inserting after line 6 the
- 7 following:
- 8 "Sec. \_\_\_\_\_. NEW SECTION. 8.10 PURPOSE.
- 9 The purpose of this Act is to create within the
- 10 department of management an office for state-federal
- 11 relations, and to establish general goals for the
- 12 operation of this office. In doing so, it is the
- 13 intent of the general assembly to develop a state-
- 14 federal relations program which is nonpartisan and
- 15 accessible to all three branches of state government.
- 16 Sec. \_\_\_\_\_. NEW SECTION. 8.11 DEFINITIONS.
- 17 As used in this chapter, unless the context
- 18 otherwise requires:
- 19 1. "Office" means the office for state-federal
- 20 relations as authorized in this Act.
- 21 2. "Delegation" means the state's elected senators
- 22 and representatives to the United States congress, and
- 23 their respective staff members.
- 24 Sec. \_\_\_\_\_. NEW SECTION. 8.12 GOALS.
- 25 The major goals of the office are:
- 26 1. To coordinate the development of the state's
- 27 state-federal relations efforts which shall include an
- 28 annual state-federal program to be presented to the
- 29 Iowa delegation, program of regular training sessions
- 30 for state government officials, and maintenance of a
- 31 management information system.
- 32 2. To provide state government officials with
- 33 greater access to current information on federal
- 34 legislative and executive actions affecting state
- 35 government.
- 36 3. To articulate positions or federal policies of

H-4332A

37 importance to state government.

38 4. To monitor federal budget policies, assess  
39 their impact upon the state, and identify federal  
40 assistance programs which will benefit the state.

41 5. To strengthen the working relationships between  
42 state government officials and the congressional  
43 delegation and federal agencies.

44 6. To improve the state's ability to establish key  
45 contacts with other states, organizations, business  
46 groups, and professional associations to gain  
47 information and form cooperative agreements.

48 Sec. \_\_\_\_\_. NEW SECTION. 8.13 PERSONNEL.

49 1. The office shall be administered by a director  
50 who shall be appointed by the governor and shall serve

Page 2

1 at the pleasure of the governor. If the office of the  
2 director becomes vacant, the vacancy shall be filled  
3 in the same manner as provided for the original  
4 appointment.

5 2. All other personnel of the office shall be  
6 employed in a manner consistent with department of  
7 management policies.

8 3. All employees of the office shall be exempt  
9 from chapter 19A.

10 Sec. \_\_\_\_\_. NEW SECTION. 8.14 LOCATION.

11 The office shall be located in Washington, D.C.

12 Sec. \_\_\_\_\_. NEW SECTION. 8.15 DEPARTMENT OF  
13 MANAGEMENT DUTIES.

14 The department of management shall provide  
15 administrative support services to the office and  
16 shall, to the extent possible, coordinate the depart-  
17 ment's planning, policy, and fiscal responsibilities  
18 with the activities of the office.

19 Sec. \_\_\_\_\_. NEW SECTION. 8.16 COOPERATION.

20 All agencies of state government shall cooperate  
21 fully with the office on matters related to the  
22 fulfillment of its goals. Agencies may enter into  
23 agreements with the office to contract where  
24 appropriate for special services.

25 Sec. \_\_\_\_\_. NEW SECTION. 8.17 REPORTING.

26 By February 15, the office shall submit to the  
27 governor, the general assembly, and the supreme court  
28 an annual report detailing the activities and  
29 accomplishments of the office for the previous fiscal  
30 year."

31 4. Page 10, by striking lines 20 and 21 and  
32 inserting the following: "insufficient to pay all  
33 appropriations in full,".

34 5. Page 10, line 22, by striking the word

H—4332A

35 “between” and inserting the following: “between  
36 among”.

37 6. Page 12, by inserting after line 30 the  
38 following:

39 “5. A record of all formal actions taken by the  
40 department of personnel and by the department of  
41 management relating to departmental requests to fill  
42 vacant positions shall be compiled by the department  
43 of personnel and the department of management and  
44 shall be made available to the legislative fiscal  
45 bureau upon the request of the director of the bureau.  
46 If a position remains vacant for forty-five days after  
47 the date of a departmental request to fill the  
48 position, the department of personnel shall transmit  
49 to the legislative fiscal bureau the record of all  
50 formal actions taken by the department of personnel

Page 3

1 and by the department of management relating to the  
2 position.”

3 7. Page 14, by striking lines 26 through 28 and  
4 inserting the following: “required by law; the, A  
5 quarterly allotment of an appropriation to the  
6 secretary of state shall not be withheld without the  
7 approval of the secretary of state. The”.

8 8. Page 15, by striking lines 2 through 5 and  
9 inserting the following:

10 “Sec. \_\_\_\_\_, NEW SECTION. 11.3 ALLOTMENT NOT  
11 WITHHELD.

12 A quarterly allotment of an appropriation to the  
13 auditor of state shall not be withheld without the  
14 approval of the auditor of state.”

15 9. Page 15, by striking lines 9 through 11 and  
16 inserting the following: “of government, and, A  
17 quarterly allotment of an appropriation to the  
18 treasurer of state shall not be withheld without the  
19 approval of the treasurer of state. The treasurer  
20 shall keep an”.

21 10. Page 16, by striking lines 24 through 27 and  
22 inserting the following: “head thereof, shall be  
23 located at the seat of government. A quarterly  
24 allotment of an appropriation to the attorney general  
25 or to the department of justice shall not be withheld  
26 without the approval of the attorney general.”

27 11. Page 16, line 31, by striking the words  
28 “seven six” and inserting the following: “seven”.

29 12. Page 17, by striking lines 21 through 28 and  
30 inserting the following: “appointments shall include  
31 persons knowledgeable of the various elements of the  
32 department’s responsibilities and knowledgeable with

H-4332A

33 regard to economic development issues related to  
34 labor, cities, counties, job training, small business,  
35 trade and marketing, finance, and low income. The  
36 board shall be gender balanced; however, this  
37 requirement shall not prohibit any duly appointed  
38 member from serving until the expiration of the  
39 member's term."

40 13. Page 17, by striking lines 29 through 34.

41 14. Page 18, by striking lines 7 and 8.

42 15. Page 18, line 18, by inserting after the  
43 figure "69.16." the following: "The council shall be  
44 gender balanced."

45 16. Page 19, line 35, by striking the word  
46 "Department" and inserting the following: "Department  
47 Director of the department".

48 17. Page 20, line 26, by striking the words "as  
49 soon as practicable" and inserting the following: "as  
50 soon as practicable within ninety days".

Page 4

1 18. Page 24, by inserting after line 5 the  
2 following:

3 "Sec. \_\_\_\_\_. Section 19A.1, subsections 3 and 4,  
4 Code 1987, are amended to read as follows:

5 3. The following part-time boards and ~~commissions~~  
6 task force are within the department:

7 a. ~~The personnel commission, created by section~~  
8 ~~19A.4.~~

9 b a. The board of trustees of the public safety  
10 peace officers' retirement, accident, and disability  
11 system, created by section 97A.5.

12 e b. The investment board of the Iowa public  
13 employees' retirement system created by section 97B.8.

14 d c. The affirmative action task force created  
15 pursuant to executive order, or its successor.

16 4. Specific powers and duties of the department,  
17 its director, and the boards and ~~commissions~~ task  
18 force within the department are set forth in this  
19 chapter, chapters 79, 97A, 97B, and other provisions  
20 of law. Section 8.23 applies to the department.

21 Sec. \_\_\_\_\_. Section 19A.2, subsection 3, Code 1987,  
22 is amended by striking the subsection."

23 19. Page 25, line 24, by striking the words  
24 "~~Production and engineering All~~" and inserting the  
25 following: "Production and engineering".

26 20. Page 26, by inserting after line 34 the  
27 following:

28 "26. The secretary to and the administrative  
29 officer of the employment appeal board."

30 21. Page 27, by inserting after line 5 the

H-4332A

31 following:

32 "Sec. \_\_\_\_\_. Section 19A.9, unnumbered paragraph 1,  
33 Code 1987, is amended to read as follows:

34 The ~~personnel commission~~ director shall adopt and  
35 may amend rules for the administration and  
36 implementation of this chapter in accordance with  
37 chapter 17A. ~~The director shall prepare and submit~~  
38 ~~proposed rules to the commission.~~ Rulemaking shall be  
39 carried out with due regard to the terms of collective  
40 bargaining agreements. A rule shall not supersede a  
41 provision of a collective bargaining agreement  
42 negotiated under chapter 20. The rules shall  
43 provide:"

44 22. Page 27, by striking lines 11 and 12 and  
45 inserting the following: "otherwise provided for by  
46 law in state government for all positions in the  
47 executive".

48 23. Page 27, by striking lines 18 and 19 and  
49 inserting the following: "After the classification  
50 has been approved by the commission, the The director

Page 5

1 shall allocate the".

2 24. Page 27, by striking lines 27 and 28 and  
3 inserting the following: "made to the ~~commission~~ or  
4 to a qualified classification committee appointed by  
5 the ~~commission~~ director. An allocation or".

6 25. Page 28, by striking lines 3 through 5 and  
7 inserting the following: "any position or type of  
8 employment, the governor, acting in good faith, shall  
9 so notify the ~~commission~~. Thereafter may approve the  
10 diminution or increase, and the position or type of".

11 26. Page 28, by striking lines 10 and 11 and  
12 inserting the following: "governor."

13 27. Page 28, by striking lines 19 through 21 and  
14 inserting the following: "the commission director.  
15 Review of the".

16 28. Page 28, line 31, by striking the word  
17 "commission" and inserting the following: "commission  
18 director".

19 29. Page 29, by inserting after line 8 the  
20 following:

21 "Sec. \_\_\_\_\_. Section 19A.9, subsection 23, Code  
22 1987, is amended to read as follows:

23 23. For the establishment of work test  
24 appointments for positions of unskilled labor,  
25 attendants, aides, janitors, food service workers,  
26 laundry workers, porters, elevator operators, or  
27 custodial or similar types of employment when the  
28 character of the work makes it impracticable to supply

H-4332A

29 the needs of the service effectively by written or  
30 other type of competitive examination. If this  
31 subsection conflicts with any other provisions of this  
32 chapter, the provisions of this subsection govern the  
33 positions to which it applies. All persons appointed  
34 to the positions specified in this subsection shall  
35 serve a probationary period in accordance with this  
36 chapter, may acquire permanent status, and are subject  
37 to the same rules as other classified employees. Such  
38 persons shall be required to pass promotional  
39 examinations as prescribed by this chapter and the  
40 rules adopted by the personnel commission director  
41 before they may be promoted to a higher  
42 classification."

43 30. Page 31, by inserting after line 6 the  
44 following:

45 "Sec. \_\_\_\_\_. Section 19A.16, unnumbered paragraph 1,  
46 Code 1987, is amended to read as follows:

47 Subject to the rules approved by the commission  
48 director, the director may enter into agreements with  
49 any municipality or political subdivision of the state  
50 to furnish services and facilities of the agency to

Page 6

1 such municipality or political subdivision in the  
2 administration of its personnel on merit principles.  
3 Any such agreement shall provide for the reimbursement  
4 to the state of the reasonable cost of the services  
5 and facilities furnished. All municipalities and  
6 political subdivisions of the state are authorized to  
7 enter into such agreements.

8 Sec. \_\_\_\_\_. Section 19A.18, unnumbered paragraph 7,  
9 Code 1987, is amended to read as follows:

10 The commission director shall adopt any rules  
11 necessary for further restricting political activities  
12 of persons holding positions in the classified  
13 service, but only to the extent necessary to comply  
14 with federal standards. Employees retain the right to  
15 vote as they please and to express their opinions on  
16 all subjects."

17 31. Page 32, by striking lines 9 through 15.

18 32. Page 34, line 34, by striking the word  
19 "state" and inserting the following: "state".

20 33. Page 35, by inserting after line 30 the  
21 following:

22 "Sec. \_\_\_\_\_. Section 79.1, unnumbered paragraph 7,  
23 Code 1987, is amended to read as follows:

24 State employees, excluding state board of regents'  
25 faculty members with nine-month appointments, and  
26 employees covered under a collective bargaining

H-4332A

27 agreement negotiated with the public safety bargaining  
28 unit who are eligible for accrued vacation benefits  
29 and accrued sick leave benefits, who have accumulated  
30 thirty days of sick leave, and who do not use sick  
31 leave during a full month of employment may elect to  
32 accrue up to one-half day of additional vacation. The  
33 accrual of additional vacation time by an employee for  
34 not using sick leave during a month is in lieu of the  
35 accrual of up to one and one-half days of sick leave  
36 for that month. The director of the department of  
37 personnel ~~commission~~ may adopt the necessary rules and  
38 procedures for the implementation of this program for  
39 all state employees except employees of the state  
40 board of regents. The state board of regents may  
41 adopt necessary rules for the implementation of this  
42 program for its employees.

43 Sec. \_\_\_\_\_. Section 79.16, subsection 2, unnumbered  
44 paragraph 1, Code 1987, is amended to read as follows:

45 A state employee who is reassigned shall be  
46 reimbursed for moving expenses incurred in accordance  
47 with rules adopted by the director of the department  
48 of personnel ~~commission~~ when all of the following  
49 circumstances exist:"

50 34. Page 36, by inserting after line 29 the

Page 7

1 following:

2 "Sec. \_\_\_\_\_. Section 79.24, unnumbered paragraph 1,  
3 Code 1987, is amended to read as follows:

4 The state and any political subdivisions of the  
5 state shall grant employees leave from employment to  
6 participate in olympic competition sanctioned by the  
7 United States olympic committee. Any leave granted  
8 shall not exceed the time required for actual  
9 participation in the competition, plus a reasonable  
10 time for travel to and return from the site of the  
11 competition, and a reasonable time for precompetition  
12 training at the site. The state or political  
13 subdivision shall compensate the employee at the  
14 employee's regular rate of pay during any leave  
15 granted. Pay for each week of leave shall not exceed  
16 the amount the employee would receive for a normal  
17 work week, and the employee shall not be paid for any  
18 day spent in olympic competition for which the  
19 employee would not ordinarily receive pay as part of  
20 the employee's regular employment. The maximum leave  
21 granted per fiscal year under this section shall not  
22 exceed ninety days. Employees with approved leave  
23 retain all employment benefits throughout the leave of  
24 absence. The director of the department of personnel

## H-4332A

25 ~~commission~~ shall adopt rules for the implementation of  
26 this section."

27 35. Page 38, line 19, by striking the words  
28 "correction (which" and inserting the following:  
29 "correction, (which".

30 36. Page 38, line 23, by striking the word  
31 "penalties)" and inserting the following:  
32 "penalties)".

33 37. Page 39, by striking lines 20 through 31.

34 38. Page 44, lines 18 and 19, by striking the  
35 words "the carrying into effect" and inserting the  
36 following: "~~the carrying into effect accomplishing~~".

37 39. By striking page 44, line 20 through page 45,  
38 line 12.

39 40. By striking page 45, line 26 through page 46,  
40 line 7.

41 41. Page 51, by striking lines 4 and 5.

42 42. Page 54, by striking line 4 through 25.

43 43. Page 55, by inserting after line 11 the  
44 following:

45 "Sec. \_\_\_\_\_. Section 137.6, subsection 4, Code 1987,  
46 is amended to read as follows:

47 4. Employ persons as necessary for the efficient  
48 discharge of its duties. Employment practices shall  
49 meet the requirements of the director of the  
50 department of personnel ~~commission~~ or any civil

## Page 8

1 service provision adopted under chapter 400."

2 44. Page 55, by striking lines 29 and 30 and  
3 inserting the following: "state. The salary of the  
4 secretary".

5 45. Page 57, by striking lines 22 through 26 and  
6 inserting the following: "of agriculture and land  
7 stewardship ~~which~~. A quarterly allotment of an  
8 appropriation to the secretary of agriculture or to  
9 the department of agriculture and land stewardship  
10 shall not be withheld without the approval of the  
11 secretary of agriculture. The department shall:".

## H-4332D

12 46. By striking page 57, line 33 through page 60,  
13 line 7.

## H-4332A

14 47. By striking page 72, line 12 through page 73,  
15 line 14.

16 48. By striking page 73, line 30 through page 74,  
17 line 2.

## H—4332A

- 18 49. Page 74, by striking lines 12 through 21.  
 19 50. Page 75, by striking lines 1 through 19.  
 20 51. Page 76, by striking lines 10 through 20.  
 21 52. By striking page 77, line 30 through page 78,  
 22 line 5.  
 23 53. Page 78, by striking lines 6 through 11.  
 24 54. By striking page 78, line 19 through page 79,  
 25 line 20.  
 26 55. Page 79, by inserting before line 21 the  
 27 following:  
 28 "Sec. \_\_\_\_\_. Section 225C.4, subsection 1, paragraph  
 29 m, Code 1987, is amended to read as follows:  
 30 m. Advise the director of the department of  
 31 personnel ~~commission~~ on recommended qualifications of  
 32 all division employees."  
 33 56. By striking page 79, line 27 through page 80,  
 34 line 6.  
 35 57. Page 80, by striking lines 13 through 20.  
 36 58. By striking page 81, line 7 through page 83,  
 37 line 33.  
 38 59. By striking page 90, line 27 through page 91,  
 39 line 7.  
 40 60. Page 91, by striking lines 20 through 32.  
 41 61. Page 93, by striking line 29 and inserting  
 42 the following: "personnel are".  
 43 62. By striking page 96, line 32 through page 97,  
 44 line 5.

## H—4332B

- 45 63. Page 98, by striking lines 18 through 32.

## H—4332A

- 46 64. By striking page 98, line 33 through page 99,  
 47 line 6.  
 48 65. Page 101, by striking lines 2 through 6.  
 49 66. Page 101, by striking lines 16 through 20.  
 50 67. By striking page 103, line 31 through page

**Page 9**

- 1 104, line 4.  
 2 68. Page 107, by striking lines 27 through 35.  
 3 69. By striking page 108, line 34 through page  
 4 109, line 7.  
 5 70. Page 109, by striking lines 13 through 29.  
 6 71. Page 113, by striking lines 7 through 9 and  
 7 inserting the following: "1987, is amended by  
 8 striking the paragraph."  
 9 72. Page 135, by inserting after line 28 the  
 10 following:

## H-4332A

11 "Sec. \_\_\_\_\_. Section 556.8, Code 1987, is amended to  
12 read as follows:

13 556.8 PROPERTY HELD BY STATE COURTS, AND PUBLIC  
14 OFFICERS, AND AGENCIES.

15 All intangible personal property held for the owner  
16 by any court, public corporation, public authority, or  
17 public officer of this state, of the United States, or  
18 of a political subdivision of the this state, that has  
19 remained unclaimed by the owner for more than two  
20 years after becoming payable or distributable is  
21 presumed abandoned."

22 73. Page 136, by striking lines 10 through 18.

## H-4332C

23 74. By striking page 136, line 19 through page  
24 139, line 20.

## H-4332A

25 75. Page 139, by striking lines 21 through 24.

## H-4332C

26 76. Page 139, by striking lines 25 and 26.

## H-4332A

27 77. By striking page 140, line 11 through page  
28 141, line 25.

29 78. Page 145, by striking lines 19 through 24 and  
30 inserting the following: "good character and  
31 judicious background, shall include a member of a  
32 minority group, may include a person ordained or  
33 designated as a regular leader of a religious  
34 community ~~and~~ who is knowledgeable in correctional  
35 procedures and issues, and shall meet at least two  
36 of".

37 79. Page 145, line 31, by inserting after the  
38 word "guidance" the following: ", or having  
39 equivalent experience".

40 80. Page 147, line 9, by striking the figure  
41 "8.39,".

42 81. Page 147, line 9, by striking the figures  
43 "15.201, 15.202, 15.203,".

44 82. Page 147, line 10, by inserting before the  
45 figure "80.28," the following: "19A.4, 19A.6,  
46 19A.7,".

47 83. Page 147, line 10, by striking the figures  
48 "185.4, 185C.4,".

49 84. Page 147, by striking lines 13 and 14.

50 85. Page 147, lines 23 and 24, by striking the

H—4332A

**Page 10**

- 1 words "or state soil conservation committee".  
 2 86. Page 148, by inserting before line 33 the  
 3 following:  
 4 "Sec. \_\_\_\_\_. **CONFLICTING LEGISLATION.** If both this  
 5 Act and other legislation enacted by the first session  
 6 of the Seventy-second General Assembly create an  
 7 office for state-federal relations, the provisions of  
 8 this Act shall prevail."  
 9 87. Page 148, by striking lines 17 through 21.  
 10 88. Page 149, by striking lines 27 and 28.  
 11 89. By renumbering as necessary.

Arnould of Scott asked and received unanimous consent that Senate File 501 be deferred and that the bill retain its place on the calendar.

(Amendment H—4332A pending.)

**CONFERENCE COMMITTEE APPOINTED**  
 (House File 500)

The Speaker announced the appointment of the conference committee to consider the differences between the House and Senate concerning House File 500: Buhr of Polk, Chair; Beatty of Warren, Blanshan of Greene, Halvorson of Clayton and Lundby of Linn.

**CONFERENCE COMMITTEE APPOINTED**  
 (Senate Concurrent Resolution 35)

The Speaker announced the appointment of the conference committee to consider the differences between the House and Senate concerning Senate Concurrent Resolution 35: Hatch of Polk, Chair; Harper of Black Hawk, Teaford of Black Hawk, Branstad of Winnebago and McKean of Jones.

**ADOPTION OF THE REPORT OF THE**  
**CONFERENCE COMMITTEE**  
 (House File 167)

Fogarty of Palo Alto called up for consideration the report of the conference committee on House File 167 and moved the adoption of the conference committee report and the amendments contained therein as follows:

REPORT OF THE CONFERENCE COMMITTEE  
ON HOUSE FILE 167

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 167, a bill for an act relating to fees for and duration of motor vehicle licenses and requiring motor vehicle licenses and nonoperator's identification cards issued to persons under twenty-one years of age to contain a profile photograph and providing an effective date and conditional repeal and reenactment, respectfully make the following report:

1. That the House recede from its amendment, S-3897, to the Senate amendment, H-3896, to House File 167 as passed by the House.

2. That the Senate amendment, H-3896, to House File 167 as passed by the House, be amended as follows:

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

“ \_\_\_\_\_. Page 1, line 18, by striking the word “ten” and inserting the word “eight”.

\_\_\_\_\_. Page 1, line 19, by striking the word “twenty” and inserting the words “twenty sixteen”.

\_\_\_\_\_. Page 1, line 21, by striking the word “twenty” and inserting the word “fifteen”.

\_\_\_\_\_. Page 1, line 22, by striking the word “forty” and inserting the words “forty thirty”.

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

“ \_\_\_\_\_. Page 3, by inserting after line 11 the following: “.

3. Page 1, line 33, by striking the figure “19” and inserting the figure “11”.

4. Page 1, by striking lines 43 through 46 and inserting the following:

“ \_\_\_\_\_. Title page, line 1, by striking the word “for” and inserting the following: “for, issuance of”.”

5. Renumber as necessary.

ON THE PART OF THE HOUSE:

DANIEL FOGARTY, Chair  
TOM FEY  
JAMES COOPER  
JACK BEAMAN  
DONALD PLATT

ON THE PART OF THE SENATE:

KENNETH SCOTT, Chair  
C. JOSEPH COLEMAN  
JEAN LLOYD-JONES  
RICHARD F. DRAKE  
NORMAN J. GOODWIN

The motion prevailed and the report was adopted.

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

On the question “Shall the bill pass?” (H.F. 167)

## The ayes were, 72:

Adams	Arnould	Beatty	Bennett
Bisignano	Black	Buhr	Carpenter
Chapman	Clark	Cohoon	Connolly
Connors	Cooper	Diemer	Doderer
Dvorsky	Eddie	Fey	Fogarty
Fuller	Groninga	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Harbor
Harper	Hatch	Haverland	Hermann
Holveck	Hummel	Jay	Jochum
Johnson	Koenigs	Kremer	Lageschulte
May	McKinney	Metcalf	Miller
Muhlbauer	Mullins	Neuhauser	Norrgard
Ollie	Osterberg	Parker	Paulin
Pavich	Pellett	Peters	Petersen, D. F.
Peterson, M. K.	Platt	Rosenberg	Schrader
Sherzan	Shoultz	Skow	Spear
Stromer	Stueland	Svoboda	Swartz
Teaford	Van Camp	Wise	Mr. Speaker

## The nays were, 25:

Beaman	Blanshan	Branstad	Corbett
Corey	Daggett	De Groot	Garman
Hanson, D. R.	Hester	Knapp	Lundby
Maulsby	McKean	Plasier	Poncy
Renaud	Renken	Royer	Running
Schnekloth	Shoning	Siegrist	Tabor
Van Maanen			

## Absent or not voting, 3:

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

## IMMEDIATE MESSAGES

Arnould of Scott asked and received unanimous consent that the following bills be immediately messaged to the Senate: House Files 167, 210, 493, 518, 574, 575, 603, 620, and 678; Senate Files 148 and 480.

## BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on May 6, 1987, he approved and transmitted to the Secretary of State the following bills:

Senate File 179, an act to provide that a single person may claim a homestead exempt from judicial sale.

Senate File 290, an act relating to the requirement for foster parent training, confidentiality requirements for foster care review boards, and incorporating a penalty.

Senate File 469, an act relating to the confinement and treatment of persons convicted of a violation of operating a motor vehicle while intoxicated by requiring counties to provide temporary confinement for offenders under the supervision of the department of corrections who violate the conditions of treatment programs, by providing that a work release program may include out-of-state work or treatment placement, by specifying that an offender committing a third offense shall serve the minimum thirty-day term in the county jail, and may be sentenced to up to one year in the county jail, by providing that a person convicted of a second or subsequent offense shall be ordered to undergo a substance abuse evaluation, by providing that a person convicted of a third or subsequent offense or an offender whose substance abuse evaluation recommended treatment may be sentenced to the custody of the department of corrections who shall assign the person to a facility pursuant to section 246.513 or to treatment in the community under supervision of the department, by requiring judicial district departments of correctional services to provide programs for offenders under chapter 321J, by providing that a requirement for a mandatory minimum sentence for repeat offenders shall not apply to offenders under chapter 321J, and by providing that an offender under chapter 321J who is under the supervision of the department of corrections shall receive a clothing allowance and expense money allotted to inmates when the offender is assigned to a community-based corrections program.

Also: On May 7, 1987, he approved and transmitted to the Secretary of State the following bill:

Senate File 216, an act allowing therapeutically certified optometrists to employ and supply certain pharmaceutical agents and to treat certain conditions.

### PRESENTATION OF VISITORS

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

Thirty-five fifth grade students from Lakeview Elementary School, Centerville, accompanied by Jane Schick. By Jay of Appanoose.

Forty-two sixth grade students from Woodward-Granger Middle School, Granger, accompanied by Gloria Knolmayer. By McKinney of Dallas.

### 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 509, a bill for an act making an appropriation for the support of the

engineering and land surveying examining board and revising certain statutory provisions relating to engineering and land surveying services.

Fiscal Note is not required.

**Recommended Amend and Do Pass with amendment H—4337** May 7, 1987.

**Senate File 516**, a bill for an act relating to the mentally retarded, developmentally disabled, and chronically mentally ill by creating a regional delivery system, and specifying duties, memberships, services, funding, and effective dates.

Fiscal Note is not required.

**Recommended Amend and Do Pass with amendment H—4334** May 7, 1987.

**Committee Resolution**, a concurrent resolution relating to the creation of an interim study committee relating to health care for the citizens of Iowa.

Fiscal Note is not required.

**Recommended Do Pass** May 7, 1987.

#### RESOLUTIONS FILED

**HCR 45**, by Adams, a concurrent resolution proposing an interim study of state agency jurisdiction over the Iowa Braille and Sight-saving School and the Iowa School for the Deaf.

Laid over under **Rule 25**.

**HCR 46**, by Van Maanen and Jochum, a concurrent resolution relating to the establishment of an interim study committee on the budget process.

Laid over under **Rule 25**.

**HCR 47**, by committee on appropriations, a concurrent resolution relating to the creation of an interim study committee relating to health care for the citizens of Iowa.

Laid over under **Rule 25**.

**HCR 48**, by Rosenberg, Hammond, Connors, Renaud, Bisignano, Tabor, Corey, Fey, Halvorson of Clayton, Harbor, Parker, Holveck, Ollie, Haverland, and Jay, a concurrent resolution relating to the creation of an interim study committee to study acquired immune deficiency syndrome.

Laid over under **Rule 25**.

**HCR 49**, by Connors and Carpenter, a concurrent resolution requesting an interim study to review concerns regarding runaways.

Laid over under **Rule 25**.

**HCR 50**, by Jochum, a concurrent resolution requesting an interim study committee to examine the needs of mentally ill and mentally retarded defendants, offenders, and persons who are dangerous to others.

Laid over under **Rule 25**.

**SCR 33**, by committee on human resources, a concurrent resolution relating to the reform of the welfare system.

Laid over under **Rule 25**.

#### AMENDMENTS FILED

H-4269	H.C.R.	39	Blanshan of Greene
H-4270	S.F.	507	Sherzan of Polk
			Corey of Louisa
H-4273	H.F.	164	Garman of Story
H-4274	H.F.	650	Senate Amendment
H-4276	S.F.	501	Blanshan of Greene
H-4277	H.F.	650	Teaford of Black Hawk
			Harper of Black Hawk
H-4278	H.F.	650	Teaford of Black Hawk
			Harper of Black Hawk
H-4279	H.F.	677	Koenigs of Mitchell
H-4280	H.F.	650	Teaford of Black Hawk
			Harper of Black Hawk
H-4281	H.F.	650	Hammond of Story
H-4282	H.F.	650	Harper of Black Hawk
			Teaford of Black Hawk
H-4283	H.F.	650	Harper of Black Hawk
			Teaford of Black Hawk
H-4284	H.F.	650	Teaford of Black Hawk
			Harper of Black Hawk
H-4285	H.F.	650	Teaford of Black Hawk
			Harper of Black Hawk
H-4286	H.F.	650	Doderer of Johnson
			Ollie of Clinton
H-4287	H.F.	650	Harper of Black Hawk
			Teaford of Black Hawk
H-4288	H.F.	650	Teaford of Black Hawk
			Harper of Black Hawk
H-4289	H.F.	650	Harper of Black Hawk
			Teaford of Black Hawk

H—4290	H.F.	650	Teaford of Black Hawk
			Harper of Black Hawk
H—4291	H.F.	650	Harper of Black Hawk
			Teaford of Black Hawk
H—4292	H.F.	650	Hammond of Story
H—4293	H.F.	650	Hammond of Story
H—4294	H.F.	650	Hammond of Story
H—4295	H.F.	650	Harper of Black Hawk
			Teaford of Black Hawk
H—4297	S.F.	501	Brammer of Linn
H—4298	S.F.	501	Brammer of Linn
H—4301	H.F.	650	Siegrist of Pottawattamie
H—4304	H.F.	650	Jay of Appanoose
			Hansen of Woodbury
H—4305	H.F.	650	Jay of Appanoose
			Hansen of Woodbury
			Doderer of Johnson
H—4306	H.F.	650	Jay of Appanoose
H—4307	H.F.	650	Jay of Appanoose
H—4308	H.F.	650	Jay of Appanoose
			Hansen of Woodbury
H—4309	H.F.	650	Schrader of Marion
H—4310	H.F.	650	Schrader of Marion
H—4311	H.F.	650	Schrader of Marion
H—4312	S.F.	501	Blanshan of Greene
H—4313	H.F.	650	Shoultz of Black Hawk
H—4314	H.F.	650	Shoultz of Black Hawk
H—4315	H.F.	650	Shoultz of Black Hawk
H—4316	H.F.	650	Shoultz of Black Hawk
H—4317	H.F.	650	Shoultz of Black Hawk
H—4318	H.F.	650	Shoultz of Black Hawk
H—4319	H.F.	650	Shoultz of Black Hawk
H—4320	H.F.	650	Shoultz of Black Hawk
H—4321	H.F.	650	Shoultz of Black Hawk
H—4322	H.F.	650	Shoultz of Black Hawk
H—4323	H.F.	650	Jay of Appanoose
H—4324	H.F.	650	Shoultz of Black Hawk
H—4325	H.F.	650	Shoultz of Black Hawk
H—4326	H.F.	377	Senate Amendment
H—4328	H.F.	650	Blanshan of Greene
			Hammond of Story
H—4329	H.F.	650	Haverland of Polk
H—4330	S.F.	501	Blanshan of Greene

H-4331	S.F.	501	Halvorson of Webster Hanson of Delaware
H-4333	H.F.	79	Senate Amendment
H-4334	S.F.	516	Committee on Appropriations
H-4335	H.F.	377	Hanson of Delaware
H-4336	S.F.	501	Halvorson of Webster Connors of Polk
H-4337	S.F.	509	Committee on Appropriations
H-4338	S.F.	501	Schrader of Marion
H-4339	S.F.	501	Halvorson of Webster
H-4340	S.F.	501	Hanson of Delaware Hammond of Story

On motion by Arnould of Scott, the House adjourned at 8:47 p.m., until 9:00 a.m., Friday, May 8, 1987.

# JOURNAL OF THE HOUSE

One Hundred Seventeenth Calendar Day — Eightieth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Friday, May 8, 1987

The House met pursuant to adjournment, Connors of Polk in the chair.

Prayer was offered by the Honorable Teresa Garman, state representative from Story County.

The Journal of Thursday, May 7, 1987 was approved.

## INTRODUCTION OF BILL

**House File 686**, by Arnould and Stromer, a bill for an act relating to statutory corrections which adjust language to improve consistency and accuracy.

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

On motion by Arnould of Scott, the House was recessed at 11:51 a.m., until 1:15 p.m.

## AFTERNOON SESSION

The House reconvened, Skow of Guthrie in the chair.

## QUORUM CALL

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

## SENATE AMENDMENT CONSIDERED

Hammond of Story called up for consideration **House File 79**, a bill for an act prohibiting smoking in certain public places and providing a penalty, amended by the Senate, and moved that the House concur in the following Senate amendment H—4333:

H—4333

- 1 Amend House File 79 as amended, passed, and
- 2 reprinted by the House as follows:
- 3 1. Page 1, line 12, by striking the word
- 4 "restaurants".
- 5 2. Page 1, line 16, by striking the words
- 6 "originating in" and inserting in lieu thereof the

7 following: ", travel and destination entirely  
8 within".

9 3. Page 1, lines 21 and 22, by striking the words  
10 "with a seating capacity of less than fifty persons".

11 4. Page 3, lines 13 and 14, by striking the words  
12 and figure: "by:

13 1. Posting" and inserting the following: "by  
14 posting".

15 5. Page 3, by striking lines 16 and 17.

16 6. By striking page 3, line 32 through page 4,  
17 line 8.

18 7. Page 4, by striking lines 14 through 16 and  
19 inserting the following: "civil fine of five dollars  
20 for the first violation and not less than ten nor more  
21 than one hundred dollars pursuant to section 805.8,  
22 subsection 11 for each subsequent violation."

23 8. Page 4, by inserting after line 19 the  
24 following:

25 "Sec. \_\_\_\_\_. Section 805.8, Code 1987, is amended by  
26 adding the following new subsection:

27 NEW SUBSECTION. 11. SMOKING VIOLATIONS. For  
28 violations of section 98A.6, the scheduled fine is ten  
29 dollars, and is a civil penalty, and the criminal  
30 penalty surcharge under section 911.2 shall not be  
31 added to the penalty, and the court costs pursuant to  
32 section 805.9, subsection 6, shall not be imposed. If  
33 the civil fine is not paid in a timely manner, a  
34 citation shall be issued for the violation in the  
35 manner provided in section 804.1."

36 9. Page 4, by inserting after line 19, the  
37 following:

38 "Sec. \_\_\_\_\_. Section 98A.5, Code 1987, is repealed."

39 10. By renumbering, relettering, or redesignating  
40 and correcting internal references as necessary.

The motion prevailed and the House concurred in the Senate amendment H--4333.

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. 79)

The ayes were, 75:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Black	Blanshan
Brammer	Branstad	Buhr	Carpenter
Clark	Cohoon	Connolly	Corbett
Corey	Daggett	De Groot	Diemer

Doderer	Dvorsky	Eddie	Fey
Fogarty	Fuller	Garman	Groninga
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Hansen, S. D.	Hanson, D. R.	Harbor	Harper
Hatch	Haverland	Hermann	Hester
Holveck	Jay	Jochum	Knapp
Koenigs	Lageschulte	Lundby	May
McKean	McKinney	Metcalf	Miller
Muhlbauer	Mullins	Neuhauser	Norrgard
Ollie	Osterberg	Paulin	Plasier
Renken	Rosenberg	Running	Schneklath
Sherzan	Shoning	Shoultz	Siegrist
Spear	Stromer	Stueland	Svoboda
Tabor	Wise	Mr. Speaker (Skow)	

The nays were, 15:

Cooper	Hummel	Kremer	Maulsby
Parker	Pavich	Pellett	Peters
Petersen, D. F.	Poney	Renaud	Royer
Schrader	Van Camp	Van Maanen	

Absent or not voting, 10:

Avenson	Chapman	Connors	Johnson
Peterson, M. K.	Platt	Swartz	Swearingen
Teaford	Tyrrell		

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 407)

Jay of Appanoose called up for consideration the report of the conference committee on House File 407 and moved the adoption of the conference committee report and the amendments contained therein as follows:

#### REPORT OF THE CONFERENCE COMMITTEE ON HOUSE FILE 407

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 407, a bill for an act relating to violations of section 321J.2 and retention of records of motor vehicle violations, respectfully make the following report:

1. That the Senate recede from its amendment.
2. That House File 407, as passed by the House, be amended as follows:

1. Page 1, line 10, by striking the word and figure "and 321J.2" and inserting the following: "321J.2, 321J.9, and 321J.12, and sections 321.281, 321B.7, 321B.13, and 321B.16 as they existed prior to July 1, 1986.".

2. Page 2, by inserting after line 15 the following:

"Sec. 4. Section 905.7, subsection 3, Code 1987, as amended by 1987 Iowa Acts, Senate File 469, section 6, is amended to read as follows:

3. Follow practices and procedures which maximize the availability of federal funding for the district department's community-based correctional program and assist the department of transportation which is authorized to follow practices and procedures designed to maximize the availability of federal funding for the enforcement and implementation of drunk driver prevention and other highway safety programs."

3. Title page, by striking lines 1 and 2 and inserting the following: "An act relating to violations of motor vehicle laws regarding the retention of records of motor vehicle violations, the determination of the degree of an offense for a violation of section 321J.2, and the authority of the department of transportation to follow practices and procedures to aid enforcement of certain motor vehicle laws."

ON THE PART OF THE HOUSE:

DANIEL J. JAY, Chair  
MIKE CONNOLLY  
LOUIS J. MUHLBAUER  
WILLIAM H. HARBOR  
BILL ROYER

ON THE PART OF THE SENATE:

DONALD V. DOYLE, Chair  
HURLEY W. HALL  
JEAN LLOYD-JONES  
JOHN W. JENSEN  
RICHARD F. DRAKE

The motion prevailed and the conference committee report was adopted.

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

On the question "Shall the bill pass?" (H.F. 407)

The ayes were, 87:

Adams	Arnould	Beaman	Beatty
Bennett	Black	Blanshan	Branstad
Buhr	Carpenter	Chapman	Clark
Cohoon	Connolly	Cooper	Corbett
Corey	Daggett	De Groot	Diemer
Doderer	Dvorsky	Eddie	Fey
Fogarty	Fuller	Garman	Groninga
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Hansen, S. D.	Hanson, D. R.	Harbor	Harper
Hatch	Haverland	Hermann	Hester
Holveck	Hummel	Jay	Knapp
Koenigs	Kremer	Lageschulte	Lundby
Maulsby	May	McKean	McKinney
Metcalf	Miller	Muhlbauer	Mullins
Neuhauser	Norrgard	Ollie	Osterberg

Parker	Paulin	Pavich	Pellett
Peters	Petersen, D. F.	Plasier	Poncy
Renaud	Renken	Rosenberg	Royer
Running	Schneklath	Schrader	Shoning
Shoultz	Siegrist	Spear	Stueland
Svoboda	Tabor	Teaford	Van Camp
Van Maanen	Wise	Mr. Speaker (Skow)	

The nays were, none.

Absent or not voting, 13:

Avenson	Bisignano	Brammer	Connors
Jochum	Johnson	Peterson, M. K.	Platt
Sherzan	Stromer	Swartz	Swearingen
Tyrrell			

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 407)

Arnould of Scott asked and received unanimous consent that House File 407 be immediately messaged to the Senate.

The House stood at ease at 1:57 p.m., until the fall of the gavel.

The House resumed session at 2:01 p.m., Skow of Guthrie in the chair.

### QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed fifty-two members present, forty-eight absent.

### CONSIDERATION OF BILLS

#### Regular Calendar

The House resumed consideration of **Senate File 501**, a bill for an act relating to the organization and procedures of state government, by making modifications to the authority for and procedures relating to governmental budget and finance administration, by making modifications in the authority for and procedures relating to state personnel administration, by making modifications to the powers, procedures, and structure of certain state governmental agencies, by making adjustments to the 1986 legislation reorganizing state government, by making other related adjustments and modifications, and by providing an effective date, deferred and retained on the calendar May 7, 1987 and amendment H - 4332A, found on pages 2146 through 2156 of the House Journal.

Further division of amendment H—4332 was requested as follows:

H—4332A — Page 1, line 3 through page 3, line 40; page 3, line 42 through page 8, line 11; page 8, lines 14 through 44; page 8, lines 46 through page 9, line 22; page 9, line 25; page 9, lines 27 through 41; page 9, lines 44 through 48 and line 50; page 10, lines 1 through 8.

H—4332B — Page 3, line 41; page 8, lines 12 and 13 and page 9, lines 42 and 43.

H—4332C — Page 8, line 45.

H—4332D — Page 9, lines 23, 24, 26 and 49; page 10, lines 9 and 10.

Blanshan of Greene moved the adoption of amendment H—4332A.

Amendment H—4332A was adopted.

Connors of Polk asked and received unanimous consent to temporarily defer action on amendment H—4298.

The House resumed consideration of amendment H—4332B.

Blanshan of Greene moved the adoption of amendment H—4332B.

A non-record roll call was requested.

The ayes were 46, nays 40.

Amendment H—4332B was adopted.

Arnould of Scott asked and received unanimous consent to take up out of order amendment H—4298, previously deferred.

Brammer of Linn offered the following amendment H—4298, previously deferred, filed by him and moved its adoption:

H—4298

- 1 Amend Senate File 501, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 5, by inserting after line 6 the
- 4 following:
- 5 "Sec. \_\_\_\_\_. Section 8.6, subsection 11, Code 1987,
- 6 is amended by striking the subsection and inserting in
- 7 lieu thereof the following:
- 8 11. COMPLIANCE OVERSIGHT DIVISION. A division of
- 9 compliance oversight is created within the department
- 10 of management. The administrator of the division of
- 11 compliance oversight is of executive grade, and shall
- 12 report directly to the director of the department of
- 13 management, with no intermediaries. The division of
- 14 compliance oversight is responsible for the following:
- 15 a. Oversight of the targeted small business
- 16 procurement program under chapter 73.

17 b. Oversight of the targeted small business loan  
18 guarantee program.

19 c. Oversight of other programs intended for the  
20 benefit of targeted small businesses, women, or  
21 minorities.

22 d. Administration of those portions of the  
23 targeted small business linked deposit program not  
24 performed by the treasurer, and those portions of the  
25 affirmative action program under chapter 19B assigned  
26 to the department of management."

27 2. Page 34, by inserting after line 35 the  
28 following:

29 "Sec. \_\_\_\_\_. Section 73.15, Code 1987, is amended by  
30 adding the following new subsection:

31 NEW SUBSECTION. 3. "Administrator" means the  
32 administrator of the division of compliance oversight  
33 of the department of management.

34 Sec. \_\_\_\_\_. Section 73.17, Code 1987, is amended to  
35 read as follows:

36 73.17 TARGETED SMALL BUSINESS SET-ASIDE -  
37 PRELIMINARY PROCEDURES.

38 Quarterly the director of each agency and  
39 department of state government shall review the  
40 agency's or department's anticipated purchasing  
41 requirements. The directors shall notify the ~~director~~  
42 of the department of economic development division of  
43 compliance oversight of their anticipated purchases  
44 and recommended set-asides not later than August 15 of  
45 each fiscal year and quarterly thereafter. The  
46 directors may divide the procurements so designated  
47 into contract award units of economically feasible  
48 production runs to facilitate offers or bids from  
49 targeted small businesses. In designating set-aside  
50 procurements, the directors may vary the included

**Page 2**

1 procurements so that a variety of goods and services  
2 produced by different targeted small businesses may  
3 set aside each year. The ~~director of the department~~  
4 of economic development, in conjunction with the  
5 director administrator of the division of compliance  
6 oversight of the department of management, shall  
7 review the information submitted and may require  
8 modifications from the agencies and departments.

9 Sec. \_\_\_\_\_. Section 73.18, Code 1987, is amended to  
10 read as follows:

11 73.18 NOTICE OF SOLICITATION FOR BIDS -  
12 IDENTIFICATION OF TARGETED SMALL BUSINESSES.

13 The director of each agency or department releasing  
14 a solicitation for bids or request for proposal under  
15 the set-aside program shall notify the ~~director of the~~

16 ~~department of economic development~~ administrator prior  
 17 to or upon release of the solicitation. The ~~director~~  
 18 ~~of the department of economic development~~  
 19 administrator shall notify the soliciting agency or  
 20 department of any certified targeted small businesses  
 21 which have been certified pursuant to section 15.108,  
 22 subsection 7, paragraph "c", subparagraph (4), and  
 23 which may be qualified to bid.

24 Sec. \_\_\_\_\_. Section 73.19, Code 1987, is amended to  
 25 read as follows:

26 73.19 NEGOTIATED PRICE OR BID CONTRACT.

27 In awarding a contract under the targeted small  
 28 business set-aside program, a director of an agency or  
 29 department having purchasing authority may use either  
 30 a negotiated price or bid contract procedure. The  
 31 amount of an award shall not exceed by more than five  
 32 percent that director's estimated price for the goods  
 33 or services if they were to be purchased on the open  
 34 market or under the competitive bidding procedures of  
 35 any provisions of law or rules relating to competitive  
 36 bidding procedures, and not under this set-aside  
 37 program. The ~~director of the department of economic~~  
 38 ~~development~~ administrator or the director of the  
 39 department of management may assist in the negotiation  
 40 of a contract price under this section. Surety bonds  
 41 guaranteed by the United States small business  
 42 administration are acceptable security for a  
 43 construction award under this section.

44 Sec. \_\_\_\_\_. Section 73.20, Code 1987, is amended to  
 45 read as follows:

46 73.20 DETERMINATION OF ABILITY TO PERFORM.

47 Before announcing the set-aside award, the  
 48 purchasing authority shall evaluate whether the  
 49 targeted small business scheduled to receive the award  
 50 is able to perform the set-aside contract. This

Page 3

1 determination shall include consideration of  
 2 production and financial capacity and technical  
 3 competence. If the purchasing authority determines  
 4 that the targeted small business may be unable to  
 5 perform, the ~~director of the department of economic~~  
 6 ~~development~~ administrator shall be notified and shall  
 7 assist the targeted small business pursuant to section  
 8 15.108, subsection 7, paragraph "c", subparagraph (3).

9 Sec. \_\_\_\_\_. Section 220.111, subsection 1, Code  
 10 1987, is amended by adding the following new lettered  
 11 paragraph:

12 NEW LETTERED PARAGRAPH. c. "Administrator" means  
 13 the administrator of the division of targeted small  
 14 business of the department of management.

15 Sec. \_\_\_\_\_. Section 220.111, subsections 2 and 5,  
16 Code 1987, are amended to read as follows:

17 2. The authority, in consultation with the  
18 director of the department of economic development  
19 administrator, shall establish, contingent upon the  
20 availability of funds authorized for the program, a  
21 targeted small business loan guarantee program, to  
22 provide for guarantees with respect to loans made to  
23 beginning and existing targeted small businesses. The  
24 program shall provide guarantees not to exceed  
25 seventy-five percent for loans made by qualified  
26 lenders. The authority shall establish a loan reserve  
27 account from funds provided for this program, from  
28 which any default on a guaranteed loan under this  
29 section shall be paid. In administering the program  
30 the authority shall not guarantee loan values in  
31 excess of the amount credited to the reserve account  
32 and only moneys set aside in the loan reserve account  
33 may be used for the payment of a default.

34 5. The director of the department of economic  
35 development administrator, in conjunction with the  
36 director of the department of management, may organize  
37 one or more advisory groups composed of  
38 representatives of women, minority persons, the  
39 business and financial community, and others  
40 interested in the loan guarantee program to serve on a  
41 volunteer basis in advising the authority concerning  
42 the implementation of this section. The authority  
43 shall consult with the director of the department of  
44 economic development administrator and the director of  
45 the department of management to determine whether  
46 targeted small businesses which have expressed an  
47 interest in doing business with agencies of state  
48 government under the provisions of sections 73.15  
49 through 73.21 should be considered for application for  
50 guarantees under this section."

Page 4

1 3. By renumbering as necessary.

Amendment H—4298 lost.

Brammer of Linn asked and received unanimous consent to withdraw amendment H—4297 filed by him on May 7, 1987.

Blanshan of Greene offered the following amendment H—4330 filed by him and requested division as follows:

H—4330

1 Amend Senate File 501, as amended, passed, and re-  
2 printed by the Senate, as follows:

H—4330A

- 3 1. Page 25, line 18, by striking the words
- 4 "physician, and veterinarian" and inserting the
- 5 following: "and physician".
- 6 2. Page 25, line 35, by striking the word "and".
- 7 3. Page 26, line 1, by striking the word
- 8 "veterinarians".

H—4330B

- 9 4. Page 29, by striking lines 16 and 17 and
- 10 inserting the following: "department of personnel for
- 11 approval and processing."

Blanshan of Greene asked and received unanimous consent to withdraw amendment H—4330A.

Hanson of Delaware offered the following amendment H—4340 filed by him and Hammond of Story:

H—4340

- 1 Amend Senate File 501, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 27, by inserting after line 5 the
- 4 following:
- 5 "Notwithstanding other provisions of this section
- 6 or the Code to the contrary, those employees or
- 7 positions within the offices of the elected state
- 8 officers which were exempt from the merit system
- 9 provisions of this chapter immediately prior to July
- 10 1, 1986, shall be exempt from the merit system
- 11 provisions of this chapter on and after the effective
- 12 date of this Act."

Hammond of Story offered the following amendment H—4345, to amendment H—4340, filed by her from the floor and moved its adoption:

H—4345

- 1 Amend the amendment, H—4340, to Senate File 501, as
- 2 amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 1, by striking lines 5 through 12 and
- 5 inserting the following:
- 6 "Notwithstanding other provisions of this section
- 7 or the Code to the contrary, an office of an elected
- 8 state officer, a department, or any other state agency
- 9 may have up to the same percentage, but not a greater
- 10 percentage, of total authorized positions within the
- 11 office, department, or other state agency exempt from
- 12 the merit system provisions of this chapter as the

13 percentage which was exempt from the merit system  
 14 provisions of this chapter immediately prior to July  
 15 1, 1986."

Amendment H—4345 lost.

On motion by Hanson of Delaware, amendment H—4340 was adopted.

The House resumed consideration of amendment H—4330B.

On motion by Blanshan of Greene, amendment H—4330B was adopted.

Brammer of Linn offered the following amendment H—4254 filed by him and moved its adoption:

H—4254

- 1 Amend Senate File 501, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 31, by inserting before line 26 the
- 4 following:
- 5 "Sec. \_\_\_\_\_. NEW SECTION. 19B.12 PENALTIES.
- 6 A person who knowingly gives false information on a
- 7 targeted small business certification form filed with
- 8 the department of management or any other state agency
- 9 is guilty of an aggravated misdemeanor."
- 10 2. By renumbering as necessary.

Amendment H—4254 was adopted.

Blanshan of Greene offered the following amendment H—4312 filed by him and moved its adoption:

H—4312

- 1 Amend Senate File 501 as amended, passed and
- 2 reprinted by the Senate as follows:
- 3 1. By striking page 51, line 28 through page 52,
- 4 line 3.
- 5 2. By striking page 52, line 22 through page 54,
- 6 line 3.
- 7 3. By striking page 54, line 26 through page 55,
- 8 line 11.
- 9 4. Renumber as necessary.

A non-record roll call was requested.

The ayes were 39, nays 34.

Amendment H—4312 was adopted.

Blanshan of Greene offered the following amendment H—4276 filed by him and moved its adoption:

H-4276

1 Amend Senate File 501, as amended, passed, and  
2 reprinted by the Senate, as follows:

3 1. Page 63, line 29, by inserting after the word  
4 "purposes" the following: "if approved by the  
5 governor".

6 2. Page 63, by striking line 34 and inserting the  
7 following:

8 "6. Erect buildings on the grounds if approved by  
9 concurrent resolution of the general assembly and  
10 repair buildings on the grounds and make".

11 3. Page 64, line 4, by inserting after the word  
12 "domain" the following: "if approved by the  
13 governor".

14 4. Page 68, line 18, by inserting after the word  
15 "notes" the following: "or financing leases or loan  
16 agreements".

17 5. Page 68, by inserting after line 27 the  
18 following:

19 "10. The issuance of all negotiable bonds and  
20 notes by the board under this section or entering into  
21 any financing leases or loan agreements is subject to  
22 the prior approval of the governor and the legislative  
23 council."

Amendment H-4276 was adopted.

Halvorson of Webster offered the following amendment H-4336  
filed by him and Connors of Polk:

H-4336

1 Amend Senate File 501, as amended, passed, and re-  
2 printed by the Senate, as follows:

3 1. By striking page 61, line 31 through page 69,  
4 line 29.

5 2. Page 147, line 10, by striking the figure  
6 "173.20,".

7 3. Page 148, by striking lines 22 through 32.

8 4. By renumbering as necessary.

The House stood at ease at 3:26 p.m., until the fall of the gavel.

The House resumed session and consideration of amendment  
H-4336 to Senate File 501 at 4:34 p.m., Connors of Polk in the chair.

Speaker Avenson in the chair at 4:38 p.m.

Halvorson of Webster moved the adoption of amendment H-4336.

Amendment H-4336 lost.

Halvorson of Webster offered the following amendment H—4331 filed by him and Hanson of Delaware and moved its adoption:

H—4331

- 1 Amend Senate File 501, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. By striking page 88, line 24 through page 89,
- 4 line 11.
- 5 2. By renumbering as necessary.

Amendment H—4331 lost.

Halvorson of Webster asked and received unanimous consent to withdraw amendment H—4339 filed by him on May 7, 1987.

Arnould of Scott asked and received unanimous consent that Senate File 501 be deferred and that the bill retain its place on the calendar.

### HOUSE INSISTS

Tabor of Jackson called up for consideration **Senate File 17**, a bill for an act relating to the penalty for cruelty to animals, and moved that the House insist on its amendment, which motion prevailed.

### CONFERENCE COMMITTEE APPOINTED (Senate File 17)

The Speaker announced the appointment of the conference committee to consider the differences between the House and Senate concerning Senate File 17: Tabor of Jackson, Chair; Hammond of Story, Hansen of Woodbury, Clark of Cerro Gordo and Kremer of Buchanan.

### RULES SUSPENDED

Arnould of Scott asked and received unanimous consent to suspend the rules for meetings of the committee on judiciary and law enforcement and the committee on ways and means immediately.

The House stood at ease at 5:03 p.m., until the fall of the gavel.

The House resumed session at 5:53 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-seven members present, thirty-three absent.

## INTRODUCTION OF BILL

**House File 687**, by committee on ways and means, a bill for an act relating to the state individual income tax by altering the tax brackets and rates, standard deduction, personal exemptions and credits; disallowing married persons filing separately on combined returns; eliminating the deduction for federal income taxes paid; providing administrative clarifications; and providing effective dates.

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

### IMMEDIATE MESSAGE

(House File 79)

Arnould of Scott asked and received unanimous consent that House File 79 be immediately messaged to the Senate.

### ADOPTION OF THE REPORT OF THE CONFERENCE COMMITTEE

(House File 631)

Rosenberg of Story called up for consideration the report of the conference committee on House File 631 and moved the adoption of the conference committee report and the amendments contained therein as follows:

### REPORT OF THE CONFERENCE COMMITTEE ON HOUSE FILE 631

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 631, a bill for an act relating to public health and safety by establishing measures to improve and protect groundwater quality and to manage substances which pose health and safety hazards, by establishing goals, policies, funding mechanisms, including taxes and fees, and administrative provisions for the measures, by establishing programs relating to the management of agricultural activities, solid waste disposal, household hazardous wastes, storage tanks, fertilizers, pesticides, landfills, and watersheds, by providing penalties, establishing effective dates, and by providing for other properly related matters, respectfully make the following report:

1. That the Senate amendment, H-4027, to House File 631, as amended, passed and reprinted by the House, is amended as follows:

1. Page 1, by striking lines 3 through 15 and inserting the following:

“\_\_\_\_\_ Page 1, line 29, by inserting after the words “construction of” the following: “barriers, trenches, and other similar”.”

2. Page 1, by striking lines 18 through 20 and inserting the following:

" \_\_\_\_\_. Page 3, by striking lines 18 through 21 and inserting the following: "management practices shall be utilized. The department shall adopt rules which specify the general guidelines for determining the cleanup actions necessary to meet the goals of the state and the general procedures for determining the parties responsible by July 1, 1989. Until the rules are adopted, the absence of rules shall not be raised as a defense to an order to clean up a source of contamination." "

3. By striking page 1, line 28 through page 2, line 1 and inserting the following:

"Liability shall not be imposed upon an agricultural producer for the costs of active cleanup, or for any damages associated with or resulting from the detection in the groundwater of any quantity of nitrates provided that application has been in compliance with soil test results and that the applicator has properly complied with label instructions for application of the fertilizer. Compliance with the above provisions may be raised as an affirmative defense by an agricultural producer.

Liability shall not be imposed upon an agricultural producer for costs of active cleanup, or for any damages associated with or resulting from the detection in the groundwater of pesticide provided that the applicator has properly complied with label instructions for application of the pesticide and that the applicator has a valid appropriate applicator's license. Compliance with the above provisions may be raised as an affirmative defense by an agricultural producer."

4. Page 2, by striking lines 2 through 19 and inserting the following:

" \_\_\_\_\_. Page 6, by striking lines 13 through 15 and inserting the following:

"2. When groundwater standards are proposed by the commission, all available information to develop the standards shall be considered, including federal regulations and all relevant information gathered from other sources. A public hearing shall be held in each congressional district prior to the submittal of a report on standards to the general assembly. This report on how groundwater standards may be a part of a groundwater protection program shall be submitted by the department to the general assembly for its consideration by January 1, 1989." "

5. Page 2, by striking lines 20 through 23 and inserting the following:

" \_\_\_\_\_. Page 6, by striking lines 27 through 31 and inserting the following:

"2. Political subdivisions are authorized and encouraged to implement groundwater protection policies within their respective jurisdictions, provided that implementation is at least as stringent but consistent with the rules of the department." "

6. By striking page 2, line 26 through page 3, line 1 and inserting the following:

"The director shall include in the departmental budget prepared pursuant to section 455A.4, subsection 1, paragraph "c", a proposal for the use of groundwater protection fund moneys, and a report of the uses of the groundwater protection fund moneys appropriated in the previous fiscal year.

The secretary of agriculture shall submit with the report prepared pursuant to section 17.3 a proposal for the use of groundwater protection fund moneys, and a report of the uses of the groundwater protection fund moneys appropriated in the previous fiscal year."

7. Page 3, by striking lines 2 through 23 and inserting the following:

"\_\_\_\_\_. By striking page 7, line 16 through page 9, line 21 and inserting the following:

"The department shall use the funds in the account for the following purposes:

(1) The first fifty cents per ton of funds received from the tonnage fee imposed under section 455B.310 for the fiscal year beginning July 1, 1988 and ending June 30, 1989, shall be used for the following:

(a) Six cents per ton of the amount allocated under this subparagraph is appropriated to the waste management authority within the department of natural resources.

(b) Fourteen cents per ton of the amount allocated under this subparagraph is appropriated to the University of Northern Iowa to develop and maintain the small business assistance center for the safe and economic management of solid waste and hazardous substances established at the University of Northern Iowa.

(c) Eight thousand dollars of the amount allocated under this subparagraph is appropriated to the Iowa department of public health for carrying out the departmental duties pursuant to section 135.11, subsections 20 and 21, and section 139.35.

(d) The remainder of the amount allocated under this subparagraph is appropriated to the department of natural resources for the following purposes:

(i) The development of guidelines for groundwater monitoring at sanitary disposal projects as defined in section 455B.301, subsection 3.

(ii) Abatement and cleanup of threats to the public health, safety, and the environment resulting from a sanitary landfill if an owner or operator of the landfill is unable to facilitate the abatement or cleanup. However, not more than ten percent of the total funds allocated under this subparagraph may be used for this purpose without legislative authorization.

(2) An additional fifty cents per ton from the fees imposed under section 455B.310 for the fiscal year beginning July 1, 1988 and ending June 30, 1989 shall be used by the department to develop and implement demonstration projects for landfill alternatives to solid waste disposal including recycling programs.

(3) The additional fifty cents per ton collected from the fee imposed under section 455B.310 for the fiscal year beginning July 1, 1988 and ending June 30, 1989 may be retained by the agency making the payments to the state provided that a separate account is established for these funds and that they are used in accordance with the requirements of section 455B.306.

(4) The first fifty cents per ton of funds received from the tonnage fee imposed under section 455B.310 for the fiscal year beginning July 1, 1989 and ending June 30, 1990, shall be used for the following:

(a) Six cents per ton of the amount allocated under this subparagraph is appropriated to the waste management authority within the department of natural resources.

(b) Fourteen cents per ton of the amount allocated under this subparagraph is appropriated to the University of Northern Iowa to develop and maintain the small business assistance center for the safe and economic management of solid waste and hazardous substances established at the University of Northern Iowa.

(c) Eight thousand dollars of the amount allocated under this subparagraph is appropriated to the Iowa department of public health for carrying out the departmental duties pursuant to section 135.11, subsections 20 and 21, and section 139.35.

(d) The remainder of the amount allocated under this subparagraph is appropriated to the department of natural resources for the following purposes:

(i) The development of guidelines for groundwater monitoring at sanitary disposal projects as defined in section 455B.301, subsection 3.

(ii) Abatement and cleanup of threats to the public health, safety, and the environment resulting from a sanitary landfill if an owner or operator of the landfill is unable to facilitate the abatement or cleanup. However, not more than ten percent of the total funds allocated under this subparagraph may be used for this purpose without legislative authorization.

(5) One dollar per ton from the fees imposed under section 455B.310 for the fiscal year beginning July 1, 1989 and ending June 30, 1990 shall be used by the department to develop and implement demonstration projects for landfill alternatives to solid waste disposal including recycling programs.

(6) The additional fifty cents per ton collected from the fee imposed under section 455B.310 for the fiscal year beginning July 1, 1989 and ending June 30, 1990 may be retained by the agency making the payments to the state provided that a separate account is established for these funds and that they are used in accordance with the requirements of section 455B.306.

(7) The first fifty cents per ton of funds received from the tonnage fee imposed for the fiscal year beginning July 1, 1990 and thereafter shall be used for the following:

(a) Fourteen cents per ton of the amount allocated under this subparagraph is appropriated to the University of Northern Iowa to develop and maintain the small business assistance center for the safe and economic management of solid waste and hazardous substances established at the University of Northern Iowa.

(b) Eight thousand dollars of the amount allocated under this subparagraph is appropriated to the Iowa department of public health for carrying out the departmental duties pursuant to section 135.11, subsections 20 and 21, and section 139.35.

(c) The administration and enforcement of a groundwater monitoring program and other required programs which are related to solid waste management.

(d) The development of guidelines for groundwater monitoring at sanitary disposal projects as defined in section 455B.301, subsection 3.

(e) Abatement and cleanup of threats to the public health, safety, and the environment resulting from a sanitary landfill if an owner or operator of the landfill is unable to facilitate the abatement or cleanup. However, not more than ten percent of the total funds allocated under this subparagraph may be used for this purpose without legislative authorization.

(8) One dollar per ton from the fees imposed under section 455B.310 for the fiscal year beginning July 1, 1990 and thereafter shall be used by the department to develop and implement demonstration projects for landfill alternatives to solid waste disposal including recycling programs.

(9) Each additional fifty cents per ton per year of funds received from the tonnage fee for the fiscal period beginning July 1, 1990 and thereafter is allocated for the following purposes:

(a) Thirty-five cents per ton per year shall be allocated to the department of natural resources for the following purposes:

(i) Twenty-five cents per ton per year shall be used to develop and implement demonstration projects for landfill alternatives to solid waste disposal including recycling programs.

(ii) No more than ten cents of the thirty-five cents per year may be used for the administration of a groundwater monitoring program and other required programs which are related to solid waste management, if the amount of funds generated for administrative costs in this fiscal period is less than the amount generated for the costs in the fiscal year beginning July 1, 1988.

(b) Fifteen cents per ton per year shall be allocated to local agencies for use as provided by law.

(10) Cities, counties, and private agencies subject to fees imposed under section 455B.310 may use the funds collected in accordance with the provisions of this section and the conditions of this subsection. The funds used from the account may only be used for any of the following purposes:

(a) Development and implementation of an approved comprehensive plan.

(b) Development of a closure or postclosure plan.

(c) Development of a plan for the control and treatment of leachate which may include a facility plan or detailed plans and specifications.

(d) Preparation of a financial plan, but these funds may not be used to actually contribute to any fund created to satisfy financial requirements, or to contribute to the purchase of any instrument to meet this need.

On January 1 of the year following the first year in which the funds from the account are used, and annually thereafter, the agency shall report to the department as to the amount of the funds used, the exact nature of the use of the funds, and the projects completed. The report shall include an audit report which states that the funds were, in fact, used entirely for purposes authorized under this subsection.

(11) If moneys appropriated to the portion of the solid waste account to be used for the administration of groundwater monitoring programs and other required programs that are related to solid waste management remain unused at the end of any fiscal year, the moneys remaining shall be allocated to the portion of the account used for abatement and cleanup of threats to the public health, safety, and the environment, resulting from sanitary landfills. If the balance of the moneys in the portion of the account used for abatement and cleanup exceeds three million dollars, the moneys in excess shall be used to fund the development and implementation of demonstration projects for landfill alternatives to solid waste disposal including recycling." "

8. By striking page 3, line 24 through page 4, line 19 and inserting the following:

"\_\_\_\_\_. By striking page 9, line 24 through page 10, line 21 and inserting the following:

"(1) Nine thousand dollars of the account is appropriated to the Iowa department of public health for carrying out the departmental duties under section 135.11, subsections 20 and 21, and section 139.35.

(2) Of the remaining moneys in the account:

(a) Thirty-five percent is appropriated annually for the Leopold center for sustainable agriculture at Iowa State University of science and technology.

(b) Two percent is appropriated annually to the department of natural resources for the purpose of administering grants to counties and conducting oversight of county-based programs relative to the testing of private water supply wells and the proper closure of private abandoned wells. Not more than twenty-three percent of the moneys is appropriated annually to the department of natural resources for grants to counties for the purpose of conducting programs of private, rural water supply testing, not more than six percent of the moneys is appropriated annually to the state hygienic laboratory to assist in well testing, and not more than twelve percent of the moneys is appropriated annually to the department of natural resources for grants to counties for the purpose of conducting programs for properly closing abandoned, rural water supply wells.

(c) The department shall allocate a sum not to exceed seventy-nine thousand dollars of the moneys appropriated for the fiscal year beginning July 1, 1987, and ending June 30, 1988 for the preparation of a detailed report and plan for the establishment on July 1, 1988 of the center for health effects of environmental contamination. The plan for establishing the center shall be presented to the general assembly on or before January 15, 1988. The report shall include the assemblage of all existing data relating to Iowa drinking water supplies, including characteristics of source, treatment, presence of contaminants, precise location, and usage patterns to facilitate data retrieval and use in research; and detailed organizational plans, research objectives, and budget projections for the anticipated functions of the center in subsequent years. The department may allocate annually a sum not to exceed nine percent of the moneys appropriated to the center, beginning July 1, 1988.

(d) Thirteen percent of the moneys is appropriated annually to the department of agriculture and land stewardship for financial incentive programs related to agricultural drainage wells and sinkholes, for studies and administrative costs relating to sinkholes and agricultural drainage wells programs, and not more than two hundred thousand dollars of the moneys is appropriated for the demonstration projects regarding agricultural drainage wells and sinkholes. Of the thirteen percent allocated for financial incentive programs, not more than fifty thousand dollars is appropriated for the fiscal year beginning July 1, 1987 and ending June 30, 1988, to the department of natural resources for grants to county conservation boards for the development and implementation of projects regarding alternative practices in the remediation of noxious weed or other vegetation within highway rights-of-way."

9. Page 4, line 24, by inserting after the figure "139.35," the following: "eighty thousand dollars is appropriated to the department of natural resources for city, county, or service organization project grants relative to recycling and reclamation events,".

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

"\_\_\_\_\_. Page 10, line 26, by inserting after the figure "455F" the following: ", including the administration of the household hazardous materials permit program by the department of revenue and finance"."

11. Page 4, by striking lines 39 and 40 and inserting the following:

"(2) Seventy percent of the moneys deposited".

12. By striking page 5, line 2, through page 6, line 23 and inserting the following:

"(1) The following amounts are appropriated to the department of natural resources to implement its responsibilities pursuant to section 455E.8:

(a) For the fiscal year beginning July 1, 1987 and ending June 30, 1988, eight hundred sixty thousand dollars is appropriated.

(b) For the fiscal year beginning July 1, 1988 and ending June 30, 1989, six hundred fifty thousand dollars is appropriated.

(c) For the fiscal year beginning July 1, 1989 and ending June 30, 1990, six hundred thousand dollars is appropriated.

(d) For the fiscal year beginning July 1, 1990 and ending June 30, 1991, five hundred thousand dollars is appropriated.

(e) For the fiscal year beginning July 1, 1991 and ending June 30, 1992, five hundred thousand dollars is appropriated.

(2) For the fiscal year beginning July 1, 1987 and ending June 30, 1988, five hundred sixty thousand dollars is appropriated to the department of natural resources for assessing rural, private water supply quality.

(3) For the fiscal period beginning July 1, 1987 and ending June 30, 1989, one hundred thousand dollars is appropriated annually to the department of natural resources for the administration of a groundwater monitoring program at sanitary landfills.

(4) The following amounts are appropriated to the Iowa state water resources research institute to provide competitive grants to colleges, universities, and private institutions within the state for the development of research and education programs regarding alternative disposal methods and groundwater protection:

(a) For the fiscal year beginning July 1, 1987 and ending June 30, 1988, one hundred twenty thousand dollars is appropriated.

(b) For the fiscal year beginning July 1, 1988 and ending June 30, 1989, one hundred thousand dollars is appropriated.

(c) For the fiscal year beginning July 1, 1989 and ending June 30, 1990, one hundred thousand dollars is appropriated.

(5) The following amounts are appropriated to the department of natural resources to develop and implement demonstration projects for landfill alternatives to solid waste disposal, including recycling programs:

(a) For the fiscal year beginning July 1, 1987 and ending June 30, 1988, seven hundred sixty thousand dollars is appropriated.

(b) For the fiscal year beginning July 1, 1988 and ending June 30, 1989, eight hundred fifty thousand dollars is appropriated.

(6) For the fiscal period beginning July 1, 1987 and ending June 30, 1988, eight hundred thousand dollars is appropriated to the Leopold center for sustainable agriculture.

(7) Seven million five hundred thousand dollars is appropriated to the agriculture energy management fund created under chapter 467E for the fiscal period beginning July 1, 1987 and ending June 30, 1992, to develop nonregulatory programs to implement integrated farm management of farm chemicals for environmental protection, energy conservation, and farm profitability; interactive public and farmer education; and applied studies on best management practices and best appropriate technology for chemical use efficiency and reduction.

(8) The following amounts are appropriated to the department of natural resources to continue the Big Spring demonstration project in Clayton county.

(a) For the fiscal period beginning July 1, 1987 and ending June 30, 1990, seven hundred thousand dollars is appropriated annually.

(b) For the fiscal period beginning July 1, 1990 and ending June 30, 1992, five hundred thousand dollars is appropriated annually.

(9) For the fiscal period beginning July 1, 1987 and ending June 30, 1990, one hundred thousand dollars is appropriated annually to the department of agriculture and land stewardship to implement a targeted education program on best management practices and technologies for the mitigation of groundwater contamination from or closure of agricultural drainage wells, abandoned wells, and sinkholes."

13. Page 6, by striking lines 24 through 27 and inserting the following:

" \_\_\_\_\_. Page 11, by striking lines 23 and 24 and inserting the following: "disposal facilities. These standards shall be at least as stringent but consistent with the standards adopted by"."

14. Page 6, line 49, by striking the word "fifty" and inserting the following: "seventy-five".

15. Page 7, by inserting after line 6 the following:

" \_\_\_\_\_. Page 18, line 24, by inserting after the word "fees." the following: "The secretary shall, by rule allow an exemption to the payment of this fee for fertilizers which contain trace amounts of nitrogen." "

16. Page 7, by striking lines 7 through 9, and inserting the following:

" \_\_\_\_\_. Page 20, by striking lines 8 through 11 and inserting the following:

"24. The term "pesticide dealer" means any person who distributes any restricted use pesticides which, by regulation, are restricted to application only by certified applicators; pesticide for use by commercial or public pesticide applicators; or general use pesticides labeled for agricultural or lawn and garden use with the exception of dealers whose gross annual pesticide sales are less than ten thousand dollars for each business location owned or operated by the dealer." "

17. Page 8, by striking lines 15 through 26 and inserting the following:

"The secretary may adopt rules to provide for license and certification adjustments, including fees, which may be necessary to provide for an equitable transition for licenses and certifications issued prior to January 1, 1989. The rules shall also include a provision for renewal of certification through the administering of an approved exam, and a provision for a thirty day renewal grace period." "

18. Page 8, lines 39 and 40, by striking the words "one-twentieth" and inserting the following: "one-tenth".

19. Page 8, by inserting after line 47 the following:

"\_\_\_\_\_. Page 24, by inserting after line 16 the following:

"Sec. \_\_\_\_\_. Section 206.8, Code 1987, is amended by adding the following new subsection:

**NEW SUBSECTION. 4.** Application for a license required for manufacturers and distributors who are not engaged in the retail sale of pesticides shall be accompanied by a twenty-five dollar fee for each business location within the state required to be licensed, and shall be on a form prescribed by the secretary."

20. Page 8, by striking lines 48 through 50 and inserting the following:

"\_\_\_\_\_. Page 25, line 19, by striking the words "five hundred" and inserting the following: "one-fifth of one percent of gross sales within this state with a minimum fee of two hundred fifty dollars and a maximum fee of three thousand"."

21. Page 9, by striking lines 1 through 18 and inserting the following:

"\_\_\_\_\_. Page 25, line 20, by inserting after the word "state." the following: "The secretary shall adopt by rule exemptions to the minimum fee." "

22. Page 9, by striking lines 22 through 26 and inserting the following:

"\_\_\_\_\_. Page 25, line 32, by striking the word "distributed" and inserting the following: "or distributed at retail for use in this state"."

23. Page 9, by inserting after line 28 the following:

"\_\_\_\_\_. Page 26, line 2, by inserting after the word "state." the following: "The information required shall include the brand names and amounts of pesticides sold, offered for sale, or distributed at retail for use in this state for each business location owned or operated by the retailer, but the information collected, if made public, shall be reported in a manner which does not identify a specific brand name in the report." "

24. Page 9, by striking lines 32 through 37 and inserting the following:

"\_\_\_\_\_. Page 26, line 7, by inserting after the word "the" the following: "exterior".

\_\_\_\_\_. Page 26, by inserting after line 12 the following:

**"NEW SUBSECTION. 3A.** Adopt rules providing guidelines for public bodies to notify adjacent property occupants regarding the application of herbicides to noxious weeds or other undesirable vegetation within highway rights-of-way." "

25. Page 10, by inserting after line 17 the following:

"(10) The Iowa department of public health.

(11) The department of natural resources.

(12) The department of agriculture and land stewardship."

26. Page 10, by striking lines 18 through 20 and inserting the following:

"b. The active participation of the national cancer institute,".

27. By striking page 11, line 38 through page 12, line 14, and inserting the following:

"\_\_\_\_\_. By striking page 27, line 28 through page 28, line 29 and inserting the following:

"2. The Leopold center for sustainable agriculture is established in the Iowa agricultural and home economics experiment station at Iowa State University of science and technology. The center shall conduct and sponsor research to identify and reduce negative environmental and socio-economic impacts of agricultural practices. The center also shall research and assist in developing emerging alternative practices that are consistent with a sustainable agriculture. The center shall develop in association with the Iowa cooperative extension service in agriculture and home economics an educational framework to inform the agricultural community and the general public of its findings.

3. An advisory board is established consisting of the following members:

a. Three persons from Iowa State University of science and technology, appointed by its president.

b. Two persons from the State University of Iowa, appointed by its president.

c. Two persons from the University of Northern Iowa, appointed by its president.

d. Two representatives of private colleges and universities within the state, to be nominated by the Iowa association of independent colleges and universities, and appointed by the Iowa coordinating council for post-high school education.

e. One representative of the department of agriculture and land stewardship, appointed by the secretary of agriculture.

f. One representative of the department of natural resources, appointed by the director.

g. One man and one woman, actively engaged in agricultural production, appointed by the state soil conservation committee.

The terms of the members shall begin and end as provided in section 69.19 and any vacancy shall be filled by the original appointing authority. The terms shall be for four years and shall be staggered as determined by the president of Iowa State University of science and technology.

4. The Iowa agricultural and home economics experiment station shall employ a director for the center, who shall be appointed by the president of Iowa State University of science and technology. The director of the center shall employ the necessary research and support staff. The director and staff shall be employees of Iowa State University of science and technology. No more than five hundred thousand dollars of the funds received from the agriculture management account annually shall be expended by the center for the salaries and benefits of the employees of the center, including the salary and benefits of the director. The remainder of the funds received from the agriculture management account shall be used to sponsor research grants and projects on a competitive basis from Iowa colleges and universities and private nonprofit agencies and foundations. The center may also solicit additional grants and funding from public and private nonprofit agencies and foundations.

The director shall prepare an annual report.

5. The board shall provide the president of Iowa State University of science and technology with a list of three candidates from which the director shall be selected. The board shall provide an additional list of three candidates if requested by the president. The board shall advise the director in the development of a budget, on the policies and procedures of the center, in the funding of research grant proposals, and regarding program planning and review.” ”

28. Page 12, by inserting after line 14 the following:

“ \_\_\_\_\_. Page 28, by inserting before line 30 the following:

“Sec. \_\_\_\_\_. NEW SECTION. 317.26 ALTERNATIVE REMEDIATION PRACTICES.

The director of the department of natural resources, in cooperation with the secretary of agriculture and county conservation boards or the board of supervisors, shall develop and implement projects which utilize alternative practices in the remediation of noxious weeds and other vegetation within highway rights-of-way.” ”

29. Page 12, by inserting after line 21 the following:

“ \_\_\_\_\_. Page 29, by inserting after line 33 the following:

“Sec. \_\_\_\_\_. APPROPRIATION. For the fiscal year beginning July 1, 1987, and ending June 30, 1988, the increased fee revenues resulting to the fertilizer fund and to the pesticide fund from the increases in fees and expansion of coverage of fee requirements provided in this Act are appropriated to the department of agriculture and land stewardship for the administration and implementation of chapters 200 and 206, as amended by this Act.”

\_\_\_\_\_. Page 29, by inserting after line 35 the following:

“Sec. \_\_\_\_\_. NEW SECTION. 108.11 AGRICULTURAL DRAINAGE WELLS – WETLANDS – CONSERVATION EASEMENTS.

The department shall develop and implement a program for the acquisition of wetlands and conservation easements on and around wetlands that result from the closure or change in use of agricultural drainage wells upon implementation of the programs specified in section 159.28 to eliminate groundwater contamination caused by the use of agricultural drainage wells. The program shall be coordinated with the department of agriculture and land stewardship. The department may use moneys appropriated for this purpose from the agriculture management account of the groundwater protection fund in addition to other moneys available for wetland acquisition, protection, development, and management.

Sec. \_\_\_\_\_. NEW SECTION. 159.29 SINKHOLES – CONSERVATION EASEMENT PROGRAMS.

The department shall develop and implement a program for the prevention of groundwater contamination through sinkholes. The program shall provide for education of landowners and encourage responsible chemical and land management practices in areas of the state prone to the formation of sinkholes.

The program may provide financial incentives for land management practices and the acquisition of conservation easements around sinkholes. The program may also provide financial assistance for the cleanup of wastes dumped into sinkholes.

The program shall be coordinated with the groundwater protection programs of the department of natural resources and other local, state, or federal government agencies which could compensate landowners for resource protection measures. The department shall use moneys appropriated for this purpose from the agriculture management account of the groundwater protection fund." "

30. By striking page 12, line 26 through page 14, line 9 and inserting the following:

"1. An owner of an agricultural drainage well shall register the well with the department of natural resources by January 1, 1988.

2. An owner of an agriculture drainage well and a landholder whose land is drained by the well or wells of another person shall develop, in consultation with the department of agriculture and land stewardship and the department of natural resources, a plan which proposes alternatives to the use of agricultural drainage wells by July 1, 1991.

a. Financial incentive moneys may be allocated from the financial incentive portion of the agriculture management account of the groundwater protection fund to implement alternatives to agricultural drainage wells.

b. An owner of an agricultural drainage well and a landholder whose land is drained by the well or wells of another person shall not be eligible for financial incentive moneys pursuant to paragraph "a" if the owner fails to register the well with the department of natural resources by January 1, 1988 or if the owner fails to develop a plan for alternatives in cooperation with the department of agriculture and land stewardship and the department of natural resources.

3. The department shall:

a. On July 1, 1987 initiate a pilot demonstration and research project concerning elimination of groundwater contamination attributed to the use of agricultural chemicals and agricultural drainage wells. The project shall be established in a location in North Central Iowa determined by the department to be the most appropriate. A demonstration project shall also be established in Northeast Iowa to study techniques for the cleanup of sinkholes.

The agricultural drainage well pilot project shall be designed to identify the environmental, economic, and social problems presented by continued use or closure of agricultural drainage wells and to monitor possible contamination caused by agriculture land management practices and agricultural chemical use relative to agricultural drainage wells.

b. Develop alternative management practices based upon the findings from the demonstration projects to reduce the infiltration of synthetic organic compounds into the groundwater through agricultural drainage wells and sinkholes.

c. Examine alternatives and the costs of implementation of alternatives to the use of agricultural drainage wells, and examine the legal, technical, and hydrological constraints for integrating alternative drainage systems into existing drainage districts.

4. Financial incentive moneys expended through the use of the financial incentive portion of the agriculture management account may be provided by the department to landowners in the project areas for employing reduced chemical farming practices and land management techniques.

5. The secretary may appoint interagency committees and groups as needed to coordinate the involvement of agencies participating in department sponsored projects. The interagency committees and groups may accept grants and funds from public and private organizations.

6. The department shall publish a report on the status and findings of the pilot demonstration projects on or before July 1, 1989, and each subsequent year of the projects. The department of agriculture and land stewardship shall develop a priority system for the elimination of chemical contamination from agricultural drainage wells and sinkholes. The priority system shall incorporate available information regarding the significance of contamination, the number of registered wells in the area, and the information derived from the report prepared pursuant to this subsection. The highest priority shall be given to agricultural drainage wells for which the above criteria are best met, and the costs of necessary action are at the minimum level.

7. Beginning July 1, 1990, the department shall initiate an ongoing program to meet the goal of eliminating chemical contamination caused by the use of agricultural drainage wells by January 1, 1995 based upon the findings of the report published pursuant to subsection 6." "

31. Page 14, by striking lines 12 through 24 and inserting the following:

" "\_\_\_\_\_. Notwithstanding the prohibitions of section 455B.267, subsection 4, an owner of an agricultural drainage well may make emergency repairs necessitated by damage to the drainage well to minimize surface runoff into the agricultural drainage well, upon the approval of the county board of supervisors or the board's designee of the county in which the agricultural drainage well is located. The approval shall be based upon the following conditions:

- a. The well has been registered in accordance with both state and federal law.
- b. The applicant will institute management practices including alternative crops, reduced application of chemicals, or other actions which will reduce the level of chemical contamination of the water which drains into the well.
- c. The owner submits a written statement that approved emergency repairs are necessary and do not constitute a basis to avoid the eventual closure of the well if closure is later determined to be required. If a county board of supervisors or the board's designee approves the emergency repair of an agricultural drainage well, the county board of supervisors or the board's designee shall notify the department of the approval within thirty days of the approval." "

32. Page 14, line 28, by striking the word "paragraph" and inserting the following: "paragraphs".

33. Page 14, by inserting after line 28 the following:

**"NEW UNNUMBERED PARAGRAPH.** A landowner or the landowner's agent shall not drill for or construct a new water well without first obtaining a permit for this activity from the department. The department shall not issue a permit to any person for this activity unless the person first registers with the department all wells,

including abandoned wells, on the property. The department may delegate the authority to issue a permit to a county board of supervisors or the board's designee. In the event of such delegation, the department shall retain concurrent authority. The commission shall adopt rules pursuant to chapter 17A to implement this paragraph.

**NEW UNNUMBERED PARAGRAPH.** Notwithstanding the provisions of this section, a county board of supervisors or the board's designee may grant an exemption from the permit requirements to a landowner or the landowner's agent if an emergency drilling is necessary to meet an immediate need for water. The exemption shall be effective immediately upon approval of the county board of supervisors or the board's designee. The board of supervisors or the board's designee shall notify the director within thirty days of the granting of an exemption."

34. Page 14, by striking lines 38 through 42 and inserting the following:

" \_\_\_\_\_. Page 32, line 33, by striking the word "five" and inserting the following: "one".

\_\_\_\_\_. Page 32, line 34, by inserting after the word "plugged." the following: "The moneys collected shall be deposited in the financial incentive portion of the agriculture management account." "

35. By striking page 14, line 43 through page 15, line 5 and inserting the following:

" \_\_\_\_\_. Page 33, by striking lines 5 through 27."

36. Page 15, by inserting after line 7 the following:

" \_\_\_\_\_. Page 35, by striking lines 9 through 12 and inserting the following: "county recorder.

If a declaration of value is not required, the above information shall be submitted on a separate form. The director of the department of natural resources shall prescribe the form of the statement and the separate form to be supplied by each county recorder in the state. The county recorder shall transmit the".

37. Page 15, by striking lines 9 through 12.

38. Page 15, by inserting before line 13 the following:

" \_\_\_\_\_. Page 36, by inserting after line 20 the following:

"Sec. \_\_\_\_\_. **NEW SECTION. 268.4 SMALL BUSINESS ASSISTANCE CENTER FOR THE SAFE AND ECONOMIC MANAGEMENT OF SOLID WASTE AND HAZARDOUS SUBSTANCES.**

1. The small business assistance center for the safe and economic management of solid waste and hazardous substances is established at the University of Northern Iowa. The University of Northern Iowa, in cooperation with the department of natural resources, shall develop and implement a program which provides the following:

a. Information regarding the safe use and economic management of solid waste and hazardous substances to small businesses which generate the substances.

b. Dissemination of information to public and private agencies regarding state and federal solid waste and hazardous substances regulations, and assistance in achieving compliance with the regulations.

c. Advice and consultation in the proper storage, handling, treatment, reuse, recycling, and disposal methods of solid waste and hazardous substances.

d. Identification of the advantages of proper substance management relative to liability and operational costs of a particular small business.

e. Assistance in the providing of capital formation in order to comply with state and federal regulations.

2. a. An advisory committee to the center is established, consisting of a representative of each of the following organizations:

- (1) The Iowa department of economic development.
- (2) The small business development commission.
- (3) The University of Northern Iowa.
- (4) The State University of Iowa.
- (5) Iowa State University of science and technology.
- (6) The department of natural resources.

b. The active participation of representatives of small businesses in the state shall also be sought and encouraged.

3. Information obtained or compiled by the center shall be disseminated directly to the Iowa department of economic development, the small business development centers, and other public and private agencies with interest in the safe and economic management of solid waste and hazardous substances.

4. The center may solicit, accept, and administer moneys appropriated to the center by a public or private agency." "

39. Page 15, by inserting after line 13 the following:

"\_\_\_\_\_. Page 38, by inserting after line 32 the following:

"Sec. \_\_\_\_\_. Section 455B.304, unnumbered paragraph 3, Code 1987, is amended to read as follows:

The commission shall adopt rules prohibiting the disposal of uncontained liquid waste in a sanitary landfill. The rules shall prohibit land burial or disposal by land application of wet sewer sludge at a sanitary landfill."

\_\_\_\_\_. Page 39, by inserting after line 34 the following:

"Sec. \_\_\_\_\_. Section 455B.305, subsection 5, Code 1987, is amended by adding the following new unnumbered paragraph:

**NEW UNNUMBERED PARAGRAPH.** After July 1, 1997, however, no new landfill permits shall be issued unless the applicant certifies that the landfill is needed as a part of an alternative disposal method, or unless the applicant provides documentation which satisfies the director that alternatives have been studied and are not either technically or economically feasible. The decision of the director is subject to review by the commission at its next meeting." "

40. Page 15, by inserting after line 16 the following:

“\_\_\_\_\_. Page 40, by inserting after line 34 the following:

“Sec. \_\_\_\_\_. Section 455B.306, subsection 2, Code 1987, is amended to read as follows:

2. The plan required by subsection 1 shall be filed with the department at the time of initial application for the construction and operation of a sanitary landfill disposal project and shall be updated and refiled with the department at the time of each subsequent application for renewal or reissuance of a previously issued permit.”

41. Page 15, by striking lines 17 through 21 and inserting the following:

“\_\_\_\_\_. Page 41, lines 4 and 5, by striking the words “landfill shall address include all of the following:” and inserting the following: “disposal project shall incorporate and reflect the waste management hierarchy of the state solid waste management policy and shall at a minimum address the following general topics to the extent appropriate to the technology employed by the applicant at the sanitary disposal project:”.

42. Page 15, by inserting after line 37 the following:

“\_\_\_\_\_. Page 41, by inserting before line 24, the following:

“4. In addition to the above requirements, the following specific areas must be addressed in detail in the comprehensive plan:”.

43. Page 15, by striking lines 38 through 40 and inserting the following:

“\_\_\_\_\_. Page 42, by striking lines 3 through 5 and inserting the following: “costs of control and treatment in order to meet the requirements of section 455B.305, subsection 6.”

44. Page 15, by inserting after line 42, the following:

“\_\_\_\_\_. Page 42, by striking lines 24 through 26 and inserting the following: “the initial approval of a permit or prior to the renewal of a permit for an existing or expanding facility beginning July 1, 1988.”

\_\_\_\_\_. Page 45, line 13, by striking the word “two dollars” and inserting the following: “one dollar and fifty-cents”.

\_\_\_\_\_. Page 45, line 14, by striking the word and figures “January 1, 1995” and inserting the following: “July 1, 1992”.

\_\_\_\_\_. Page 45, line 16, by striking the word “January” and inserting the following: “July”.

45. By striking page 15, line 43 through page 16, line 4.

46. Page 16, by striking lines 5 through 26.”

47. Page 16, by inserting before line 27 the following:

“\_\_\_\_\_. Page 45, line 22, by striking the words and figures “subsection 4, Code 1987, is” and inserting the following: “subsections 4 and 5, Code 1987, are”.

\_\_\_\_\_. Page 45, by inserting after line 27 the following:

“5. Fees imposed by this section beginning July 1, 1988 shall be paid to the department on an annual a quarterly basis. Fees are due on April 15 for the previous calen-

dar year The initial payment of fees collected beginning July 1, 1988 shall be paid to the department on January 1, 1989 and on a quarterly basis thereafter. The payment shall be accompanied by a return in the form prescribed by the department."

\_\_\_\_\_. Page 45, by striking line 29 and inserting the following: "adding the following new subsections:"

\_\_\_\_\_. Page 46, by inserting after line 22 the following:

"NEW SUBSECTION. 8. In the case of a sanitary disposal project other than a sanitary landfill, no tonnage fee shall apply for five years beginning July 1, 1987 or for five years from the commencement of operation, whichever is later. By July 1, 1992, the department shall provide the general assembly with a recommendation regarding appropriate fees for alternative sanitary disposal projects."

48. Page 16, line 35, by striking the word "projects." and inserting the following: "projects and a preference given to projects involving environmentally fragile areas which are particularly subject to groundwater contamination. Grants shall be awarded in a manner which will distribute the grants geographically throughout the state."

49. Page 16, by inserting after line 35 the following:

"\_\_\_\_\_. Page 48, by inserting after line 12, the following:

"Sec. \_\_\_\_\_. GROUNDWATER FUND EXISTING FEES.

All tonnage fees received by the department of natural resources pursuant to section 455B.310 and deposited in the groundwater fund and existing in the groundwater fund prior to December 31, 1987, shall be used for the following purposes:

1. Six cents of the twenty-five cents per ton deposited in the fund is appropriated to the waste management authority of the department of natural resources.

2. Fifty thousand dollars of the moneys in the fund is appropriated to the University of Northern Iowa for the fiscal year beginning July 1, 1987, and ending June 30, 1988, for the establishment of the small business assistance center for the safe and economic management of solid waste and hazardous substances at the University of Northern Iowa.

3. The remainder of the moneys in the account are appropriated to the department of natural resources for the development of guidelines for groundwater monitoring at sanitary disposal projects as defined in section 455B.301, subsection 3."

50. Page 16, by striking lines 36 through 39.

51. Page 16, by striking lines 40 through 43 and inserting the following:

"\_\_\_\_\_. Page 49, by striking lines 10 and 11 and inserting the following: "petroleum base, and petroleum-based fertilizers."

\_\_\_\_\_. Page 49, by striking line 13 and inserting the following: "laundry detergents or soaps, dishwashing compounds, chlorine bleach, personal care products, personal care soaps, cosmetics, and medications."

52. By striking page 16, line 46 through page 17, line 1, and inserting the following:

"\_\_\_\_\_. Page 50, by inserting after line 12, the following:

"A manufacturer or distributor of household hazardous materials who authorizes independent contractor retailers to sell the products of the manufacturer or distributor on a person-to-person basis primarily in the customer's home, shall print informational lists of its products which are designated by the department as household hazardous materials. These lists of products and the consumer information booklets prepared in accordance with this section shall be provided by the manufacturer or distributor in sufficient quantities to each contractor retailer for dissemination to customers. During the course of a sale of a household hazardous material by a contractor retailer, the customer shall in the first instance be provided with a copy of both the list and the consumer information booklet. In subsequent sales to the same customer, the list and booklet shall be noted as being available if desired."

53. Page 17, by striking lines 4 through 6.

54. Page 17, line 7, by striking the figure "1" and inserting the following: "3".

55. Page 17, line 7, by inserting after the word "Identify" the following: ", after consulting with departmental staff and the listing of other states,".

56. Page 17, line 12, by inserting after the word "landfill." the following: "The department may identify additional products by rule."

57. Page 17, by inserting after line 27 the following:

"\_\_\_\_\_. Page 50, line 32, by inserting after the word "for" the following: "each place of business owned or operated by the retailer for".

\_\_\_\_\_. Page 50, line 33, by inserting after the word "activity." the following: "All permits provided for in this division shall expire on June 30 of each year."

\_\_\_\_\_. Page 50, line 33, by inserting after the word "application" the following: "by July 1 of each year".

\_\_\_\_\_. Page 51, line 5, by inserting after the word "finance." the following: "Permits are nonrefundable, are based upon an annual operating period, and are not prorated. A person in violation of this section shall be subject to permit revocation upon notice and hearing."

58. Page 17, by striking lines 28 through 32 and inserting the following:

"\_\_\_\_\_. Page 51, by striking lines 7 through 10 and inserting the following: "the groundwater protection fund. A person distributing general use pesticides labeled for agricultural or lawn and garden use with gross annual pesticide sales of less than ten thousand dollars is subject to the requirements and fee payment prescribed by this section."

59. Page 18, line 1 by striking the word "one" and inserting the following: "three".

60. Page 18, line 41, by striking the figure "1988" and inserting the following: "1989".

61. Page 18, by striking lines 44 through 46, and inserting the following:

"Up to eighty thousand dollars of the moneys deposited in the household hazardous waste account shall be allocated to the department of natural resources for city, county, or service organization projects relative to recycling and reclamation events. A city, county, or service organization shall submit a competitive grant to the department of natural resources by April 1 for approval by the department no later than May 15."

62. By striking page 18, line 49 through page 19, line 1.

63. Page 19, by striking lines 9 through 12 and inserting the following:

“\_\_\_\_\_. Page 57, by striking lines 8 through 10 and inserting the following: “standards and inventory monitoring systems maintained by an individual owner or operator. The state subsidization of the premium shall be based upon a sliding fee schedule which may reflect the following criteria:”.

\_\_\_\_\_. Page 57, by striking line 11 and inserting the following:

“(1) Tanks with”.

\_\_\_\_\_. Page 57, by striking line 15 and inserting the following:

“(2) Tanks with secondary”.

\_\_\_\_\_. Page 57, by striking line 18 and inserting the following:

“(3) Tanks with single wall”.

\_\_\_\_\_. Page 57, by striking line 20 and inserting the following:

“(4) Tanks with any type”.

64. Page 19, by striking lines 20 through 24 and inserting the following:

“\_\_\_\_\_. Page 58, line 2, by inserting after the word “days.” the following: “The registration of the tank shall be accompanied by a fee of ten dollars to be deposited in the storage tank management account.”

\_\_\_\_\_. Page 58, line 3, by striking the word and figures “January 1, 1988” and inserting the following: “July 1, 1989”.

\_\_\_\_\_. Page 58, by striking lines 6 through 8 and inserting the following: “by rule by the department.””

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

“\_\_\_\_\_. Page 58, line 22, by striking the word “five” and inserting the following: “five ten”.”

66. Page 20, by inserting before line 7 the following:

“\_\_\_\_\_. Page 59, line 7, by striking the word “shall” and inserting the following: “may”.

\_\_\_\_\_. Page 59, line 11, by inserting after the word “reasonableness” the following: “in approval or rejection of claims”.

67. Page 20, line 9, by striking the word “ten” and inserting the following: “fifteen”.

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

“\_\_\_\_\_. Title page, line 10, by inserting after the word “dates,” the following: “making appropriations,”.”

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

## ON THE PART OF THE HOUSE:

RALPH ROSENBERG, Chair  
PAUL W. JOHNSON  
SUE MULLINS  
DON SHOULTZ

## ON THE PART OF THE SENATE:

PATRICK J. DELUHERY, Chair  
LARRY MURPHY  
BERL E. PRIEBE  
DALE L. TIEDEN

The motion prevailed and the conference committee report was adopted.

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

On the question "Shall the bill pass?" (H.F. 631)

The ayes were, 85:

Adams	Arnould	Beaman	Beatty
Bisignano	Black	Blanshan	Brammer
Buhr	Carpenter	Chapman	Clark
Cohoon	Connors	Cooper	Corbett
De Groot	Diemer	Doderer	Dvorsky
Eddie	Fey	Fogarty	Fuller
Garman	Groninga	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. R.
Harbor	Harper	Hatch	Haverland
Hermann	Hester	Holveck	Hummel
Jay	Johnson	Knapp	Koenigs
Lageschulte	Lundby	May	McKean
McKinney	Metcalf	Miller	Muhlbauer
Mullins	Neuhauser	Norrgard	Ollie
Osterberg	Parker	Paulin	Pavich
Peters	Petersen, D. F.	Peterson, M. K.	Plasier
Platt	Poncy	Renaud	Rosenberg
Running	Schneklath	Schrader	Sherzan
Shoning	Siegrist	Skow	Spear
Stromer	Stueland	Svoboda	Swartz
Tabor	Teaford	Van Camp	Wise
Mr. Speaker			

The nays were, 10:

Bennett	Branstad	Corey	Daggett
Kremer	Maulsby	Pellett	Renken
Royer	Van Maanen		

Absent or not voting, 5:

Connolly	Jochum	Shoultz	Swearingen
Tyrrell			

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 500)**

Buhr of Polk called up for consideration the report of the conference committee on House File 500 as follows:

**REPORT OF THE CONFERENCE COMMITTEE  
ON HOUSE FILE 500**

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 500, a bill for an act relating to the state civil rights law and the civil rights commission, respectfully make the following report:

1. That the Senate recede from its amendment.

2. That House File 500 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. Section 601A.2, subsection 10, unnumbered paragraph 1, Code 1987, is amended to read as follows:

"Public accommodation" means each and every place, establishment, or facility of whatever kind, nature, or class that caters or offers services, facilities, or goods for a fee or charge to the public or nonmembers of any organization or association utilizing the place, establishment, or facility, provided that any place, establishment, or facility that caters or offers services, facilities, or goods to the public or nonmembers gratuitously shall be deemed a public accommodation if the accommodation receives governmental support or subsidy. Public accommodation shall "Public accommodation" does not mean any bona fide private club or other place, establishment, or facility which is by its nature distinctly private, except when such the distinctly private place, establishment, or facility caters or offers services, facilities, or goods to the nonmembers for fee or charge or gratuitously, it shall be deemed a public accommodation during such period.

Sec. 2. Section 601A.2, subsection 11, Code 1987, is amended by striking the subsection and inserting in lieu thereof the following:

11. "Disability" means the physical or mental condition of a person which constitutes a substantial handicap.

In reference to employment, "disability" means a substantial handicap as follows:

a. Handicap is not related to the ability to do the job.

b. Handicap is related to the job but through experience, training, or reasonable accommodation the person has overcome the handicap and is able to perform the job.

Sec. 3. Section 601A.5, subsections 6 and 8, Code 1987, are amended by striking the subsections and inserting in lieu thereof the following:

6. To issue such publications and reports of investigations and research as in the judgment of the commission will tend to promote good will and minimize or eliminate discrimination in credit, education, employment, housing, and public accommodations because of age, color, creed, disability, marital status, national origin, race, religion, or sex.

8. To make recommendations to the general assembly for such further legislation concerning discrimination because of age, color, creed, disability, marital status, national origin, race, religion, or sex as it may deem necessary and desirable.

Sec. 4. Section 601A.6, subsection 1, paragraphs a and b, Code 1987, are amended to read as follows:

a. Person to refuse to hire, accept, register, classify, or refer for employment, to discharge any employee, or to otherwise discriminate in employment against any applicant for employment or any employee because of the age, race, creed, color, sex, national origin, religion, or disability, or association with protected class members, of such applicant or employee, unless based upon the nature of the occupation. If a disabled person is qualified to perform a particular occupation, by reason of training or experience, the nature of that occupation shall not be the basis for exception to the unfair or discriminating practices prohibited by this subsection.

b. Labor organization or the employees, agents or members thereof to refuse to admit to membership any applicant, to expel any member, or to otherwise discriminate against any applicant for membership or any member in the privileges, rights, or benefits of such membership because of the age, race, creed, color, sex, national origin, religion, or disability, or association with protected class members, of such applicant or member.

Sec. 5. Section 601A.6, subsection 4, Code 1987, is amended by striking the subsection and renumbering the remaining subsections.

Sec. 6. NEW SECTION. 601A.6A REASONABLE ACCOMMODATION BY EMPLOYER.

1. An employer shall make reasonable accommodation to the known physical or mental limitations of an otherwise qualified handicapped employee or applicant for employment unless the employer can demonstrate that the accommodation would impose an undue hardship on the operation of its program.

2. Reasonable accommodation may include the following:

a. Making facilities used by employees readily accessible to and usable by handicapped persons.

b. Job restructuring, part-time or modified work schedules, acquisition or modification of equipment or devices, the provision of readers or interpreters, and other similar actions.

3. Reasonable accommodation may require more than a de minimis expenditure as long as it does not impose an undue hardship on the operation of the employer's program.

4. In determining whether an accommodation would impose an undue hardship on the operation of an employer's program, factors to be considered include all of the following:

a. The overall size of the employer's program with respect to number of employees, number and type of facilities, and size of budget.

b. The type of the employer's operation, including the composition and structure of the employer's workforce.

c. The nature and cost of the accommodation needed.

5. An employer shall not deny any employment opportunity to a qualified handicapped employee or applicant if the basis for the denial is the need to make reasonable accommodation to the physical or mental limitations of the employee or applicant.

Sec. 7. Section 601A.8, subsection 1, Code 1987, is amended to read as follows:

1. To refuse to sell, rent, lease, assign or sublease any real property or housing accommodation or part, portion or interest therein, to any person because of the race, color, creed, sex, religion, national origin, or disability, or association with protected class members, of such person.

Sec. 8. Section 601A.8, subsection 4, Code 1987, is amended by adding the following new unnumbered paragraph:

**NEW UNNUMBERED PARAGRAPH.** It shall also be an unfair or discriminatory practice for any person to interfere with the interests because of race, creed, color, sex, national origin, religion, or disability.

Sec. 9. Section 601A.11, Code 1987, is amended by striking the section and inserting in lieu thereof the following:

#### 601A.11 AIDING AND ABETTING OR RETALIATION.

1. **AIDING AND ABETTING.** It is an unfair or discriminatory practice for a person to intentionally aid, abet, compel, or coerce another person to engage in any of the practices declared unfair or discriminatory by this chapter.

2. **RETALIATION.** It is an unfair or discriminatory practice for a person to discriminate against another person in any of the rights protected against discrimination by this chapter because such person has lawfully opposed any practice forbidden under this chapter, obeys the provisions of this chapter, or has filed a complaint, testified, or assisted in any proceeding under this chapter.

Sec. 10. Section 601A.13, subsection 1, Code 1987, is amended to read as follows:

1. However, a retirement plan or benefit system shall not require the involuntary retirement of a person under the age of seventy because of that person's age. This paragraph does not prohibit the following:

a. The involuntary retirement of a person who has attained the age of sixty-five and has for the two prior years been employed in a bona fide executive or high policy-making position and who is entitled to an immediate, nonforfeitable annual retirement benefit from a pension, profit-sharing, savings or deferred compensation plan of the employer which equals twenty-seven forty-five thousand dollars. This retirement benefit test may be adjusted according to the regulations prescribed by the United States secretary of labor pursuant to Public Law 95-256, section 2.

b. The involuntary retirement of a person covered by a collective bargaining agreement which was entered into by a labor organization and was in effect on September 1, 1977 July 1, 1987. This exemption does not apply after the termination of that agreement or January 1, 1989 1990, whichever first occurs.

c. Nothing in this chapter shall be construed to prohibit compulsory retirement of any employee who has attained seventy years of age, and who is serving under a contract of unlimited tenure, or similar arrangement providing for unlimited tenure, at an institution of higher education as defined by section 1201(a) of the federal Higher Education Act of 1965.

Sec. 11. Section 601A.15, subsection 8, paragraph a, subparagraph (8), Code 1987, is amended by adding the following new unnumbered paragraphs:

NEW UNNUMBERED PARAGRAPH. The term "injury" as used in this subparagraph includes pain, humiliation, or emotional distress when the pain, humiliation, or emotional distress is caused by or aggravated by a discriminatory act.

NEW UNNUMBERED PARAGRAPH. In a proceeding before the agency, where costs are borne by the agency, amounts that would be court costs if incurred in an action in district court, shall be paid by the respondent to the agency.

Sec. 12. Section 601A.16, subsection 5, Code 1987, is amended to read as follows:

5. The district court may grant any relief in an action under this section which is authorized by section 601A.15, subsection 8 to be issued by the commission. Exemplary damages may be awarded where the respondent acted with actual malice or where the respondent acted with willful or reckless disregard of the rights of the complainant. The district court may also award the respondent reasonable attorney's fees and court costs when the court finds that the complainant's action was frivolous.

Sec. 13. Section 601A.16, Code 1987, is amended by adding the following new subsection:

NEW SUBSECTION. 7. An action brought pursuant to this chapter may be joined with any other action, except an administrative proceeding."

2. Title page, by striking lines 1 and 2, and inserting the following: "An act relating to individual rights and providing penalties".

ON THE PART OF THE HOUSE:

FLORENCE D. BUHR, Chair  
LINDA L. BEATTY  
GENE BLANSHAN

ON THE PART OF THE SENATE:

THOMAS MANN, Jr., Chair  
BOB CARR  
AL STURGEON

Sherzan of Polk in the chair at 6:16 p.m.

Buhr of Polk moved the adoption of the conference committee report and the amendments contained therein.

A non-record roll call was requested.

Rule 75 was invoked.

The ayes were 50, nays 46.

The motion prevailed and the conference committee report was adopted.

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

Rule 75 was invoked.

On the question "Shall the bill pass?" (H.F. 500)

The ayes were, 57:

Adams	Arnould	Avenson	Beatty
Bisignano	Black	Blanshan	Brammer
Buhr	Chapman	Cohoon	Connolly
Connors	Cooper	Doderer	Dvorsky
Fey	Fogarty	Fuller	Groninga
Gruhn	Halvorson, R. N.	Hammond	Hansen, S. D.
Harper	Hatch	Haverland	Holveck
Jay	Jochum	Johnson	Knapp
Koenigs	May	McKinney	Muhlbauer
Neuhauser	Norrgard	Ollie	Osterberg
Parker	Pavich	Peters	Peterson, M. K.
Renaud	Rosenberg	Running	Schrader
Shoultz	Skow	Spear	Svoboda
Swartz	Tabor	Teaford	Wise
Mr. Speaker (Sherzan)			

The nays were, 41:

Beaman	Bennett	Branstad	Carpenter
Clark	Corbett	Corey	Daggett
De Groot	Diemer	Eddie	Garman
Halvorson, R. A.	Hanson, D. R.	Harbor	Hermann
Hester	Hummel	Kremer	Lageschulte
Lundby	Maulsby	McKean	Metcalf
Miller	Mullins	Paulin	Pellett
Petersen, D. F.	Plasier	Platt	Poncy
Renken	Royer	Schnekloth	Shoning
Siegrist	Stromer	Stueland	Van Camp
Van Maanen			

Absent or not voting, 2:

Swearingen Tyrrell

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

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Swearingen of Keokuk, for the remainder of the day, on request of Carpenter of Polk.

**IMMEDIATE MESSAGES**  
(House Files 500 and 631)

Arnould of Scott asked and received unanimous consent that House Files 500 and 631 be immediately messaged to the Senate.

**COMMITTEE RECOMMENDATION**

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

**JOSEPH O'HERN**  
Chief Clerk of the House

**COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT**

**House File 686**, a bill for an act relating to statutory corrections which adjust language to improve consistency and accuracy.

Fiscal Note is not required.

Recommended **Do Pass** May 8, 1987.

**RULES SUSPENDED**

Arnould of Scott asked and received unanimous consent to suspend the rules for the immediate consideration of House File 686.

**Regular Calendar**

**House File 686**, a bill for an act relating to statutory corrections which adjust language to improve consistency and accuracy, with report of committee recommending passage was taken up for consideration.

Speaker Avenson in the chair at 6:36 p.m.

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

On the question "Shall the bill pass?" (H.F. 686)

The ayes were, 86:

Adams	Beaman	Beatty	Bennett
Bisignano	Black	Blanshan	Brammer
Branstad	Buhr	Carpenter	Chapman
Clark	Cohon	Connolly	Connors
Cooper	Corbett	Corey	Diemer
Doderer	Dvorsky	Fogarty	Fuller
Garman	Groninga	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. R.
Harbor	Harper	Haverland	Hermann

Hester	Holveck	Hummel	Jay
Jochum	Johnson	Knapp	Koenigs
Kremer	Lageschulte	Lundby	May
McKinney	Metcalf	Muhlbauer	Mullins
Neuhauser	Norrgard	Ollie	Osterberg
Parker	Paulin	Pavich	Pellett
Peters	Petersen, D. F.	Peterson, M. K.	Plasier
Platt	Poncy	Renaud	Rosenberg
Royer	Running	Schneklath	Schrader
Sherzan	Shoning	Shoultz	Siegrist
Skow	Spear	Stromer	Svoboda
Swartz	Tabor	Teaford	Van Camp
Wise	Mr. Speaker		

The nays were, 9:

Daggett	De Groot	Eddie	Maulsby
McKean	Miller	Renken	Stueland
Van Maanen			

Absent or not voting, 5:

Arnould	Fey	Hatch	Swearingen
Tyrrell			

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

### SENATE AMENDMENT CONSIDERED

Pavich of Pottawattamie called up for consideration **Senate File 55**, a bill for an act to remove the requirement that a gambling license cannot be issued for a period of two years for a location for which a gambling license was revoked, and removing the prohibition against conducting games of skill, games of chance, and raffles on the premises of a liquor control licensee or beer permittee, amended by the House, further amended by the Senate and moved that the House concur in the following Senate amendment H—4233 to the House amendment:

H—4233

- 1 Amend the House amendment, S—4008, to Senate File
- 2 55 as amended, passed and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 1, by striking lines 3 through 10.
- 5 2. Page 3, by inserting after line 10 the
- 6 following:
- 7 "\_\_\_\_\_. Page 1, by inserting before line 22, the
- 8 following:
- 9 "Sec. \_\_\_\_\_. This Act, being deemed of immediate
- 10 importance, takes effect upon enactment." "
- 11 3. Page 3, line 14, by striking the word
- 12 "occasion." and inserting in lieu thereof the

- 13 following: "occasion, and providing an effective  
 14 date."  
 15 4. By renumbering, relettering, or redesignating  
 16 and correcting internal references as necessary.

The motion prevailed and the House concurred in the Senate amendment H—4233.

Pavich of Pottawattamie 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. 55)

The ayes were, 72:

Adams	Beaman	Beatty	Bisignano
Black	Blanshan	Branstad	Buhr
Carpenter	Chapman	Cohoon	Connolly
Connors	Cooper	Corbett	Diemer
Dvorsky	Eddie	Fey	Fogarty
Fuller	Groninga	Gruhn	Halvorson, R. A.
Hammond	Hansen, S. D.	Hanson, D. R.	Harbor
Harper	Haverland	Hester	Holveck
Hummel	Jay	Jochum	Knapp
Koenigs	Kremer	Lageschulte	Lundby
Maulsby	May	McKinney	Muhlbauer
Mullins	Neuhauser	Norrgard	Ollie
Pavich	Pellett	Peters	Peterson, M. K.
Platt	Poncy	Renaud	Royer
Running	Schneklath	Schrader	Shoning
Siegrist	Skow	Spear	Stromer
Stueland	Svoboda	Swartz	Tabor
Teaford	Van Camp	Wise	Mr. Speaker

The nays were, 18:

Bennett	Clark	Corey	Daggett
De Groot	Doderer	Garman	Halvorson, R. N.
Hermann	Johnson	McKean	Metcalf
Osterberg	Paulin	Petersen, D. F.	Renken
Rosenberg	Van Maanen		

Absent or not voting, 10:

Arnould	Brammer	Hatch	Miller
Parker	Plasier	Sherzan	Shoultz
Swearingen	Tyrrell		

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 6:42 p.m., until the fall of the gavel.

The House resumed session at 6:45 p.m., Connors of Polk in the chair.

### IMMEDIATE MESSAGES

Arnould of Scott asked and received unanimous consent that House File 686 and Senate File 55 be immediately messaged to the Senate.

### MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on May 8, 1987, adopted the conference committee report and passed House File 167, a bill for an act relating to fees for and duration of motor vehicle licenses and nonoperator's identification cards issued to persons under twenty-one years of age to contain a profile photograph and providing an effective date and conditional repeal and reenactment.

Also: That the Senate has on May 8, 1987, 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 600, a bill for an act relating to elections and political activity and subjecting violators to a penalty.

JOHN F. DWYER, Secretary

### SENATE AMENDMENT CONSIDERED

Halvorson of Webster called up for consideration **House File 377**, a bill for an act relating to public financing of political campaigns, appropriating funds, and providing penalties and providing effective dates, amended by the Senate amendment H—4326 as follows:

H—4326

- 1 Amend House File 377 as amended, passed, and
- 2 reprinted by the House as follows:
- 3 1. Page 1, by striking lines 22 through 24.
- 4 2. Page 4, line 7, by inserting after the word
- 5 "campaign." the words "The statement of an unopposed
- 6 candidate nominated at the primary election is not
- 7 required to be filed until an opponent is nominated
- 8 and shall be filed by the time required for the
- 9 opponent's statement."
- 10 3. Page 7, line 4, by striking the words "one
- 11 hundred" and inserting the word "fifty".
- 12 4. Page 7, line 9, by striking the word "twenty"
- 13 and inserting the word "forty".
- 14 5. Page 7, line 11, by striking the word "two
- 15 thousand" and inserting the words "one thousand five
- 16 hundred".

- 17 6. Page 7, line 12, by striking the words "five  
18 hundred".
- 19 7. Page 7, by striking lines 25 through 31.
- 20 8. Page 9, by striking lines 14 through 26 and  
21 inserting the following:
- 22 "15. a. A person or political committee which  
23 causes the publication, mass mailing, or broadcast of  
24 advocacy information in a restricted campaign shall  
25 give notice to the commission and to the benefited  
26 candidate. The notice shall be given by certified  
27 restricted mail within twenty-four hours after the  
28 publication, mailing or broadcast of the advocacy  
29 information and be accompanied by the text of the  
30 advocacy information and the amount of the  
31 publication, mailing, or broadcasting expenditures."
- 32 9. By renumbering, relettering, or redesignating  
33 and correcting internal references as necessary.

Hanson of Delaware offered the following amendment H—4335, to the Senate amendment H—4326, filed by him and moved its adoption:

H—4335

- 1 Amend Senate amendment, H—4326, to House File 377  
2 as amended, passed and reprinted by the House as  
3 follows:  
4 1. Page 1, by striking line 3.

A non-record roll call was requested.

The ayes were 38, nays 48.

Amendment H—4335 lost.

Halvorson of Webster moved that the House concur in the Senate amendment H—4326.

A non-record roll call was requested.

The ayes were 51, nays 39.

The motion prevailed and the House concurred in the Senate amendment H—4326.

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

Rule 75 was invoked.

On the question "Shall the bill pass?" (H.F. 377)

The ayes were, 56:

Adams	Arnould	Avenson	Beatty
Bisignano	Blanshan	Brammer	Buhr
Carpenter	Chapman	Cohoon	Connolly
Cooper	Doderer	Dvorsky	Fey
Fogarty	Fuller	Groninga	Gruhn
Halvorson, R. N.	Hammond	Hansen, S. D.	Harper
Hatch	Haverland	Holveck	Jay
Jochum	Johnson	Knapp	May
McKinney	Muhlbauer	Mullins	Neuhauser
Norrgard	Ollie	Osterberg	Parker
Pavich	Peterson, M. K.	Poncy	Renaud
Rosenberg	Running	Schrader	Sherzan
Shoultz	Skow	Svoboda	Swartz
Tabor	Teaford	Wise	Mr. Speaker (Connors)

The nays were, 42:

Beaman	Bennett	Black	Branstad
Clark	Corbett	Corey	Daggett
De Groot	Diemer	Eddie	Garman
Halvorson, R. A.	Hanson, D. R.	Harbor	Hermann
Hester	Hummel	Koenigs	Kremer
Lageschulte	Lundby	Maulsby	McKean
Metcalf	Miller	Paulin	Pellett
Peters	Petersen, D. F.	Plasier	Platt
Renken	Royer	Schneklath	Shoning
Siegrist	Spear	Stromer	Stueland
Van Camp	Van Maanen		

Absent or not voting, 2:

Swearingen      Tyrrell

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 7:08 p.m.

### RULES SUSPENDED

Arnould of Scott asked and received unanimous consent to suspend the rules to take up out of order Senate File 162.

### Unfinished Business Calendar

The House resumed consideration of **Senate File 162**, a bill for an act to provide for the establishment of the Iowa corporation for public telecommunications to plan, establish and operate educational radio and television facilities and other educational telecommunications systems and services including narrowcast and broadcast systems to serve the educational needs of the state and to provide an effective date, deferred and placed on the unfinished business calendar April 14, 1987.

Blanshan of Greene offered the following amendment H—3687 filed by the committee on state government:

H—3687

- 1 Amend Senate File 162 as amended, passed and  
 2 reprinted by the Senate, as follows:  
 3 1. By striking everything after the enacting  
 4 clause and inserting the following:  
 5 "Section 1. Section 18.133, subsection 1, Code  
 6 1987, is amended to read as follows:  
 7 1. "State communications" refers to the  
 8 transmission of voice, data, video, the written word  
 9 or other visual signals by electronic means to serve  
 10 the needs of state agencies but does not include  
 11 communications activities of the state board of  
 12 regents, radio and television facilities and other  
 13 educational telecommunications systems and services  
 14 including narrowcast and broadcast systems under the  
 15 division of public broadcasting, department of  
 16 transportation distributed data processing and mobile  
 17 radio network, or law enforcement communications  
 18 systems.  
 19 Sec. 2. Section 303.1, subsection 4, Code 1987, is  
 20 amended to read as follows:  
 21 4. The director may create, combine, eliminate,  
 22 alter or reorganize the organization of the department  
 23 by rule except for those matters prescribed by  
 24 sections 303.75 through ~~303.83~~ 303.85.  
 25 Sec. 3. Section 303.1A, unnumbered paragraph 1,  
 26 Code 1987, is amended to read as follows:  
 27 Except for those matters prescribed by sections  
 28 303.75 through ~~303.83~~ 303.85, the director shall:  
 29 Sec. 4. Section 303.2, subsection 1, Code 1987, is  
 30 amended to read as follows:  
 31 1. The administrative services section shall  
 32 provide administrative, accounting, public relations  
 33 and clerical services for the department, report to  
 34 the director and perform other duties assigned to it  
 35 by the director, except for those matters prescribed  
 36 by sections 303.75 through ~~303.83~~ 303.85. The  
 37 administrative services section may provide services  
 38 to the public broadcasting division.  
 39 Sec. 5. Section 303.75, unnumbered paragraph 1,  
 40 Code 1987, is amended to read as follows:  
 41 As used in this section and sections 303.76 through  
 42 ~~303.83~~ 303.85 unless the context otherwise requires:  
 43 Sec. 6. Section 303.75, Code 1987, is amended by  
 44 adding the following new subsections:  
 45 NEW SUBSECTION. 4. "Narrowcast" means  
 46 communications through systems that are directed  
 47 toward a narrowly defined audience and are not  
 48 receivable by the general public.  
 49 NEW SUBSECTION. 5. "Broadcast" means

50 communications through a system that is receivable by

Page 2

1 the general public with programming designed for a  
2 large group of users.

3 NEW SUBSECTION. 6. "Radio and television  
4 facility" means transmitters, towers, studios and all  
5 necessary associated equipment for broadcasting,  
6 including closed circuit television.

7 Sec. 7. Section 303.77, subsection 1, Code 1987,  
8 is amended by striking the subsection and inserting  
9 the following:

10 1. The Iowa public broadcasting board is created  
11 to plan, establish, and operate educational radio and  
12 television facilities and other telecommunications  
13 services including narrowcast and broadcast systems to  
14 serve the educational needs of the state. The board  
15 shall be composed of nine members selected in the  
16 following manner:

17 a. Four members shall be appointed by the governor  
18 so that the portion of the board membership appointed  
19 under this paragraph includes two male board members  
20 and two female board members at all times:

21 (1) Two members shall be appointed from the  
22 business community other than the commercial  
23 broadcasting industry and the telecommunications  
24 industry.

25 (2) One member shall be appointed from the  
26 membership of a fund-raising nonprofit organization  
27 financially assisting the Iowa public broadcasting  
28 division.

29 (3) One member shall represent the general public.

30 b. Five members shall be selected in the manner  
31 provided in this paragraph and the gender balance of  
32 the membership shall be coordinated among the  
33 associations and boards making the appointments so  
34 that not more than three members serving under this  
35 paragraph at the same time are of the same gender.

36 (1) One member shall be appointed by the state  
37 association of private colleges and universities.

38 (2) One member shall be appointed jointly by the  
39 superintendents of the merged area schools created by  
40 chapter 280A.

41 (3) One member shall be appointed jointly by the  
42 administrators of the area education agencies created  
43 by chapter 273.

44 (4) One member who is knowledgeable about  
45 telecommunications shall be appointed by the state  
46 board of regents.

47 (5) One member shall be appointed by the state  
48 board of education.

49 Sec. 8. Section 303.77, subsection 3, unnumbered  
50 paragraph 1, Code 1987, is amended to read as follows:

## Page 3

1 The board shall appoint at least two advisory  
 2 committees, each of which has no more than a simple  
 3 majority of members of the same gender, as follows:

4 Sec. 9. Section 303.77, subsection 3, paragraphs a  
 5 and b, Code 1987, are amended by striking the  
 6 paragraphs and inserting in lieu thereof the  
 7 following:

8 a. Advisory committee on the operation of the  
 9 narrowcast system. The advisory committee shall be  
 10 composed of members from among the users of the  
 11 narrowcast system including representatives of  
 12 institutions under the state board of regents, merged  
 13 area schools, area education agencies, classroom  
 14 teachers, school district administrators, school  
 15 district boards of directors, the department of  
 16 economic development, the department of education, and  
 17 private colleges and universities.

18 b. Advisory committee on journalistic and  
 19 editorial integrity. The division shall be governed  
 20 by the national principles of editorial integrity  
 21 developed by the editorial integrity project.

22 Sec. 10. Section 303.77, subsection 3, Code 1987,  
 23 is amended by adding the following new unnumbered  
 24 paragraph:

25 NEW UNNUMBERED PARAGRAPH. Members of advisory  
 26 committees shall receive actual expenses incurred in  
 27 performing their official duties.

28 Sec. 11. Section 303.78, subsection 2, Code 1987,  
 29 is amended to read as follows:

30 2. Board members shall receive actual expenses  
 31 incurred in performing their official duties. Members  
 32 may also be eligible for compensation as provided in  
 33 section 7E.6.

34 Sec. 12. Section 303.79, Code 1987, is amended to  
 35 read as follows:

36 303.79 FACILITIES AND PERMITS FUNCTIONS OF THE  
 37 BOARD.

38 1. The board may purchase, lease, and improve  
 39 property, equipment, and services for ~~proper~~  
 40 educational communications uses educational  
 41 telecommunications including the broadcast and  
 42 narrowcast systems, and may dispose of property and  
 43 equipment when not necessary for its purposes. The  
 44 board and division director may arrange for joint use  
 45 of available services and facilities.

46 2. The board shall apply for channels,  
 47 frequencies, licenses, and permits as required for  
 48 broadcasting necessary for the performance of the  
 49 board's duties.

50 3. This section does not prohibit institutions

## Page 4

1 under the state board of regents and merged area  
2 schools under the department of education from owning,  
3 operating, improving, and maintaining educational  
4 radio and television stations and transmitters now in  
5 existence and operation other educational narrowcast  
6 telecommunications systems and services. The  
7 institutions and schools may enter into agreements  
8 with the board for the lease or purchase of equipment  
9 and facilities.

10 4. The board may locate its administrative offices  
11 and production facilities outside the city of Des  
12 Moines.

13 5. The board shall adopt and update a design plan  
14 for educational telecommunications systems and  
15 services in this state. Copies of the design plan  
16 shall be transmitted to the governor and the general  
17 assembly. The plan shall include a list of public  
18 utilities and private telecommunications companies  
19 being utilized by the educational telecommunications  
20 system; the cost of the system; the fees or charges  
21 established for the system; and information on areas  
22 where construction is required because facilities are  
23 not available from private telecommunications  
24 companies.

25 6. The board shall establish guidelines for and  
26 may impose and collect fees and charges for services.  
27 Fees and charges collected by the board for services  
28 shall be deposited to the credit of the division. Any  
29 interest earned on these receipts, and revenues  
30 generated under subsection 7, shall be retained and  
31 may be expended by the division subject to the  
32 approval of the board.

33 7. The board may make and execute agreements,  
34 contracts, and other instruments with any public or  
35 private entity and may retain revenues generated from  
36 these contracts. State departments and agencies,  
37 other public agencies, and governmental subdivisions  
38 and private entities including but not limited to  
39 institutions of higher education and nonpublic schools  
40 may enter into contracts and otherwise cooperate with  
41 the board.

42 8. The board may contract with engineers,  
43 attorneys, accountants, financial experts, and other  
44 advisors upon the recommendation of the director. The  
45 board may enter into contracts or agreements for such  
46 services with local, state, or federal governmental  
47 agencies.

48 9. The board may adopt rules to implement and  
49 administer the programs of the division.

50 10. The decision of the board is final agency

## Page 5

1 action under chapter 17A.

2 Sec. 13. Section 303.82, Code 1987, is amended to  
3 read as follows:

4 303.82 TRUSTS.

5 Notwithstanding section 633.63, the board may  
6 accept and administer trusts and may authorize  
7 nonprofit foundations acting solely for the support of  
8 ~~the educational radio and television facility~~  
9 educational telecommunications including the broadcast  
10 and narrowcast systems to accept and administer trusts  
11 deemed by the board to be beneficial to the operation  
12 of the educational radio and television facility. The  
13 board and the foundations may act as trustees in such  
14 instances.

15 Sec. 14. NEW SECTION. 303.84 STATE PLAN.

16 The board shall cause to be developed and adopt a  
17 state educational telecommunications design plan. Any  
18 agency of the state and any political subdivision of  
19 the state shall submit plans for the development of  
20 educational telecommunications systems to the board to  
21 be coordinated with the state educational telecommuni-  
22 cations design plan adopted by the board. Private  
23 institutions and entities may submit educational  
24 telecommunications proposals for coordination.

25 Sec. 15. NEW SECTION. 303.85 NARROWCAST  
26 OPERATIONS.

27 The board shall not use, permit use, or permit  
28 resale of its telecommunications narrowcast system for  
29 other than educational purposes. The board, in the  
30 establishment and operation of its telecommunications  
31 narrowcast system, shall use facilities and services  
32 of the private telecommunications industry companies  
33 to the greatest extent possible and is prohibited from  
34 constructing telecommunications facilities unless  
35 comparable facilities are not available from the  
36 private telecommunications industry at comparable  
37 quality and price.

38 Notwithstanding chapter 476, the provisions of  
39 chapter 476 shall not apply to a public utility in  
40 furnishing a telecommunications service or facility to  
41 the board.

42 Sec. 16. Section 303.83, Code 1987, is repealed.

43 Sec. 17. The terms of office of members of the  
44 Iowa public broadcasting board shall expire on the  
45 effective date of this Act. Insofar as possible,  
46 members of the board shall be appointed from the  
47 membership of the Iowa public broadcasting board on  
48 June 30, 1987. For the initial board, the members  
49 appointed by the state board of regents, by the state  
50 board of education and by the governor from the fund-

## Page 6

1 raising nonprofit organization shall serve one-year  
2 terms; the members appointed by the administrators of  
3 the area education agencies and by the state  
4 association representing private colleges and  
5 universities, and one member appointed by the governor  
6 from the business community shall serve two-year  
7 terms; and the member appointed by the superintendents  
8 of the merged area schools, one member appointed by  
9 the governor from the business community, and the  
10 member appointed by the governor from the general  
11 public shall serve three-year terms."

Blanshan of Greene offered amendment H—4212, to the committee amendment H—3687, filed by him. Division was requested as follows:

## H—4212

1 Amend the amendment, H—3687, to Senate File 162, as  
2 amended, passed, and reprinted by the Senate, as  
3 follows:

## H—4212A

4 1. Page 1, by inserting after line 18 the  
5 following:  
6 "Sec. 1A. Section 256.7, Code 1987, is amended by  
7 adding the following new subsection:  
8 NEW SUBSECTION. 9. Rules adopted under this  
9 section shall provide that telecommunications shall  
10 not be used by school districts as the exclusive means  
11 to provide any course which is required by the minimum  
12 educational standards for approval or accreditation."

## H—4212B

13 2. Page 1, by striking lines 47 and 48 and  
14 inserting the following: "toward a narrowly defined  
15 audience."  
16 3. Page 4, by striking lines 3 through 5 and  
17 inserting the following: "operating, improving, and  
18 maintaining, and restructuring educational radio and  
19 television stations and transmitters now in existence  
20 and operation or other educational narrowcast".  
21 4. Page 4, by striking lines 15 through 17 and  
22 inserting the following: "services in this state.  
23 Not later than January 1, 1988, the board shall  
24 transmit to the general assembly a progress report  
25 concerning the development of the design plan. The  
26 design plan shall be adopted by the board not later  
27 than January 1, 1989, and shall be updated at least  
28 every two years thereafter. Copies of the design plan

H-4212B

29 and updated design plan shall be made available to the  
 30 governor and members of the general assembly upon  
 31 request. The plan shall include a list of public”.

H-4212A

32 5. Page 6, by inserting after line 11 the  
 33 following:

34 “Sec. \_\_\_\_\_. Section 1A of this Act prevails over  
 35 section 256.7, subsection 8, unnumbered paragraph 4,  
 36 contained in section 1 of Senate File 333 if Senate  
 37 File 333 is enacted by the Seventy-second General  
 38 Assembly, 1987 Session, and becomes law.”

H-4212B

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

41 “\_\_\_\_\_. Title page, by striking lines 1 through 4  
 42 and inserting the following: “An Act relating to the  
 43 authority and composition of the Iowa public  
 44 broadcasting board including authority over”.”

45 7. Page 6, by inserting after line 11 the  
 46 following:

47 “\_\_\_\_\_. Title page, line 6, by striking the words  
 48 “and to provide an effective date”.”

Daggett of Adams rose on a point of order that amendment  
 H-4212A was not germane.

The Speaker ruled the point well taken and amendment  
 H-4212A not germane.

Arnould of Scott moved that the rules be suspended to consider  
 amendment H-4212A.

A non-record roll call was requested.

The ayes were 52, nays 36.

The motion prevailed and the rules were suspended.

Blanshan of Greene moved the adoption of amendment H-4212A,  
 to the committee amendment H-3687.

Roll call was requested by Daggett of Adams and Royer of Page.

On the question “Shall amendment H-4212A, to the committee  
 amendment H-3687, be adopted?” (S.F. 162)

The ayes were, 54:

Adams

Arnould

Beatty

Bisignano

Black	Blanshan	Brammer	Buhr
Chapman	Cohoon	Connors	Diemer
Dvorsky	Eddie	Fey	Fuller
Groninga	Halvorson, R. N.	Hammond	Hansen, S. D.
Harper	Hatch	Haverland	Holveck
Jay	Jochum	Johnson	Knapp
Lageschulte	Lundby	May	McKinney
Metcalf	Mullins	Neuhauser	Norrgard
Ollie	Parker	Pavich	Peters
Peterson, M. K.	Poncy	Renaud	Rosenberg
Running	Schrader	Shoning	Shultz
Siegrist	Svoboda	Swartz	Teaford
Wise	Mr. Speaker		

The nays were, 39:

Beaman	Bennett	Branstad	Carpenter
Clark	Cooper	Corbett	Daggett
De Groot	Fogarty	Garman	Gruhn
Halvorson, R. A.	Hanson, D. R.	Harbor	Hermann
Hester	Hummel	Koenigs	Kremer
Maulsby	McKean	Miller	Muhlbauer
Paulin	Pellett	Petersen, D. F.	Plasier
Platt	Renken	Royer	Schnekloth
Skow	Spear	Stromer	Stueland
Tabor	Van Camp	Van Maanen	

Absent or not voting, 7:

Connolly	Corey	Doderer	Osterberg
Sherzan	Swearingen	Tyrrell	

Amendment H—4212A was adopted.

Blanshan of Greene asked and received unanimous consent to withdraw amendment H—3924 filed by him on April 23, 1987.

The House resumed consideration of amendment H—4212B, to the committee amendment H—3687.

On motion by Blanshan of Greene, amendment H—4212B was adopted.

Carpenter of Polk offered the following amendment H—3876, to the committee amendment H—3687, filed by her and Blanshan of Greene and moved its adoption:

H—3876

- 1 Amend the amendment, H—3687, to Senate File 162, as
- 2 amended, passed, and reprinted by the Senate as
- 3 follows:
- 4 1. Page 2, line 21, by striking the words "Two
- 5 members" and inserting the following: "One member".

- 6 2. Page 2, by inserting after line 24 the  
 7 following:  
 8 "(2) One member shall be appointed from the  
 9 commercial broadcast industry."  
 10 3. Page 2, line 25, by striking the figure "(2)"  
 11 and inserting the following: "(3)".  
 12 4. Page 2, line 29, by striking the figure "(3)"  
 13 and inserting the following: "(4)".  
 14 5. Page 6, by striking line 5 and inserting the  
 15 following: "universities and by the governor".  
 16 6. Page 6, by striking lines 8 and 9 and  
 17 inserting the following: "of the merged area schools,  
 18 the member appointed by the governor from the  
 19 commercial broadcast industry, and the".

Amendment H—3876 was adopted.

On motion by Blanshan of Greene, the committee amendment H—3687, as amended, 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. 162)

The ayes were, 85:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Black	Blanshan
Brammer	Branstad	Buhr	Carpenter
Chapman	Clark	Cohoon	Connors
Cooper	Corey	De Groot	Diemer
Dvorsky	Eddie	Fey	Fuller
Garman	Groninga	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. R.	Harbor
Harper	Haverland	Hermann	Hester
Holveck	Hummel	Jay	Jochum
Johnson	Knapp	Koenigs	Kremer
Lageschulte	Lundby	May	McKinney
Metcalf	Miller	Muhlbauer	Mullins
Neuhauser	Norrgard	Ollie	Parker
Paulin	Pavich	Pellett	Peters
Petersen, D. F.	Peterson, M. K.	Plasier	Platt
Poncy	Renaud	Rosenberg	Royer
Schneklloth	Schrader	Sherzan	Shoning
Shoultz	Siegrist	Skow	Spear
Stromer	Stueland	Svoboda	Swartz
Tabor	Teaford	Van Camp	Wise
Mr. Speaker			

The nays were, 9:

Corbett	Daggett	Fogarty	Gruhn
Maulsby	McKean	Renken	Running
Van Maanen			

Absent or not voting, 6:

Connolly  
Swearingen

Doderer  
Tyrrell

Hatch

Osterberg

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

### IMMEDIATE MESSAGES

Arnould of Scott asked and received unanimous consent that House File 377 and Senate File 162 be immediately messaged to the Senate.

### RULES SUSPENDED

Arnould of Scott asked and received unanimous consent to suspend the rules and take up out of order House File 685.

### Ways and Means Calendar

**House File 685**, a bill for an act relating to the time for claiming urban revitalization tax exemptions, was taken up for consideration.

The House stood at ease at 8:02 p.m., until the fall of the gavel.

The House resumed session and consideration of House File 685 at 8:31 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-four members present, twenty-six absent.

Arnould of Scott asked and received unanimous consent that House File 685 be deferred and that the bill retain its place on the calendar.

### WITHDRAWN FROM COMMITTEE (Senate File 519)

Doderer of Johnson asked and received unanimous consent to withdraw Senate File 519 from the committee on ways and means for its immediate consideration.

**Senate File 519**, a bill for an act relating to the time for claiming urban revitalization tax exemptions, was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 519)

The ayes were, 95:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Black	Blanshan
Brammer	Branstad	Buhr	Carpenter
Chapman	Clark	Cohoon	Connolly
Connors	Cooper	Corbett	Corey
Daggett	De Groot	Diemer	Doderer
Dvorsky	Fey	Fogarty	Fuller
Garman	Groninga	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. R.
Harbor	Harper	Hatch	Haverland
Hermann	Hester	Holveck	Hummel
Jochum	Johnson	Knapp	Koenigs
Kremer	Lageschulte	Lundby	Maulsby
May	McKean	McKinney	Metcalf
Miller	Mullins	Neuhauser	Norrgard
Ollie	Osterberg	Parker	Paulin
Pavich	Pellett	Peters	Petersen, D. F.
Peterson, M. K.	Plasier	Platt	Poncy
Renaud	Renken	Rosenberg	Royer
Running	Schneklloth	Schrader	Sherzan
Shoning	Shoultz	Siegrist	Skow
Spear	Stromer	Stueland	Svoboda
Swartz	Tabor	Teaford	Van Camp
Van Maanen	Wise	Mr. Speaker	

The nays were, 1:

Muhlbauer

Absent or not voting, 4:

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

IMMEDIATE MESSAGE

(Senate File 519)

Arnould of Scott asked and received unanimous consent to immediately message Senate File 519 to the Senate.

HOUSE STUDY BILL COMMITTEE ASSIGNMENT

**H.S.B. 326 Ways and Means**

Relating to the state individual income tax by altering the tax brackets

and rates, standard deduction, personal exemptions and credits; disallowing married persons filing separately on combined returns; eliminating the deduction for federal income taxes paid; providing administrative clarifications; and providing effective dates.

### COMMITTEE RECOMMENDATION

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

**JOSEPH O'HERN**  
Chief Clerk of the House

### COMMITTEE ON WAYS AND MEANS

**Committee Bill** (Formerly House Study Bill 326), relating to the state individual income tax by altering the tax brackets and rates, standard deduction, personal exemptions and credits; disallowing married persons filing separately on combined returns; eliminating the deduction for federal income taxes paid; providing administrative clarifications; and providing effective dates.

Fiscal Note is required.

Recommended **Do Pass** May 8, 1987.

### RULES SUSPENDED

Arnould of Scott asked and received unanimous consent to suspend the rules for the immediate consideration of House File 687.

### Ways and Means Calendar

**House File 687**, a bill for an act relating to the state individual income tax by altering the tax brackets and rates, standard deduction, personal exemptions and credits; disallowing married persons filing separately on combined returns; eliminating the deduction for federal income taxes paid; providing administrative clarifications; and providing effective dates, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 687)

The ayes were, 55:

Adams	Arnould	Beatty	Bisignano
Blanshan	Brammer	Buhr	Chapman
Cohoon	Connolly	Connors	Cooper
Doderer	Fey	Fogarty	Groninga
Gruhn	Halvorson, R. N.	Hammond	Hansen, S. D.
Harper	Hatch	Haverland	Holveck
Jay	Jochum	Johnson	Knapp
Koenigs	May	McKinney	Muhlbauer
Neuhauser	Norrgard	Ollie	Osterberg
Parker	Pavich	Peters	Peterson, M. K.
Pony	Renaud	Rosenberg	Running
Schrader	Sherzan	Shoultz	Skow
Spear	Svoboda	Swartz	Tabor
Teaford	Wise	Mr. Speaker	

The nays were, 42:

Beaman	Bennett	Black	Branstad
Carpenter	Clark	Corbett	Corey
Daggett	De Groot	Diemer	Eddie
Fuller	Garman	Halvorson, R. A.	Hanson, D. R.
Harbor	Hermann	Hester	Hummel
Kremer	Lageschulte	Lundby	Maulsby
McKean	Metcalf	Miller	Mullins
Paulin	Pellett	Petersen, D. F.	Plasier
Platt	Renken	Royer	Schneklath
Shoning	Siegrist	Stromer	Stueland
Van Camp	Van Maanen		

Absent or not voting, 3:

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

### IMMEDIATE MESSAGE

(House File 687)

Arnould of Scott asked and received unanimous consent that House File 687 be immediately messaged to the Senate.

### MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the members of the conference committee, on the part of the Senate, appointed May 8, 1987, to Senate File 17, a bill for an act relating to the penalty for cruelty to animals, are: The Senator from Dallas, Senator Riordan, chair; the Senator from Lee, Senator Fraise; the Senator from Woodbury, Senator Doyle; the Senator from Polk, Senator Gentleman; and the Senator from Pottawattamie, Senator Hester.

Also: That the Senate has, on May 8, 1987, failed to adopt the conference committee report on Senate File 481, a bill for an act relating to state tax revenues and expenditures by altering the individual income tax rates, withholding, standard deductions, and personal exemptions and credits; increasing the state sales, services, and use tax and providing for refunds for certain contractors as a result of that increase; adjusting the allowable growth under the school foundation formula; and providing effective dates, and the members of the second conference committee on the part of the Senate are: The Senator from Story, Senator Bruner, Chair; the Senator from Fayette, Senator Murphy; the Senator from Polk, Senator Kinley; the Senator from Polk, Senator Readinger; and the Senator from Pottawattamie, Senator Hester.

JOHN F. DWYER, Secretary

### SECOND CONFERENCE COMMITTEE APPOINTED (Senate File 481)

The Speaker announced the appointment of the second conference committee to consider the differences between the House and Senate concerning Senate File 481: Doderer of Johnson, chair; Brammer of Linn, Osterberg of Linn, Bennett of Ida and Metcalf of Polk.

### HOUSE INSISTS

Running of Linn called up for consideration **House File 600**, a bill for an act relating to elections and political activity and subjecting violators to a penalty, and moved that the House insist on its amendment, which motion prevailed.

### CONFERENCE COMMITTEE APPOINTED (House File 600)

The Speaker announced the appointment of the conference committee to consider the differences between the House and Senate concerning House File 600: Running of Linn, chair; Blanshan of Greene, Halvorson of Webster, Hanson of Delaware and Shoning of Woodbury.

The House stood at ease at 9:13 p.m., until the fall of the gavel.

The House resumed session at 9:30 p.m., Speaker Avenson in the chair.

### Regular Calendar

**Senate File 507**, a bill for an act relating to the adoption of a benefit ratio unemployment compensation contribution array system and providing for the Act's applicability, with report of committee recommending passage was taken up for consideration.

Sherzan of Polk offered the following amendment H—4350 filed by him from the floor and moved its adoption:

H—4350

1 Amend Senate File 507, as amended, passed, and  
2 reprinted by the Senate, as follows:

3 1. Page 13, by inserting after line 18 the  
4 following:

5 “Notwithstanding any other provision of this  
6 chapter which assigns an employer a contribution rate  
7 which corresponds to the employer’s benefit ratio rank  
8 in the contribution rate table, an employer qualified  
9 for an experience rating shall contribute at the rate  
10 specified in the twenty-first benefit ratio rank for  
11 the next calendar year if the following two conditions  
12 are met: as of the computation date the total  
13 benefits paid by the employer during the five periods  
14 of four consecutive calendar quarters immediately  
15 preceding the computation date exceed the  
16 contributions paid by the employer for that same  
17 period; and for the previous computation date the  
18 total benefits paid by the employer during the five  
19 periods of four consecutive calendar quarters  
20 immediately preceding that previous computation date  
21 exceeded the total contributions paid by the employer  
22 for that same period.”

23 2. Page 42, by inserting after line 4 the  
24 following:

25 “Sec. \_\_\_\_\_. FUTURE REPEAL. Sections 1, 2, 4, and  
26 5, section 6 except for the amendment to section  
27 96.19, subsection 20, and sections 7 and 9 of this Act  
28 are repealed effective July 1, 1988, and the repeals  
29 are applicable to contribution rates for calendar year  
30 1989 and subsequent calendar years. The Code sections  
31 amended by sections 1, 2, 4, and 5, section 6 except  
32 for the amendment to section 96.19, subsection 20, and  
33 section 7 of this Act revert on July 1, 1988,  
34 applicable to contribution rates for calendar year  
35 1989 and subsequent calendar years, to their content  
36 before amendment by this Act, and the Code sections as  
37 they existed before amendment by this Act are  
38 reenacted in that form.”

Amendment H—4350 was adopted.

Sherzan of Polk offered the following amendment H—4270 filed  
by him and requested division as follows:

H—4270

1 Amend Senate File 507, as amended, passed, and  
2 reprinted by the Senate, as follows:

H—4270A

3 1. Page 38, lines 1 and 2, by striking the word

H—4270A

- 4 “one-tenth” and inserting the following: “five-  
5 hundredths”.

H—4270B

- 6 2. Page 38, by inserting after line 27 the  
7 following:  
8 “d. This subsection is repealed July 1, 1990, and  
9 the repeal is applicable to contribution rates for  
10 calendar year 1991 and subsequent calendar years.”

Sherzan of Polk asked and received unanimous consent to withdraw amendment H—4270A.

On motion by Sherzan of Polk, amendment H—4270B was adopted.

The following amendment H—4351, filed by Sherzan of Polk from the floor was adopted by unanimous consent:

H—4351

- 1 Amend Senate File 507, as passed and reprinted by  
2 the Senate as follows:  
3 1. Title page, line 3, by inserting after the word  
4 “applicability” the words “and providing for the future  
5 repeals of certain portions of this Act”.

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

On the question “Shall the bill pass?” (S.F. 507)

The ayes were, 97:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Black	Blanshan
Brammer	Branstad	Buhr	Carpenter
Chapman	Clark	Cohoon	Connolly
Connors	Cooper	Corbett	Corey
Daggett	De Groot	Doderer	Dvorsky
Eddie	Fey	Fogarty	Fuller
Garman	Groninga	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. R.
Harbor	Harper	Hatch	Haverland
Hermann	Hester	Holveck	Hummel
Jay	Jochum	Johnson	Knapp
Koenigs	Kremer	Lageschulte	Lundby
Maulsby	May	McKean	McKinney
Metcalf	Miller	Muhlbauer	Mullins
Neuhauser	Norrgard	Ollie	Osterberg
Parker	Paulin	Pavich	Pellett

Peters	Petersen, D. F.	Peterson, M. K.	Plasier
Platt	Poncy	Renaud	Renken
Rosenberg	Royer	Running	Schnekloth
Schrader	Sherzan	Shoning	Shultz
Siegrist	Skow	Spear	Stromer
Stueland	Svoboda	Swartz	Tabor
Teaford	Van Camp	Van Maanen	Wise
Mr. Speaker			

The nays were, 1:

Diemer

Absent or not voting, 2:

Swearingen      Tyrrell

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

#### CONFERENCE COMMITTEE REPORTS FILED

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

**JOSEPH O'HERN**  
Chief Clerk of the House

Senate File 17, a bill for an act relating to the penalty for cruelty to animals.

Senate Concurrent Resolution 35, a concurrent resolution relating to the board of regents ten-year building program.

#### EXPLANATION OF VOTE

I was necessarily absent from the House chamber on May 8, 1987. Had I been present, I would have voted "aye" on House File 631.

**SHOULTZ** of Black Hawk

#### PRESENTATION OF VISITORS

Speaker Avenson presented to the House the Honorable Joyce Lonergan, former member of the House representing Boone County.

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

Twenty-seven fifth grade students from Robert Deal Elementary School, Coon Rapids, accompanied by Ms. Gymer. By Blanshan of Greene.

Forty-five fifth grade students from Adams Elementary School, Des Moines, accompanied by Mrs. Hubbard. By Renaud of Polk.

Twenty-four students from Immanuel St. Paul Lutheran School, Clarinda. By Royer of Page.

Fifty students from Central Iowa Christian Academy, Marshalltown, accompanied by George Stille. By Swartz of Marshall.

#### AMENDMENTS FILED

H—4341	H.F.	164	Hummel of Benton
H—4342	S.F.	516	Jochum of Dubuque
H—4343	S.F.	516	Jochum of Dubuque
H—4346	H.F.	650	Jay of Appanoose
H—4348	S.F.	516	Hammond of Story
H—4349	S.F.	29	Dvorsky of Johnson

On motion by Arnould of Scott, the House adjourned at 9:52 p.m., until 8:30 a.m., Saturday, May 9, 1987.

# JOURNAL OF THE HOUSE

One Hundred Eighteenth Calendar Day — Eighty-first Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Saturday, May 9, 1987

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

Prayer was offered by the Honorable Andy McKean, state representative from Jones County.

The Journal of Friday, May 8, 1987, was approved.

## PETITION FILED

The following petition was received and placed on file:

By Peterson of Carroll, from two hundred twenty-nine constituents favoring House File 121, relating to the allocation of road use tax.

## 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 7, 1987, amended and passed the following bill in which the concurrence of the House is asked:

House File 591, a bill for an act relating to domestic abuse, assaults involving an act of domestic abuse, and court orders issued and enforced pursuant to the domestic abuse law, and providing penalties.

Also: That the members of the conference committee, on the part of the Senate, appointed May 8, 1987, to House File 600, a bill for an act relating to elections and political activity and subjecting violators to a penalty, are: The Senator from Pottawattamie, Senator Gronstal, Chair; the Senator from Dubuque, Senator Carr; the Senator from Marion, Senator Dieleman; the Senator from Polk, Senator Gentleman; and the Senator from Black Hawk, Senator Corning.

Also: That the Senate has on May 9, 1987, adopted the conference committee report and passed Senate File 17, a bill for an act relating to the penalty for cruelty to animals.

Also: That the Senate has on May 9, 1987, adopted the conference committee report and passed Senate Concurrent Resolution 35, a concurrent resolution relating to the board of regents ten-year building program.

JOHN F. DWYER, Secretary

## IMMEDIATE MESSAGE

(Senate File 507)

Arnould of Scott asked and received unanimous consent that Senate File 507 be immediately messaged to the Senate.

**ADOPTION OF THE REPORT OF THE  
CONFERENCE COMMITTEE  
(Senate File 17)**

Tabor of Jackson called up for consideration the report of the conference committee on Senate File 17 and moved the adoption of the conference committee report and the amendments contained therein as follows:

**REPORT OF THE CONFERENCE COMMITTEE  
ON SENATE FILE 17**

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

We the undersigned members of the conference committee appointed to resolve the differences between the Senate and House of Representatives on Senate File 17, a bill for an act relating to the penalty for cruelty to animals, respectfully make the following report:

1. That the House recede from its amendment.

2. That Senate File 17 as amended, passed, and reprinted by the Senate be amended as follows:

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

"Section 1. Section 717.2, Code 1987, is amended to read as follows:

**717.2 CRUELTY TO ANIMALS.**

A person who impounds or confines, in any place, a domestic animal or fowl, or an animal or fowl subject to section 109.60, or dog or cat, and fails to supply the animal during confinement with a sufficient quantity of food, and water, or who fails to provide a dog or cat with adequate shelter, or who tortures, torments, deprives of necessary sustenance, mutilates, overdrives, overloads, drives when overloaded, beats, or kills an animal by any means which cause unjustified pain, distress, or suffering, whether intentionally or negligently, is guilty of a simple misdemeanor commits the offense of cruelty to animals.

A person who commits the offense of cruelty to animals is guilty of a simple misdemeanor. A person who intentionally commits the offense of cruelty to animals which results in serious injury to or the death of an animal is guilty of a serious misdemeanor."

ON THE PART OF THE HOUSE:

DAVID TABOR, Chair  
JOHNIE HAMMOND  
STEVE D. HANSEN  
BETTY JEAN CLARK  
JOSEPH M. KREMER

ON THE PART OF THE SENATE:

JAMES R. RIORDAN, Chair  
EUGENE FRAISE  
DONALD V. DOYLE  
JULIA GENTLEMAN  
JACK W. HESTER

The motion prevailed and the conference committee report was adopted.

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

On the question "Shall the bill pass?" (S.F. 17)

The ayes were, 94:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Black	Blanshan
Brammer	Branstad	Buhr	Carpenter
Chapman	Clark	Cphoon	Connolly
Connors	Cooper	Corbett	Corey
Daggett	De Groot	Diemer	Doderer
Dvorsky	Eddie	Fey	Fogarty
Fuller	Garman	Groninga	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Hansen, S. D.
Hanson, D. R.	Harbor	Harper	Hermann
Hester	Holveck	Hummel	Jay
Johnson	Knapp	Koenigs	Kremer
Lageschulte	Lundby	Maulsby	May
McKean	McKinney	Metcalf	Miller
Mullins	Neuhauser	Norrgard	Ollie
Osterberg	Parker	Paulin	Pavich
Pellett	Peters	Petersen, D. F.	Peterson, M. K.
Plasier	Platt	Poncy	Renaud
Renken	Rosenberg	Royer	Running
Schneklath	Schrader	Sherzan	Shoning
Shoultz	Siegrist	Skow	Spear
Stromer	Stueland	Svoboda	Swartz
Tabor	Teaford	Van Camp	Van Maanen
Wise	Mr. Speaker		

The nays were, none.

Absent or not voting, 6:

Hatch	Haverland	Jochum	Muhlbauer
Swearingen	Tyrrell		

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

IMMEDIATE MESSAGE

(Senate File 17)

Arnould of Scott asked and received unanimous consent that Senate File 17 be immediately messaged to the Senate.

ADOPTION OF THE REPORT OF THE  
CONFERENCE COMMITTEE

(Senate Concurrent Resolution 35)

Harper of Black Hawk called up for consideration the report of the conference committee on Senate Concurrent Resolution 35 and moved the adoption of the conference committee report and the amendments contained therein as follows:

REPORT OF THE CONFERENCE COMMITTEE  
ON SENATE CONCURRENT RESOLUTION 35

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 Concurrent Resolution 35, a concurrent resolution relating to the board of regents ten-year building program, respectfully make the following report:

1. That the Senate recede from its amendment, H-4268, to the House amendment, S-3964, to Senate Concurrent Resolution 35, as passed by the Senate.

2. That the House amendment, S-3964, to Senate Concurrent Resolution 35, as passed by the Senate, be amended as follows:

1. Page 1, by striking lines 5 and 6 and inserting the following: "amount not exceeding sixty-five million six hundred thousand (65,600,000)".

2. Page 1, by striking lines 9 and 10 and inserting the following: "is authorized, is sixty-five million six hundred thousand (65,600,000) dollars, all or any part of which may be".

3. Page 1, by striking lines 16 and 17 and inserting the following: "inserting the following: "exceed sixty-five million six hundred thousand (65,600,000) dollars:"."

4. Page 1, by striking lines 20 through 34 and inserting the following:

"State University of Iowa	.....	\$25,100,000
Laser laboratories		
International center (old		
law center) remodeling		
Cost of issuance of bonds		
Iowa State University	.....	\$ 37,500,000
Molecular biology building		
Home economics building-phase I		
Meat irradiation facility		
University research park development		
Industrial education remodeling		
Veterinary medicine research		
institute laboratory		
Cost of issuance of bonds		
University of Northern Iowa	.....	\$ 3,000,000
Latham hall remodeling		
Cost of issuance of bonds		
	Total	\$65,600,000".

ON THE PART OF THE HOUSE:  
JACK HATCH, Chair  
CLIFFORD O. BRANSTAD  
PATRICIA HARPER  
JANE TEAFORD

ON THE PART OF THE SENATE:  
WALLY E. HORN, Chair  
WILLIAM DIELEMAN  
LEE HOLT  
JOHN JENSEN  
RICHARD VARN

The motion prevailed and the conference committee report was adopted.

## ADOPTION OF SENATE CONCURRENT RESOLUTION 35

Harper of Black Hawk moved the adoption of Senate Concurrent Resolution 35.

A non-record roll call was requested.

The ayes were 77, nays 11.

The motion prevailed and the resolution was adopted.

## HOUSE RECEDES

Peterson of Carroll called up for consideration **Senate File 513**, 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, and moved that the House recede from its amendment, which motion prevailed.

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

On the question "Shall the bill pass?" (S.F. 513)

The ayes were, 94:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Black	Blanshan
Brammer	Branstad	Buhr	Carpenter
Chapman	Clark	Cohoon	Connolly
Connors	Cooper	Corbett	Corey
Daggett	De Groot	Diemer	Doderer
Dvorsky	Eddie	Fey	Fogarty
Fuller	Garman	Groninga	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Hansen, S. D.
Hanson, D. R.	Harbor	Harper	Hermann
Hester	Holveck	Hummel	Jay
Johnson	Knapp	Koenigs	Kremer
Lageschulte	Lundby	Maulsby	May
McKean	McKinney	Metcalf	Miller
Muhlbauer	Mullins	Neuhauser	Norrgard
Ollie	Osterberg	Parker	Paulin
Pavich	Pellett	Petersen, D. F.	Peterson, M. K.
Plasier	Platt	Poncy	Renaud
Renken	Rosenberg	Royer	Running
Schneklath	Schrader	Sherzan	Shoning
Shoultz	Siegrist	Skow	Spear
Stromer	Stueland	Svoboda	Swartz

Tabor  
Wise

Teaford  
Mr. Speaker

Van Camp

Van Maanen

The nays were, none.

Absent or not voting, 6:

Hatch  
Swearingen

Haverland  
Tyrrell

Jochum

Peters

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 33

Fey of Scott called up for consideration Senate Concurrent Resolution 33, relating to the reform of the welfare system, and moved its adoption.

The motion prevailed and the resolution was adopted.

### ADOPTION OF THE REPORT OF THE CONFERENCE COMMITTEE (Senate File 311)

Koenigs of Mitchell called up for consideration the report of the conference committee on Senate File 311 and moved the adoption of the conference committee report and the amendments contained therein as follows:

#### REPORT OF THE CONFERENCE COMMITTEE ON SENATE FILE 311

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 311, a bill for an act increasing the speed limit to sixty-five miles per hour on fully controlled-access, divided, multilaned highways including the interstate highway system, and providing a conditional effective date, respectfully make the following report:

1. Amend House amendment, S-3721, to Senate File 311, as amended, passed, and reprinted by the Senate, as follows:

1. Page 1, line 26, by striking the word "a".
2. Page 1, by striking line 27 and inserting the following: "321.377.

Sec. 777. Section 321.445, Code 1987, is amended by adding the following new subsections:

**NEW SUBSECTION. 5.** The department shall adopt rules pursuant to chapter 17A providing exceptions from application of subsections 1 and 2 for front seats and front seat passengers of motor vehicles owned, leased, rented, or primarily used by physically handicapped persons who use collapsible wheelchairs.

Sec. 778. Section 321A.3, Code 1987, is amended by adding the following new subsection:

**NEW SUBSECTION. 4.** The abstract of operating record provided under this section shall designate which speeding violations are for ten miles per hour or less over the legal speed limit in speed zones that have a legal speed limit equal to or greater than thirty-five miles per hour but not greater than fifty-five miles per hour.

Sec. 779. Section 507B.4, Code 1987, is amended by adding the following new subsection:

**NEW SUBSECTION. 12.** Failure of a person to comply with section 516B.3.

Sec. 780. **NEW SECTION. 516B.3 MINOR TRAFFIC VIOLATIONS NOT CONSIDERED IN ESTABLISHING RATES.**

1. The commissioner shall require that insurance companies transacting business in this state not consider speeding violations for ten miles per hour or less over the legal speed limit in speed zones that have a legal speed equal to or limit greater than thirty-five miles per hour but not greater than fifty-five miles per hour for the purpose of establishing rates for motor vehicle insurance charged by the insurer and shall require that insurance companies not cancel or refuse to renew any such policy for such violations. In any twelve-month period, this section applies only to the first two such violations which occur.

2. If the rate for motor vehicle insurance is based on an operating record of a period longer than twelve months in length, the twelve-month periods under subsection 1 shall not overlap.” ”

3. Page 2, by striking lines 3 through 15 and inserting the following: “excessive speed violations in speed zones greater than fifty-five miles per hour when in excess of the limit by five miles per hour or less 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 forty dollars, by more than fifteen and not more than twenty miles per hour the fine is sixty dollars, and by more than twenty miles per hour the fine is sixty dollars plus two dollars for each mile per hour of excessive speed over twenty miles per hour over the limit.”

4. Page 2, by inserting after line 18 the following:

“ \_\_\_\_\_. Page 1, by inserting before line 27 the following:

“Sec. 781. Section 516B.3, created under this act, applies to insurance policies which are issued or renewed on or after July 1, 1987. Section 778 of this Act applies to abstracts of operating records issued on or after July 1, 1987.” ”

5. Page 2, by inserting before line 19 the following:

“ \_\_\_\_\_. Page 1, line 28, by inserting after the word “after” the following: “the date of its enactment or”.

\_\_\_\_\_. Page 1, line 28, by striking the word “legislation,” and inserting the following: “legislation”.

\_\_\_\_\_. Page 1, line 30, by inserting after the word “law” the following: “, whichever occurs later”.”

6. Page 2, line 21, by inserting after the figure "711" the following: ", 777, 778, 779, 780, 781".

7. Page 2, line 26, by inserting after the word "to" the following: "motor vehicle law including".

8. Page 2, line 31, by inserting after the word "hour" the following: ", by requiring the state department of transportation to adopt rules providing exemptions from mandatory seat belt requirements under certain circumstances".

## ON THE PART OF THE HOUSE:

DEO KOENIGS, Chair  
DENNIS COHOON  
KENNETH DE GROOT  
RAYMOND LAGESCHULTE  
MARY NEUHAUSER

## ON THE PART OF THE SENATE:

DON E. GETTINGS, Chair  
WALLY HORN  
JOHN W. JENSEN

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. 311)

The ayes were, 85:

Adams	Arnould	Beaman	Bennett
Bisignano	Black	Brammer	Branstad
Buhr	Clark	Cohoon	Cannolly
Connors	Cooper	Corbett	Corey
Daggett	De Groot	Diemer	Dvorsky
Eddie	Fey	Fogarty	Fuller
Garman	Groninga	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Harbor
Harper	Hermann	Hester	Hummel
Jay	Knapp	Koenigs	Kremer
Lageschulte	Lundby	Maulsby	May
McKean	McKinney	Metcalf	Miller
Muhlbauer	Mullins	Neuhauser	Ollie
Osterberg	Parker	Paulin	Pavich
Pellett	Peters	Petersen, D. F.	Peterson, M. K.
Plasier	Platt	Poncy	Renaud
Renken	Royer	Running	Schneklath
Schrader	Sherzan	Shoning	Shoultz
Siegrist	Skow	Spear	Stromer
Stueland	Svoboda	Swartz	Tabor
Teaford	Van Camp	Van Maanen	Wise
Mr. Speaker			

The nays were, 8:

Beatty	Blanshan	Carpenter	Hanson, D. R.
Holveck	Johnson	Norrgard	Rosenberg

Absent or not voting, 7:

Chapman  
Jochum

Doderer  
Swearingen

Hatch  
Tyrrell

Haverland

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

### IMMEDIATE MESSAGES

Arnould of Scott asked and received unanimous consent that the following bills and resolution be immediately messaged to the Senate: Senate Files 311, 513, and Senate Concurrent Resolution 33.

### RULES SUSPENDED

Arnould of Scott asked and received unanimous consent to suspend the rules and take up out of order Senate File 396.

### Unfinished Business Calendar

The House resumed consideration of **Senate File 396**, a bill for an act relating to the creation of a waste management authority within the environmental protection division of the department of natural resources, deferred and placed on the unfinished business calendar April 14, 1987.

Rosenberg of Story offered the following amendment H—3694 filed by the committee on energy and environmental protection:

H—3694

- 1 Amend Senate File 396 as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. By striking page 1, line 8 through page 2,
- 4 line 2, and inserting the following:
- 5 "1. A considerable volume of hazardous wastes and
- 6 low-level radioactive wastes are generated from modern
- 7 agricultural, industrial, medical, educational, and
- 8 research activities within the state.
- 9 2. The protection of the health, safety, and
- 10 welfare of Iowans and the protection of the
- 11 environment require the proper and safe management of
- 12 these wastes.
- 13 3. Ensuring the proper and safe management of low-
- 14 level radioactive wastes and hazardous wastes is a
- 15 fundamental duty of the state.
- 16 4. It is the obligation of the state government
- 17 pursuant to the federal Low-Level Waste Management
- 18 Policy Act of 1980 to provide for the proper and safe
- 19 management of low-level radioactive wastes produced
- 20 within its borders.
- 21 5. A proper and safe low-level radioactive waste
- 22 and hazardous waste management program encourages

23 public participation in all phases of the development  
24 of the waste management program, and encourages, to  
25 the greatest extent possible, the use of  
26 environmentally sound waste management practices which  
27 are alternative to land disposal including waste  
28 recycling, compaction, incineration, and other methods  
29 which reduce the amount of wastes produced.

30 6. It is the purpose of this Act to establish a  
31 state planning and management authority as a division  
32 of the department of natural resources to provide for  
33 the proper and safe management of low-level  
34 radioactive wastes and hazardous wastes produced in  
35 the state and to meet the state's obligations pursuant  
36 to the federal Low-Level Waste Management Policy Act  
37 of 1980 by:"

38 2. Page 2, line 5, by striking the word "solid,".

39 3. Page 2, line 10, by striking the word  
40 "solid,".

41 4. Page 2, line 17, by striking the word  
42 "solid,".

43 5. Page 2, by inserting after line 24 the  
44 following:

45 "Sec. \_\_\_\_\_. NEW SECTION. 455B.480 WASTE  
46 MANAGEMENT POLICY.

47 The purpose of this part is to promote the proper  
48 and safe storage, treatment, and disposal of hazardous  
49 and low-level radioactive wastes in Iowa. The  
50 management of these wastes generated within Iowa is

**Page 2**

1 the responsibility of Iowans. It is the intent of the  
2 general assembly that Iowans assume this  
3 responsibility to the extent consistent with the  
4 protection of public health, safety, and the  
5 environment, and that Iowans insure that waste  
6 management practices, as alternatives to land  
7 disposal, including source reduction, recycling,  
8 compaction, incineration, and other forms of waste  
9 reduction, are employed.

10 It is also the intent of the general assembly that  
11 a comprehensive waste management plan be established  
12 by the waste management authority which includes: the  
13 determination of need and adequate regulatory controls  
14 prior to the initiation of site selection; the process  
15 for selecting a superior site determined to be  
16 necessary; the establishment of a process for a site  
17 community to select the operator and the technology  
18 that best ensures proper facility operation; the  
19 prohibition of shallow land burial of hazardous and  
20 low-level radioactive wastes; the establishment of a  
21 regulatory framework for a facility; and the

- 22 establishment of provisions for the safe and orderly  
23 development, operation, closure, postclosure, and  
24 long-term monitoring and maintenance of the facility.”  
25 6. Page 2, line 29, by striking the word  
26 “solid.”  
27 7. Page 3, by striking lines 11 and 12.  
28 8. Page 3, lines 33 and 34, by striking the words  
29 “environmental protection division” and inserting the  
30 following: “department of natural resources”.  
31 9. Page 3, line 35, by striking the words “solid  
32 waste, hazardous waste,” and inserting the following:  
33 “hazardous waste”.  
34 10. Page 4, line 15, by striking the words  
35 “environmental protection division of the”.  
36 11. Page 4, lines 18 and 19, by striking the  
37 words “administrator of the environmental protection  
38 division” and inserting the following: “director of  
39 the department of natural resources”.  
40 12. Page 4, line 21, by striking the word  
41 “ADMINISTRATOR” and inserting the following:  
42 “AUTHORITY”.  
43 13. Page 4, line 22, by striking the word  
44 “administrator” and inserting the following:  
45 “authority”.  
46 14. Page 5, by inserting after line 24, the  
47 following:  
48 “10. Submit a report to the general assembly by  
49 January 1, 1988, regarding the feasibility and  
50 financial ramifications of limiting the type of waste

**Page 3**

- 1 accepted by a hazardous waste facility acquired or  
2 operated pursuant to this chapter.”  
3 15. Page 5, line 32, by striking the words  
4 “prepared by the administrator”.  
5 16. Page 6, line 12, by striking the word  
6 “administrator” and inserting the following:  
7 “authority”.  
8 17. Page 6, line 15, by striking the word  
9 “administrator” and inserting the following:  
10 “authority”.  
11 18. Page 6, line 17, by striking the figure  
12 “455B.422” and inserting the following: “455B.485”.  
13 19. Page 6, line 19, by striking the word  
14 “administrator” and inserting the following:  
15 “authority”.  
16 20. Page 6, line 20, by striking the word  
17 “administrator” and inserting the following:  
18 “authority”.  
19 21. Page 6, line 25, by striking the word  
20 “administrator” and inserting the following:

21 "authority".

22 22. Page 6, line 29, by striking the word  
23 "administrator" and inserting the following:

24 "authority".

25 23. Page 6, line 30, by striking the word  
26 "administrator" and inserting the following:

27 "authority".

28 24. By striking page 6, line 35 through page 7,  
29 line 18 and inserting the following:

30 "The commission shall adopt rules establishing  
31 criteria for the identification of land areas or sites  
32 which are suitable for the operation of facilities for  
33 the management of hazardous and low-level radioactive  
34 wastes. Upon request, the department shall assist in  
35 locating suitable sites for the location of a  
36 facility. The commission may purchase or condemn land  
37 to be leased for the operation of a facility subject  
38 to chapter 471. Consideration for a contract for  
39 purchase of land shall not be in excess of funds  
40 appropriated by the general assembly for that purpose.  
41 The commission may lease land purchased under this  
42 section to any person including the state or a state  
43 agency. This section authorizes the state to own or  
44 operate hazardous waste facilities and low-level  
45 radioactive waste facilities, subject to the approval  
46 of the general assembly.

47 The terms of the lease shall establish  
48 responsibility for long-term monitoring and  
49 maintenance of the site. The commission shall require  
50 that the lessee post bond or provide proof of

**Page 4**

1 sufficient insurance coverage, as determined by the  
2 commission to be reasonably necessary to protect the  
3 state against liabilities arising from the storage of  
4 wastes, abandonment of the facility, facility  
5 accidents, failure of the facility, or other  
6 liabilities which may arise.

7 The terms of the lease shall also require that the  
8 operator of the facility pay an annual fee to the  
9 state, as established by the commission, to cover  
10 facility monitoring costs, and shall require that the  
11 operator establish a long-term monitoring and  
12 maintenance fund in which the operator shall deposit  
13 annually an amount specified by the commission. The  
14 fund shall be used to pay closure, long-term  
15 monitoring and maintenance, and contingency costs.

16 The lease agreement shall provide for a local  
17 review and monitoring committee established by the  
18 county or municipal entity governing the jurisdiction  
19 in which the facility is located. Prior to the

20 approval of a lease agreement the local committee  
 21 shall review the application of the prospective  
 22 operator and shall determine the suitability of the  
 23 proposed site for the facility. The local committee  
 24 may inspect the facility during operation and may make  
 25 recommendations regarding the operation and closure of  
 26 the facility. The commission shall establish a surtax  
 27 paid by the operator of a facility to the local  
 28 governmental entity, and retained by the local  
 29 governmental entity in which the facility is located.  
 30 The operator of the facility shall provide funding for  
 31 the implementation of the duties of the local  
 32 committee.

33 The lessee is subject to all applicable permit and  
 34 licensing requirements. The leasehold interest,  
 35 including improvements made to the property, shall be  
 36 listed, assessed, and valued as any other real  
 37 property as provided by law.

38 Facilities acquired or operated pursuant to this  
 39 section shall comply with applicable federal and state  
 40 statutes, local ordinances, and regulations adopted by  
 41 regulatory agencies to the extent required by law."

42 25. Page 7, by inserting after line 18 the fol-  
 43 lowing:

44 "The purchase, condemnation, or leasing of land for  
 45 the management of wastes, shall be approved by the  
 46 general assembly prior to the purchase, condemnation,  
 47 or leasing of the land."

48 26. Page 7, by inserting after line 24 the  
 49 following:

50 "An operator of a facility acquired or operated

**Page 5**

1 pursuant to this section shall require that a person,  
 2 prior to the use of the facility, submit proof that  
 3 reasonable and good faith measures have been taken to  
 4 reduce the generation of waste."

5 27. Page 7, by inserting before line 25, the  
 6 following:

7 "A hazardous waste facility acquired or operated  
 8 pursuant to this section shall be operated in  
 9 accordance with the following schedule:

10 a. The initial fee paid by a person depositing  
 11 hazardous waste at the facility shall be increased by  
 12 ten percent per ton upon receipt of twenty-five  
 13 percent of the waste capacity of the facility.

14 b. The initial fee paid by a person depositing  
 15 hazardous waste at the facility shall be increased by  
 16 twenty-five percent per ton upon receipt of fifty  
 17 percent of the waste capacity of the facility.

18 c. Upon receipt of fifty percent of the waste

19 capacity of the facility, the receipt of waste shall  
 20 be limited to hazardous waste generated within the  
 21 state of Iowa. If an agreement has been established  
 22 between the owner or operator of the hazardous waste  
 23 facility and an out-of-state generator of hazardous  
 24 waste, this limitation is null and void."

25 28. Page 7, line 27, by striking the word  
 26 "administrator" and inserting the following:  
 27 "authority".

28 29. Page 7, line 31, by striking the word  
 29 "administrator" and inserting the following:  
 30 "authority".

31 30. By striking page 8, line 11 through page 9,  
 32 line 7 and inserting the following:

33 "Sec. \_\_\_\_\_. Section 455B.422, Code 1987, is  
 34 repealed."

35 31. Title page, by striking lines 2 and 3 and in-  
 36 serting the following: "within the department of  
 37 natural resources, and providing for the management of  
 38 hazardous and low-level radioactive wastes."

39 32. By renumbering as necessary.

Rosenberg of Story offered the following amendment H-4002, to the committee amendment H-3694, filed by him and moved its adoption:

#### H-4002

1 Amend the amendment, H-3694, to Senate File 396 as  
 2 follows:

3 1. Page 1, line 5, by striking the words  
 4 "hazardous wastes" and inserting the following:  
 5 "solid wastes, hazardous wastes,".

6 2. Page 1, line 13, by inserting after the word  
 7 "of" the following: "solid wastes,".

8 3. Page 1, line 14, by striking the words "radio-  
 9 active wastes" and inserting the following:  
 10 "radioactive wastes,".

11 4. Page 1, line 21, by inserting after the word  
 12 "safe" the following: "solid waste,".

13 5. Page 1, line 21, by striking the word "waste"  
 14 and inserting the following: "waste,".

15 6. Page 1, line 35, by inserting after the word  
 16 "state" the following: ", to encourage and facilitate  
 17 new solid waste management concepts and alternative  
 18 disposal methods,".

19 7. Page 1, by striking lines 38 through 42.

20 8. Page 1, line 48, by striking the word  
 21 "hazardous" and inserting the following: "solid,  
 22 hazardous,".

23 9. Page 2, by striking lines 25 through 27.

24 10. Page 2, by striking lines 31 through 33.

- 25 11. Page 5, line 38, by striking the word  
26 "hazardous" and inserting the following: "solid,  
27 hazardous,".  
28 12. By renumbering as necessary.

Amendment H—4002 was adopted.

Adams of Hamilton offered the following amendment H—4023, to the committee amendment H—3694, filed by her and moved its adoption:

H—4023

- 1 Amend amendment, H—3694, to Senate File 396 as  
2 amended, passed and reprinted by the Senate as  
3 follows:  
4 1. Page 2, by striking line 17 and inserting the  
5 following: "community to submit or present data,  
6 views, or arguments regarding the selection of the  
7 operator and the technology".

Amendment H—4023 was adopted.

Rosenberg of Story asked and received unanimous consent to withdraw amendment H—4219 filed by him on May 5, 1987.

Rosenberg of Story offered the following amendment H—4227, to the committee amendment H—3694, filed by him and moved its adoption:

H—4227

- 1 Amend the amendment, H—3694, to Senate File 396 as  
2 amended, passed, and reprinted by the Senate as  
3 follows:  
4 1. Page 3, by inserting after line 2 the  
5 following:  
6 "11. Solicit proposals from public and private  
7 agencies to conduct hazardous waste research, and to  
8 develop and implement storage, treatment, and other  
9 hazardous waste management practices including but not  
10 limited to source reduction, recycling, compaction,  
11 incineration, fuel recovery, and other alternatives to  
12 land disposal of hazardous waste. In the acceptance  
13 of a proposal, preference shall be given to Iowa  
14 agencies pursuant to chapter 72.  
15 12. Conduct a comprehensive study of the current  
16 availability of hazardous waste disposal methods and  
17 sites, the current and projected generation of  
18 hazardous waste including but not limited to the types  
19 of hazardous waste generated and the sources of  
20 hazardous waste generation; alternatives to land  
21 disposal of hazardous waste including but not limited

22 to source reduction, recycling, compaction,  
23 incineration, and fuel recovery; and integrated  
24 approaches to pollution management to ensure that the  
25 problems associated with hazardous waste do not become  
26 air or water problems; and alternative management and  
27 financing approaches for a state hazardous waste site.  
28 13. a. Develop a comprehensive plan for the  
29 establishment of a small business assistance center  
30 for the safe and economic management of solid and  
31 hazardous substances. The plan for establishing the  
32 center shall be presented to the general assembly on  
33 or before January 15, 1988. The plan shall provide  
34 that the center's program include:  
35 (1) The provision of information regarding the  
36 safe use and economic management of solid and  
37 hazardous substances to small businesses which  
38 generate the substances.  
39 (2) The dissemination of information to public and  
40 private agencies regarding state and federal solid and  
41 hazardous substances regulations, and assistance in  
42 achieving compliance with these regulations.  
43 (3) Advisement and consultation regarding the  
44 proper storage, handling, treatment, reuse, recycling,  
45 and disposal methods of solid and hazardous  
46 substances. The center shall promote alternatives to  
47 land disposal of solid and hazardous substances  
48 including but not limited to source reduction,  
49 recycling, compaction, incineration, and fuel  
50 recovery.

**Page 2**

1 (4) The identification of the advantages of proper  
2 substance management relative to liability and  
3 operational costs of a particular small business.  
4 (5) Assistance in the providing of capital  
5 formation in order to comply with state and federal  
6 regulations.  
7 b. Moneys appropriated from the oil overcharge  
8 account of the groundwater protection fund shall be  
9 used to develop the comprehensive plan for the small  
10 business assistance center for the safe and economic  
11 management of solid and hazardous substances.  
12 c. In solicitation of proposals for the  
13 implementation of the comprehensive plan, the waste  
14 management authority shall give preference to  
15 cooperative proposals which incorporate and utilize  
16 the participation of the universities under the  
17 control of the state board of regents."

**Amendment H—4227 was adopted.**

Rosenberg of Story offered the following amendment H—4001, to the committee amendment H—3694, filed by him and moved its adoption:

H—4001

- 1 Amend the amendment, H—3694, to Senate File 396 as
- 2 follows:
- 3 1. Page 3, line 37, by inserting after the word
- 4 "leased" the following: "or used".
- 5 2. Page 3, line 47, by inserting after the word
- 6 "lease" the following: "or contract".
- 7 3. Page 3, line 50, by inserting after the word
- 8 "lessee" the following: "or operator".
- 9 4. Page 4, line 7, by inserting after the word
- 10 "lease" the following: "or contract".
- 11 5. Page 4, line 7, by inserting after the words
- 12 "that the" the following: "lessee or".
- 13 6. Page 4, line 10, by inserting after the word
- 14 "the" the following: "lessee or".
- 15 7. Page 4, line 12, by inserting after the word
- 16 "the" the following: "lessee or".
- 17 8. Page 4, line 16, by inserting after the word
- 18 "agreement" the following: "or contract".
- 19 9. Page 4, line 20, by inserting after the word
- 20 "agreement" the following: "or contract".
- 21 10. Page 4, line 21, by inserting after the word
- 22 "prospective" the following: "lessee or".
- 23 11. Page 4, line 27, by inserting after the words
- 24 "by the" the following: "lessee or".
- 25 12. Page 4, line 30, by inserting after the word
- 26 "The" the following: "lessee or".
- 27 13. Page 4, line 33, by inserting after the word
- 28 "lessee" the following: "or operator".
- 29 14. Page 4, line 44, by striking the words "or
- 30 leasing" and inserting the following: "use, or
- 31 lease".
- 32 15. Page 4, line 47, by striking the words "or
- 33 leasing" and inserting the following: "use, or
- 34 lease".

Amendment H—4001 was adopted.

On motion by Rosenberg of Story, the committee amendment H—3694, as amended, was adopted.

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

On the question "Shall the bill pass?" (S.F. 396)

The ayes were, 94:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Black	Blanshan
Branstad	Buhr	Carpenter	Chapman
Clark	Cohoon	Connolly	Connors
Cooper	Corbett	Corey	Daggett
De Groot	Diemer	Doderer	Eddie
Fey	Fogarty	Fuller	Garman
Groninga	Gruhn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. R.	Harbor
Harper	Hatch	Hermann	Hester
Holveck	Hummel	Jay	Jochum
Johnson	Knapp	Koenigs	Kremer
Lageschulte	Lundby	Maulsby	May
McKean	McKinney	Metcalf	Miller
Muhlbauer	Mullins	Neuhauser	Norrgard
Ollie	Osterberg	Paulin	Pavich
Pellett	Peters	Petersen, D. F.	Peterson, M. K.
Plasier	Platt	Poncy	Renaud
Renken	Rosenberg	Royer	Running
Schneklath	Schrader	Sherzan	Shoning
Shoultz	Siegrist	Skow	Spear
Stromer	Stueland	Svoboda	Swartz
Tabor	Teaford	Van Camp	Van Maanen
Wise	Mr. Speaker		

The nays were, none.

Absent or not voting, 6:

Brammer	Dvorsky	Haverland	Parker
Swearingen	Tyrrell		

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 396)

Arnould of Scott asked and received unanimous consent that Senate File 396 be immediately messaged to the Senate.

### RULES SUSPENDED

Arnould of Scott asked and received unanimous consent to suspend the rules for the immediate consideration of Senate File 509.

### Appropriations Calendar

**Senate File 509**, a bill for an act making an appropriation for the support of the engineering and land surveying examining board and revising certain statutory provisions relating to engineering and land

surveying services, with report of committee recommending amendment and passage was taken up for consideration.

Peterson of Carroll offered the following amendment H—4337 filed by the committee on appropriations and moved its adoption:

H—4337

- 1 Amend Senate File 509, as amended, passed, and re-
- 2 printed by the Senate, as follows:
- 3 1. Page 1, by striking lines 1 through 19.
- 4 2. Title page, by striking lines 1 and 2 and
- 5 inserting the following: "An Act revising certain".
- 6 3. By renumbering as necessary.

The committee amendment H—4337 was adopted.

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

On the question "Shall the bill pass?" (S.F. 509)

The ayes were, 95:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Black	Blanshan
Brammer	Branstad	Buhr	Carpenter
Chapman	Clark	Cohoon	Connolly
Connors	Cooper	Corbett	Corey
Daggett	De Groot	Diemer	Doderer
Dvorsky	Eddie	Fey	Fogarty
Fuller	Garman	Groninga	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Hansen, S. D.
Hanson, D. R.	Harbor	Harper	Hatch
Haverland	Hermann	Hester	Holveck
Jay	Jochum	Johnson	Knapp
Koenigs	Kremer	Lageschulte	Lundby
Maulsby	May	McKean	McKinney
Metcalf	Miller	Muhlbauer	Mullins
Neuhauser	Norrgard	Ollie	Osterberg
Parker	Paulin	Pavich	Pellett
Peters	Petersen, D. F.	Peterson, M. K.	Platt
Poncy	Renaud	Renken	Rosenberg
Royer	Running	Schnekloth	Schrader
Sherzan	Shoning	Siegrist	Skow
Spear	Stromer	Stueland	Svoboda
Swartz	Tabor	Teaford	Van Camp
Van Maanen	Wise	Mr. Speaker	

The nays were, 2:

Hummel Plasier

Absent or not voting, 3:

Shoultz

Swearingen

Tyrrell

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 509)

Arnould of Scott asked and received unanimous consent that Senate File 509 be immediately messaged to the Senate.

**Unfinished Business Calendar**

The House resumed consideration of **Senate File 340**, a bill for an act relating to the testing of blood or other bodily specimens of persons committed to an institution under the control of the Iowa department of corrections or a jail under the charge of a sheriff or other person, and providing penalties, deferred and placed on the unfinished business calendar April 15, 1987.

Jay of Appanoose offered the following amendment H—3804 filed by him and moved its adoption:

H—3804

- 1 Amend Senate File 340 as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, line 26, by inserting after the word
- 4 "department" the following: "or of a residential
- 5 facility operated by a judicial district department of
- 6 correctional services".
- 7 2. Page 1, line 29, by striking the word "rules"
- 8 and inserting the following: "policies and
- 9 procedures".

Amendment H—3804 was adopted.

Halvorson of Clayton offered the following amendment H—3834 filed by him and Harbor of Mills and moved its adoption:

H—3834

- 1 Amend Senate File 340, as amended, passed, and re-
- 2 printed by the Senate, as follows:
- 3 1. Page 1, by striking lines 30 through 33 and
- 4 inserting the following: "of a contagious infectious
- 5 disease to other persons."

Amendment H—3834 was adopted.

Jay of Appanoose moved that the bill be read a last time now and

placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 340)

The ayes were, 93:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Black	Blanshan
Brammer	Branstad	Buhr	Carpenter
Chapman	Clark	Cohon	Connolly
Connors	Cooper	Corbett	Corey
Daggett	De Groot	Diemer	Doderer
Eddie	Fey	Fogarty	Fuller
Garman	Gruhn	Halvorson, R. A.	Halvorson, R. N.
Hansen, S. D.	Hanson, D. R.	Harbor	Harper
Hatch	Haverland	Hermann	Hester
Holveck	Hummel	Jay	Jochum
Johnson	Knapp	Koenigs	Kremer
Lageschulte	Lundby	Maulsby	May
McKean	McKinney	Metcalf	Miller
Muhlbauer	Mullins	Neuhauser	Norrgard
Osterberg	Parker	Paulin	Pavich
Pellett	Peters	Petersen, D. F.	Peterson, M. K.
Plasier	Platt	Poncy	Renaud
Renken	Royer	Running	Schnekloth
Schrader	Sherzan	Shoning	Shoultz
Siegrist	Skow	Spear	Stromer
Stueland	Svoboda	Swartz	Tabor
Teaford	Van Camp	Van Maanen	Wise
Mr. Speaker			

The nays were, 2:

Hammond                      Rosenberg

Absent or not voting, 5:

Dvorsky                      Groninga                      Ollie                      Swearingen  
Tyrrell

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

### IMMEDIATE MESSAGE

(Senate File 340)

Arnould of Scott asked and received unanimous consent that Senate File 340 be immediately messaged to the Senate.

### SENATE AMENDMENT CONSIDERED

Doderer of Johnson called up consideration **House File 591**, a bill for an act relating to domestic abuse, assaults involving an act of domestic abuse, and court orders issued and enforced pursuant to the domestic abuse law, and providing penalties, amended by the Senate, and

moved that the House concur in the following Senate amendment  
H—4352:

H—4352

1 Amend House File 591, as amended, passed, and  
2 reprinted by the House, as follows:

3 1. Page 1, by striking lines 25 through 28 and  
4 inserting the following: "an order issued pursuant to  
5 this chapter or for violation of a court-approved  
6 consent agreement entered under this chapter, for  
7 violation of a temporary or permanent protective order  
8 or order to vacate the homestead under chapter 598, or  
9 for violation of any order that establishes conditions  
10 of release or is a protective order or sentencing  
11 order in a criminal prosecution arising from a  
12 domestic abuse assault. If held in contempt, the".

13 2. By striking page 1, line 35 through page 2,  
14 line 26, and inserting the following: "any civil or  
15 eriminal an order or approved court-approved consent  
16 agreement issued pursuant to entered under this  
17 chapter, a temporary or permanent protective order or  
18 order to vacate the homestead under chapter 598, or  
19 any order that establishes conditions of release or is  
20 a protective order or sentencing order in a criminal  
21 prosecution arising from a domestic abuse assault. If  
22 a peace officer has probable cause to believe that a  
23 person has violated any civil or eriminal an order or  
24 approved consent agreement entered under this chapter,  
25 a temporary or permanent protective order or order to  
26 vacate the homestead under chapter 598, or any order  
27 establishing conditions of release or a protective or  
28 sentencing order in a criminal prosecution arising  
29 from a domestic abuse assault, the peace officer shall  
30 take the person into custody and shall take the person  
31 without unnecessary delay before the nearest or most  
32 accessible magistrate in the judicial district in  
33 which the person was taken into custody. The  
34 magistrate shall make an initial preliminary  
35 determination whether there is probable cause to  
36 believe that an order or consent agreement existed and  
37 that the person taken into custody has violated its  
38 terms. The magistrate's decision shall be entered in  
39 the record.

40 If the magistrate finds probable cause, the  
41 magistrate shall order the person to appear before the  
42 court which issued the original order or approved the  
43 consent agreement, whichever was allegedly violated,  
44 at which a specified time the court shall determine  
45 whether the person has committed contempt pursuant to  
46 section 236.8 not less than three days nor more than  
47 ten days after the initial appearance under this

48 section. The magistrate shall cause the original  
49 court to be notified of the contents of the  
50 magistrate's order.

**Page 2**

1 PARAGRAPH DIVIDED. A peace officer shall not be  
2 held civilly”.

3 3. Page 2, by striking lines 32 through 35 and  
4 inserting the following:

5 “Sec. 6. Section 236.12, subsection 2, Code 1987,  
6 is amended by striking the subsection and inserting in  
7 lieu thereof the following:

8 2. a. A peace officer may, with or”.

9 4. Page 3, line 3, by inserting after the word  
10 “witnesses,” the following: “if any,”.

11 5. Page 3, lines 4 and 5, by striking the words  
12 “domestic abuse has been committed” and inserting the  
13 following: “a domestic abuse assault has been  
14 committed which did not result in any injury to the  
15 alleged victim”.

16 6. Page 3, line 9, by inserting after the word  
17 “witnesses,” the following: “if any,”.

18 7. Page 3, by striking lines 10 and 11 and in-  
19 serting the following: “believe that a domestic abuse  
20 assault has been committed which resulted in the  
21 alleged victim's suffering a bodily injury.”

22 8. Page 3, line 15, by inserting after the word  
23 “witnesses,” the following: “if any,”.

24 9. Page 3, by striking lines 16 and 17 and in-  
25 serting the following: “believe that a domestic abuse  
26 assault has been committed with the intent to inflict  
27 a serious”.

28 10. Page 3, by inserting after line 18 the fol-  
29 lowing:

30 “d. A peace officer shall, with or without a  
31 warrant, arrest a person under section 708.2,  
32 subsection 3, if, upon investigation, including a  
33 reasonable inquiry of the alleged victim and other  
34 witnesses, if any, the officer has probable cause to  
35 believe that a domestic abuse assault has been  
36 committed and that the alleged abuser used or  
37 displayed a dangerous weapon in connection with the  
38 assault.”

39 11. Page 3, line 30, by inserting after the word  
40 “finds” the word “probable”.

41 12. By striking page 3, line 34 through page 4,  
42 line 5, and inserting the following: “magistrate  
43 shall enter an order which shall require the alleged  
44 abuser to have no contact with the alleged victim and  
45 to refrain from harassing the alleged victim or the  
46 victim's relatives in addition to any other conditions

- 47 of release determined and imposed by the magistrate  
 48 under section 811.2.”  
 49 13. Page 4, by striking lines 26 through 31.  
 50 14. By striking page 4, line 33 through page 5.

**Page 3**

- 1 line 5, and inserting the following: “PENALTY  
 2 ENHANCED.  
 3 An assault, as defined in section 708.1 which is  
 4 domestic abuse as defined in section 236.2 and which  
 5 would otherwise be punishable as a simple misdemeanor  
 6 under section 708.2, is a serious misdemeanor if the  
 7 person who commits the assault was previously”.  
 8 15. Title page, line 2, by striking the words  
 9 “issued and enforced” and inserting the following:  
 10 “issued or enforced”.  
 11 16. By renumbering as necessary.

The motion prevailed and the House concurred in the Senate amendment H—4352.

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. 591)

The ayes were, 94:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Black	Blanshan
Brammer	Branstad	Buhr	Carpenter
Chapman	Clark	Cphoon	Connolly
Connors	Cooper	Corbett	Corey
Daggett	De Groot	Diemer	Doderer
Dvorsky	Eddie	Fey	Fogarty
Fuller	Garman	Groninga	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Hansen, S. D.
Hanson, D. R.	Harbor	Harper	Hermann
Hester	Holveck	Hummel	Jay
Jochum	Johnson	Knapp	Koenigs
Lageschulte	Lundby	Maulsby	May
McKean	McKinney	Metcalf	Miller
Muhlbauer	Mullins	Neuhauser	Norrgard
Ollie	Osterberg	Parker	Paulin
Pavich	Pellett	Peters	Petersen, D. F.
Peterson, M. K.	Platt	Poncy	Renaud
Renken	Rosenberg	Royer	Running
Schneklath	Schrader	Sherzan	Shoning
Shoultz	Siegrist	Skow	Spear
Stromer	Stueland	Svoboda	Swartz

Tabor  
Wise

Teaford  
Mr. Speaker

Van Camp

Van Maanen

The nays were, 1:

Kremer

Absent or not voting, 5:

Hatch  
Tyrrell

Haverland

Plasier

Swearingen

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

### UNANIMOUS CONSENT

Fey of Scott asked and received unanimous consent to change his vote from "nay" to "aye" on House File 591 and the vote was so recorded.

### 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 9, 1987, adopted the conference committee report and passed House File 407, a bill for an act relating to violations of 321J.2 and retention of records of motor vehicle violations.

Also: That the Senate has on May 9, 1987, amended and passed the following bill in which the concurrence of the House is asked:

House File 675, a bill for an act relating to the determination, for purposes of the state sales, services, and use tax, of gross receipts and purchase price when tangible personal property is traded to the retailer as part of the transaction subject to the tax.

JOHN F. DWYER, Secretary

### Unfinished Business Calendar

The House resumed consideration of **Senate File 501**, a bill for an act relating to the organization and procedures of state government, by making modifications to the authority for and procedures relating to governmental budget and finance administration, by making modifications in the authority for and procedures relating to state personnel administration, by making modifications to the powers, procedures, and structure of certain state governmental agencies, by making adjustments to the 1986 legislation reorganizing state government, by making other related adjustments and modifications, and by providing an effective date, previously deferred.

The House resumed consideration of amendment H — 4332C found on page 2155 of the House Journal. (See page 2169 for further divisions.)

Schrader of Marion asked and received unanimous consent to withdraw amendment H—4338, to amendment H—4332C, filed by him on May 7, 1987.

Blanshan of Greene asked and received unanimous consent to withdraw amendment H—4332C.

The House resumed consideration of amendment H—4332D found on pages 2153 and 2155 of the House Journal. (See page 2169 also.)

Blanshan of Greene moved the adoption of amendment H—4332D.

A non-record roll call was requested.

The ayes were 49, nays 41.

Amendment H—4332D was adopted.

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

On the question "Shall the bill pass?" (S.F. 501)

The ayes were, 79:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Black	Blanshan
Brammer	Buhr	Carpenter	Chapman
Clark	Cohoon	Connolly	Connors
Cooper	Diemer	Doderer	Fogarty
Fuller	Garman	Groninga	Gruhn
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. R.
Harper	Hatch	Haverland	Hermann
Hester	Holveck	Jay	Jochum
Johnson	Knapp	Koenigs	Kremer
Lageschulte	Lundby	May	McKinney
Metcalf	Miller	Muhlbauer	Mullins
Neuhauser	Norrgard	Ollie	Osterberg
Parker	Paulin	Pavich	Pellett
Peters	Petersen, D. F.	Peterson, M. K.	Plasier
Platt	Poncy	Renaud	Rosenberg
Schnekloth	Schrader	Sherzan	Shoning
Siegrist	Skow	Spear	Stromer
Stueland	Svoboda	Swartz	Taber
Van Camp	Wise	Mr. Speaker	

The nays were, 15:

Branstad	Corbett	Corey	Daggett
De Groot	Eddie	Halvorson, R. A.	Harbor
Hummel	Maulsby	McKean	Renken
Royer	Running	Van Maanen	

Absent or not voting, 6:

Dvorsky  
Teaford

Fey  
Tyrrell

Shoultz

Swearingen

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

### IMMEDIATE MESSAGE

(Senate File 501)

Arnould of Scott asked and received unanimous consent that Senate File 501 be immediately messaged to the Senate.

### ADOPTION OF SENATE CONCURRENT RESOLUTION 18

Ollie of Clinton called up for consideration Senate Concurrent Resolution 18, emphasizing the importance of the arts in a complete education, and moved its adoption.

The motion prevailed and the resolution was adopted.

### ADOPTION OF SENATE CONCURRENT RESOLUTION 30

Ollie of Clinton called up for consideration Senate Concurrent Resolution 30, relating to the establishment of occupational therapy programs, and moved its adoption.

The motion prevailed and the resolution was adopted.

### ADOPTION OF HOUSE CONCURRENT RESOLUTION 10

Hatch of Polk called up for consideration House Concurrent Resolution 10, recognizing the Public Library of Des Moines for hosting an exhibition in Celebration of the Bicentennial of the Constitution of the United States, and moved its adoption.

The motion prevailed and the resolution was adopted.

The House stood at ease at 10:45 a.m., until the fall of the gavel.

The House resumed session at 10:54 a.m., Skow of Guthrie in the chair.

### ADOPTION OF SENATE CONCURRENT RESOLUTION 32

Doderer of Johnson called up for consideration Senate Concurrent Resolution 32, urging the Congress of the United States to amend the Interstate Commerce Act to allow states to collect sales or use taxes from outside sellers, and moved its adoption.

The motion prevailed and the resolution was adopted.

#### ADOPTION OF HOUSE CONCURRENT RESOLUTION 43

Osterberg of Linn called up for consideration House Concurrent Resolution 43, relating to the use of soybean oil as a dust suppressant in grain storage facilities, and moved its adoption.

The motion prevailed and the resolution was adopted.

#### ADOPTION OF HOUSE CONCURRENT RESOLUTION 34

Connors of Polk called up for consideration House Concurrent Resolution 34, concerning the Midwestern Legislative Conference of the Council of State Governments, and moved its adoption.

The motion prevailed and the resolution was adopted.

#### IMMEDIATE MESSAGES

Arnould of Scott asked and received unanimous consent that the following resolutions be immediately messaged to the Senate: House Concurrent Resolutions 10, 34 and 43 and Senate Concurrent Resolutions 18, 30 and 32.

The House stood at ease at 11:00 a.m., until the fall of the gavel.

The House resumed session at 12:50 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 eighty-four members present, sixteen absent.

#### GOVERNOR'S VETO MESSAGE

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

May 8, 1987

The Honorable Jo Ann Zimmerman  
Lieutenant Governor  
State Capitol  
L O C A L

Dear Governor Zimmerman:

Senate File 219, "An act providing for public grants and public education relating to adolescent pregnancy prevention and services by establishing a task force on adolescent pregnancy prevention and services, providing for pilot project grants relating

to adolescent pregnancy prevention and services, and establishing a local advisory committee to public school boards regarding the inclusion or exclusion of human growth and development instruction in the school curriculum" is hereby transmitted to you in accordance with Article III, Section 16, of the Constitution of the State of Iowa.

Senate File 219 establishes a task force to be appointed by the legislative council to study the need for the availability of adolescent pregnancy prevention and services programs in the state. It also requires that the task force make recommendations on such programs to the next General Assembly.

In addition, Senate File 219 establishes an adolescent pregnancy prevention and services grant program. Also, public school boards would establish local advisory committees to make recommendations on human growth and development instruction and the state Department of Education would develop a model curriculum for that purpose.

The recent well-publicized cases of unmarried adolescent pregnancies, teen suicides, and adolescent substance abuse are all evidence of the problems faced by many teens in Iowa and throughout the country today. Public policy makers must address this problem and it is quite clear that the focus of the solution should be on education and the preservation of the family unit. The deterioration of the family and the lack of the sense of self-worth and esteem by many teens have been determined by many experts to be among the major reasons for the rash of teen problems that our country is experiencing today.

As a result, I understand why the General Assembly took action to attempt to address the teen pregnancy issue. However, I believe that Senate File 219 approaches this problem in a narrow and inappropriate way.

For the following reasons, I, therefore, must disapprove Senate File 219.

The task force established in the bill is flawed. First of all, any effort to address teen pregnancy must be broad-based and encompass both executive and legislative branches of government as well as the wide range of individuals and views involved in this issue. The task force established in this bill is totally controlled and appointed by the legislative council — with even the few executive branch representatives appointed by the legislative council. In addition, I am concerned that such a task force would have a narrow representation and not include representatives from organizations who are opposed to abortion and the use of contraceptives to prevent teen pregnancies.

This task force charge is too narrow. Teen pregnancy is not the only problem that teens are facing — substance abuse and teen suicide are also all too frequent reminders of the problems faced by adolescents in our society today. I believe that the task force should focus on all of these issues. Therefore, I believe that the task force mission should be broadened to include an analysis of the symptoms and the causes for teen problems today.

Finally, I find this bill objectionable because it would not prohibit the use of grants to fund abortion and other proposed solutions to the teenage pregnancy problems which could encourage promiscuity. I believe the focus to the problem must be on the preservation of the family unit, on improving the education of our adolescents and on increasing their sense of self-worth and esteem. I will review the appropriation to be provided for the grants with these priorities in mind.

Because of the serious adolescent problems faced by youth in Iowa and across the nation today, I plan to establish, by Executive Order, a broad-based task force including representation from the legislature and the diverse organizations involved in this issue. I will ask that task force to study teen suicide, pregnancy, and substance abuse problems facing us today and develop a consensus on solutions for consideration by myself and the General Assembly in 1988. We will invite wide participation and public comment on this task force so that we can develop a set of recommendations that I find acceptable and that will appropriately address the problems faced by Iowa teens today.

Sincerely,  
Terry E. Branstad  
Governor

**ADOPTION OF THE REPORT OF THE  
CONFERENCE COMMITTEE  
(House File 600)**

Running of Linn called up for consideration the report of the conference committee on House File 600 and moved the adoption of the conference committee report and the amendments contained therein as follows:

**REPORT OF THE CONFERENCE COMMITTEE ON  
HOUSE FILE 600**

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 600, a bill for an act relating to elections and political activity and subjecting violators to a penalty, respectfully make the following report:

1. That the House recede from its amendment, S-4035.
2. That the Senate amendment, H-3904, to House File 600 as amended, passed and reprinted by the House be amended as follows:
  1. Page 1, by striking lines 3 through 23.
  2. Page 1, by striking lines 35 through 42.
  3. Page 3, by striking lines 36 through 47 and inserting the following: "at the time of the canvass of the election."
  4. By striking page 4, line 23 through page 17, line 44.

ON THE PART OF THE HOUSE:

RICHARD RUNNING, Chair  
GENE BLANSHAN  
DARRELL HANSON  
DON SHONING

ON THE PART OF THE SENATE:

MICHAEL E. GRONSTAL, Chair  
ROBERT M. CARR  
JOY CORNING  
JULIA B. GENTLEMAN

The motion prevailed and the conference committee report was adopted.

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

On the question "Shall the bill pass?" (H.F. 600)

The ayes were, 96:

Adams	Arnould	Beatty	Bennett
Bisignano	Black	Blanshan	Brammer
Branstad	Buhr	Carpenter	Chapman
Clark	Cohoon	Connolly	Connors
Cooper	Corbett	Corey	Daggett
De Groot	Diemer	Doderer	Dvorsky
Eddie	Fey	Fogarty	Fuller
Garman	Groninga	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. R.
Harbor	Harper	Hatch	Haverland
Hermann	Hester	Holveck	Hummel
Jay	Jochum	Johnson	Knapp
Koenigs	Kremer	Lageschulte	Lundby
Maulsby	May	McKean	McKinney
Metcalf	Miller	Muhlbauer	Mullins
Neuhauser	Norrgard	Ollie	Osterberg
Parker	Paulin	Pavich	Pellett
Peters	Petersen, D. F.	Peterson, M. K.	Platt
Poncy	Renaud	Renken	Rosenberg
Royer	Running	Schnekloth	Schrader
Sherzan	Shoning	Shoultz	Siegrist
Skow	Spear	Stromer	Stueland
Svoboda	Swartz	Tabor	Teaford
Van Camp	Van Maanen	Wise	Mr. Speaker

The nays were, none.

Absent or not voting, 4:

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

### SENATE AMENDMENTS CONSIDERED

Parker of Jasper called up for consideration **Senate File 461**, a bill for an act relating to electronic funds transfers by providing for limiting liability of financial institutions for unauthorized electronic funds transfers involving the customer's account, altering restrictions on the establishment, location, and use of satellite terminals, adding definitions, and requiring that all satellite terminals in this state or their data processing centers be directly connected to a central routing unit,

amended by the House, further amended by the Senate and moved that the House concur in the following Senate amendment H—4155 to the House amendment:

H—4155

- 1 Amend the House amendment, S—3751, to Senate File  
 2 461 as amended, passed, and reprinted by the Senate,  
 3 as follows:  
 4 1. Page 1, line 3 by inserting after the word and  
 5 figure "through 6" the following: "and by inserting  
 6 the following:  
 7 "(5) At any retail sales location in this state if  
 8 any of the following apply:  
 9 (a) The satellite terminal is not designed,  
 10 configured, or operated to accept deposits or to  
 11 dispense script or other negotiable instruments.  
 12 (b) The satellite terminal is not designed,  
 13 configured, or operated to dispense cash except when  
 14 operated by the retailer as part of a retail sales  
 15 transaction.  
 16 (c) The satellite terminal is utilized for the  
 17 purpose of making payment to the retailer for goods or  
 18 services purchased at the location of the satellite  
 19 terminal.  
 20 (d) The financial institution controls a satellite  
 21 terminal described under subparagraph part (c) at a  
 22 location of the retailer established pursuant to  
 23 subparagraph (1), (2), (3), or (4)."  
 24 2. Page 1, by striking lines 4 through 12.  
 25 3. Page 1, line 26 by inserting after the word  
 26 "authorization" the following: "of the retailer on  
 27 whose premises the terminal is located, or".  
 28 4. By renumbering, relettering, or redesignating  
 29 and correcting internal references as necessary.

The motion prevailed and the House concurred in the Senate amendment H—4155.

Parker of Jasper 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. 461)

The ayes were, 92:

Adams	Arnould	Beatty	Bennett
Bisignano	Black	Blanshan	Brammer
Branstad	Buhr	Carpenter	Chapman
Clark	Cohoon	Connolly	Connors

Cooper	Corbett	Corey	Daggett
De Groot	Diemer	Doderer	Dvorsky
Eddie	Fey	Fogarty	Fuller
Garman	Groninga	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. R.
Harbor	Harper	Hatch	Haverland
Hermann	Hester	Holveck	Hummel
Jay	Jochum	Johnson	Knapp
Kremer	Lageschulte	Lundby	Maulsby
May	McKinney	Metcalf	Miller
Muhlbauer	Mullins	Neuhauser	Norrgard
Ollie	Parker	Paulin	Pavich
Pellett	Peters	Petersen, D. F.	Plasier
Poncy	Renaud	Renken	Rosenberg
Royer	Running	Schneklath	Schrader
Sherzan	Shoning	Shoultz	Siegrist
Skow	Spear	Stromer	Stueland
Svoboda	Swartz	Tabor	Teaford
Van Camp	Van Maanen	Wise	Mr. Speaker

The nays were, 1:

McKean

Absent or not voting, 7:

Beaman	Koenigs	Osterberg	Peterson, M. K.
Platt	Swearingen	Tyrrell	

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

### IMMEDIATE MESSAGE (Senate File 461)

Arnould of Scott asked and received unanimous consent that Senate File 461 be immediately messaged to the Senate.

Doderer of Johnson called up for consideration **House File 153**, a bill for an act relating to the state's conforming its income, franchise, and death taxes with the new federal tax provisions by updating references to the Internal Revenue Code, rewriting the state minimum taxes to conform with the federal alternative minimum taxes, rewriting the state generation skipping transfer tax to conform with the federal provisions, striking obsolete and repealed items, clarifying the taxation of regulated investment company dividends and shares, extending the statute of limitations for certain refund claims, providing for waiver of penalty for underpayment of estimated tax, and providing effective dates, amended by the Senate, and moved that the House concur in the following Senate amendment H-3672:

H-3672

1 Amend House File 153, as amended, passed, and  
2 reprinted by the House as follows:

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

5 "(d) The exemption amount shall be reduced, but  
6 not below zero, by an amount equal to twenty-five  
7 percent of the amount by which the alternative minimum  
8 taxable income of the taxpayer, computed without  
9 regard to the exemption amount in this subparagraph,  
10 exceeds the following:

11 (i) Seventy-five thousand dollars in the case of a  
12 taxpayer described in subparagraph part (a).

13 (ii) One hundred twelve thousand five hundred  
14 dollars in the case of a taxpayer described in  
15 subparagraph part (b).

16 (iii) One hundred fifty thousand dollars in the  
17 case of a taxpayer described in subparagraph part  
18 (c)."

19 2. Page 26, line 6, by inserting after the word  
20 "dollars." the following: "This exemption amount  
21 shall be reduced, but not below zero, by an amount  
22 equal to twenty-five percent of the amount by which  
23 the alternative minimum taxable income of the  
24 taxpayer, computed without regard to the exemption  
25 amount in this paragraph, exceeds one hundred fifty  
26 thousand dollars."

27 3. Page 33, by striking lines 1 through 7 and  
28 inserting the following: "taxable income under  
29 section 56, except subsections (a)(4), (c)(1), (d),  
30 (f), and (g), of the Internal Revenue Code, and add  
31 losses as required by section 58 of the Internal  
32 Revenue Code.

33 b. Make the adjustments provided in section  
34 56(c)(1) of the Internal Revenue Code, except that in  
35 making the calculation under sections 56(f)(1) and  
36 56(g)(1) of the Internal Revenue Code the state  
37 alternative minimum taxable income, computed without  
38 regard to the adjustments made by this paragraph, the  
39 exemption provided for in paragraph "d", and the state  
40 alternative tax net operating loss described in  
41 paragraph "e", shall be substituted for the items  
42 described in sections 56(f)(1)(B) and 57(g)(1)(B) of  
43 the Internal Revenue Code.

44 c. Apply the allocation and apportionment  
45 provisions of section 422.60.

46 d. Subtract an exemption amount of forty thousand  
47 dollars. This exemption amount shall be reduced, but  
48 not below zero, by an amount equal to twenty-five  
49 percent of the amount by which the alternative minimum  
50 taxable income of the taxpayer, computed without

**Page 2**

1 regard to the exemption amount in this paragraph,  
2 exceeds one hundred fifty thousand dollars.

3 e. In the case of a net operating loss beginning  
4 after”.

5 4. Page 33, by inserting after line 26 the  
6 following:

7 “Sec. 115. Section 422.61, subsection 4, Code  
8 1987, is amended to read as follows:

9 4. “Net income” means the net income of the  
10 financial institution computed in accordance with  
11 section 422.35, with the exception that interest and  
12 dividends from federal securities shall not be  
13 subtracted, ~~no~~ federal income taxes paid or accrued  
14 shall not be subtracted, and notwithstanding the  
15 provisions of sections 262.41 and 262.51 or any other  
16 provisions of the law, income from obligations of the  
17 state and its political subdivisions and any amount of  
18 franchise taxes paid or accrued under this division  
19 during the taxable year shall be added. Any deduction  
20 disallowed under section 265(b) or 291(e) (1)(B) of  
21 the Internal Revenue Code shall be subtracted.”

22 5. Page 43, line 21, by striking the following:  
23 “and 33” and inserting the following: “33, and 115”.

The motion prevailed and the House concurred in the Senate amendment H—3672.

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. 153)

The ayes were, 71:

Adams	Arnould	Beatty	Bisignano
Black	Blanshan	Brammer	Buhr
Carpenter	Chapman	Clark	Cohoon
Connors	Cooper	Diemer	Doderer
Dvorsky	Fey	Fogarty	Fuller
Groninga	Gruhn	Halvorson, R. N.	Hammond
Hansen, S. D.	Harper	Hatch	Haverland
Hermann	Hester	Holveck	Jay
Jochum	Johnson	Knapp	Koenigs
May	McKean	McKinney	Metcalf
Miller	Muhlbauer	Mullins	Neuhauser
Norrsgard	Ollie	Osterberg	Parker
Paulin	Pavich	Peters	Peterson, M. K.
Poney	Renaud	Rosenberg	Running

Schnekloth	Schrader	Sherzan	Shoning
Shoultz	Siegrist	Skow	Spear
Svoboda	Swartz	Tabor	Teaford
Van Camp	Wise	Mr. Speaker	

The nays were, 24:

Bennett	Branstad	Corbett	Corey
Daggett	De Groot	Eddie	Garman
Halvorson, R. A.	Hanson, D. R.	Harbor	Hummel
Kremer	Lageschulte	Lundby	Maulsby
Pellett	Petersen, D. F.	Platt	Renken
Royer	Stromer	Stueland	Van Maanen

Absent or not voting, 5:

Beaman	Connolly	Plasier	Swearingen
Tyrrell			

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

### IMMEDIATE MESSAGES

(House Files 600 and 153)

Arnould of Scott asked and received unanimous consent that House Files 600 and 153 be immediately messaged to the Senate.

### MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has, on May 9, 1987, adopted the conference committee report and passed Senate File 504, a bill for an act relating to the compensation and benefits for public officials and employees by specifying salary rates and ranges, by providing adjustments for salaries, by providing coverage and adjustments for health, life, disability and dental insurance, by changing retirement benefits received by certain members of the Iowa public employees' retirement system, by creating a county compensation board and specifying its duties, by making coordinating amendments to the Code, and by providing effective dates.

JOHN F. DWYER, Secretary

### ADOPTION OF THE REPORT OF THE CONFERENCE COMMITTEE (Senate File 504)

Jochum of Dubuque called up for consideration the report of the conference committee on Senate File 504 and moved the adoption of the conference committee report and the amendments contained therein as follows:

**REPORT OF THE CONFERENCE COMMITTEE  
ON SENATE FILE 504**

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 504, a bill for an act relating to the compensation and benefits for public officials and employees by specifying salary rates and ranges, by providing adjustments for salaries, by providing coverage and adjustments for health, life, disability and dental insurance, by changing retirement benefits received by certain members of the Iowa public employees' retirement system, by creating a county compensation board and specifying its duties, by making coordinating amendments to the Code, and by providing effective dates, respectfully make the following report:

1. That the Senate recedes from its amendment, H—4258, to the House amendment, S—4010, to Senate File 504, as amended, passed, and reprinted by the Senate.

2. That the House amendment, S—4010, to Senate File 504, as amended, passed, and reprinted by the Senate, be amended as follows:

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

“\_\_\_\_\_ Page 6, line 30, by striking the figure “65,000” and inserting the following: “66,200”.”

2. Page 1, line 31, by striking the word “appropriated” and inserting the following: “allocated”.

3. By striking page 1, line 37 through page 2, line 8 and inserting the following: “student aid, have been allocated for that purpose.”

ON THE PART OF THE HOUSE:

THOMAS J. JOCHUM, Chair  
MICHAEL K. PETERSON  
TOM SWARTZ  
ROGER A. HALVORSON

ON THE PART OF THE SENATE:

BOB CARR, Chair  
JOHN N. NYSTROM  
WALLY HORN  
MICHAEL E. GRONSTAL  
JOHN W. JENSEN

The motion prevailed and the conference committee report was adopted.

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

On the question “Shall the bill pass?” (S.F. 504)

The ayes were, 54:

Adams	Arnould	Beatty	Bisignano
Blanshan	Brammer	Buhr	Chapman
Cohoon	Connolly	Connors	Cooper
Diemer	Doderer	Dvorsky	Fey
Groninga	Halvorson, R. A.	Halvorson, R. N.	Hansen, S. D.

Hanson, D. R.	Harper	Hatch	Haverland
Holveck	Jay	Jochum	Johnson
Knapp	May	McKean	McKinney
Mullins	Neuhauser	Norrgard	Ollie
Osterberg	Parker	Pavich	Peters
Peterson, M. K.	Platt	Renaud	Rosenberg
Schrader	Sherzan	Shultz	Siegrist
Skow	Svoboda	Swartz	Van Camp
Wise	Mr. Speaker		

The nays were, 42:

Bennett	Black	Branstad	Carpenter
Clark	Corbett	Corey	Daggett
De Groot	Eddie	Fogarty	Fuller
Garman	Gruhn	Hammond	Harbor
Hermann	Hester	Hummel	Koenigs
Kremer	Lageschulte	Lundby	Maulsby
Metcalf	Miller	Muhlbauer	Paulin
Pellett	Petersen, D. F.	Plasier	Poncy
Renken	Royer	Running	Schnekloth
Shoning	Spear	Stromer	Stueland
Tabor	Van Maanen		

Absent or not voting, 4:

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

### IMMEDIATE MESSAGE (Senate File 504)

Arnould of Scott asked and received unanimous consent that Senate File 504 be immediately messaged to the Senate.

### SENATE AMENDMENTS CONSIDERED

Connors of Polk called up for consideration **House File 164**, a bill for an act relating to the discretion of a notary public in performing notarial services, and limiting that discretion, amended by the Senate amendment H—4244 as follows:

H—4244

- 1 Amend House File 164 as passed by the House, as
- 2 follows:
- 3 1. Page 1, by inserting before line 1 the
- 4 following:
- 5 "Sec. \_\_\_\_\_. Section 77.1, Code 1987, is amended by

6 striking the section and inserting in lieu thereof the  
7 following:

8 77.1 APPOINTMENT.

9 1. The secretary of state may appoint notaries  
10 public and may revoke an appointment for cause.

11 2. The secretary of state shall appoint members of  
12 the general assembly as notaries public and may revoke  
13 the appointment for cause.

14 Sec. \_\_\_\_\_. Section 77.2, Code 1987, is amended to  
15 read as follows:

16 77.2 TERMS.

17 The term of a notary who is an Iowa resident is  
18 three years. The term of a notary who is a resident  
19 of a state bordering Iowa and whose place of work or  
20 business is in Iowa, is one year. The term of a  
21 notary who is a member of the general assembly is the  
22 member's term of office.

23 Sec. \_\_\_\_\_. Section 77.4, subsection 5, unnumbered  
24 paragraph 1, Code 1987, is amended to read as follows:

25 Remit the sum of fifteen dollars to the secretary  
26 of state. Persons appointed as notaries under section  
27 77.1, subsection 2, are not subject to the fee imposed  
28 by this subsection.

29 Sec. \_\_\_\_\_. Section 77.6, Code 1987, is amended to  
30 read as follows:

31 77.6 REVOCATION — NOTICE.

32 Should the commission of any a person appointed  
33 notary public be revoked by the secretary of state,  
34 the secretary shall immediately notify ~~such~~ the person  
35 through the mail. The notice shall state the cause of  
36 the revocation and shall inform the person of the  
37 right to a hearing on the revocation. The secretary  
38 of state shall adopt rules under chapter 17A to  
39 provide for a hearing for persons whose commission is  
40 revoked."

41 2. Page 1, by inserting after line 11 the  
42 following:

43 "Sec. \_\_\_\_\_. Sections 77.15 and 77.16, Code 1987,  
44 are repealed."

45 3. Amend the title, lines 1 and 2, by striking  
46 the words "the discretion of a notary public in  
47 performing notarial services, and limiting that  
48 discretion" and inserting the following: "notaries  
49 public".

50 4. Renumber sections and correct internal

**Page 2**

1 references as necessary in accordance with this  
2 amendment.

Hummel of Benton offered the following amendment H—4341, to the Senate amendment H—4244, filed by him and moved its adoption:

H—4341

- 1 Amend the Senate amendment H—4244 to House File
- 2 164, as passed by the House as follows:
- 3 1. Page 1, by inserting after line 22 the
- 4 following:
- 5 "Sec. \_\_\_\_\_. Section 77.4, subsections 2, 3, and 4,
- 6 Code 1987, are amended by striking the subsections."

Amendment H—4341 was adopted.

Garman of Story offered the following amendment H—4273, to the Senate amendment H—4244, filed by her and moved its adoption:

H—4273

- 1 Amend the Senate amendment, H—4244, to House File
- 2 164 as passed by the House, as follows:
- 3 1. Page 1, by inserting after line 40 the
- 4 following:
- 5 "\_\_\_\_\_. Page 1, by striking lines 1 through 11 and
- 6 inserting the following:
- 7 "Sec. \_\_\_\_\_. NEW SECTION. 77.8 DISCRETION.
- 8 A notary public shall exercise reasonable
- 9 discretion in performing or declining to perform
- 10 notarial services." "
- 11 2. By renumbering as necessary.

A non-record roll call was requested.

The ayes were 37, nays 48.

Amendment H—4273 lost.

On motion by Connors of Polk, the House concurred in the Senate amendment H—4244, 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. 164)

The ayes were, 68:

Adams	Arnould	Beatty	Bisignano
Black	Blanshan	Brammer	Branstad
Buhr	Chapman	Cohoon	Connolly
Connors	Cooper	Diemer	Doderer

Dvorsky	Fey	Fogarty	Fuller
Groninga	Gruhn	Halvorson, R. N.	Hammond
Hansen, S. D.	Harbor	Harper	Hatch
Haverland	Holveck	Hummel	Jay
Johnson	Knapp	Koenigs	May
McKean	McKinney	Muhlbauer	Mullins
Neuhauser	Norrgard	Ollie	Osterberg
Parker	Pavich	Peters	Peterson, M. K.
Platt	Poncy	Renaud	Rosenberg
Royer	Running	Schrader	Sherzan
Shoning	Shoultz	Siegrist	Spear
Stromer	Svoboda	Swartz	Tabor
Teaford	Van Camp	Wise	Mr. Speaker

The nays were, 28:

Bennett	Carpenter	Clark	Corbett
Corey	Daggett	De Groot	Eddie
Garman	Halvorson, R. A.	Hanson, D. R.	Hermann
Hester	Kremer	Lageschulte	Lundby
Maulsby	Metcalf	Miller	Paulin
Pellett	Petersen, D. F.	Plasier	Renken
Schnekloth	Skow	Stueland	Van Maanen

Absent or not voting, 4:

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

Rosenberg of Story called up for consideration **House File 588**, a bill for an act relating to child in need of assistance proceedings, amended by the Senate, and moved that the House concur in the following Senate amendment H—4211:

H— 4211

- 1 Amend House File 588 as follows:
- 2 1. Page 1, line 12, by inserting after the word
- 3 "custodian" the following: "or if there are contested
- 4 issues before the court".

The motion prevailed and the House concurred in the Senate amendment H—4211.

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. 588)

The ayes were, 94:

Adams	Arnould	Beatty	Bennett
Bisignano	Black	Blanshan	Brammer
Branstad	Buhr	Carpenter	Chapman
Clark	Cohoon	Connolly	Connors
Cooper	Corbett	Corey	Daggett
De Groot	Diemer	Doderer	Dvorsky
Eddie	Fey	Fogarty	Fuller
Garman	Groninga	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. R.
Harbor	Harper	Hatch	Haverland
Hester	Holveck	Hummel	Jay
Johnson	Knapp	Koenigs	Kremer
Lageschulte	Lundby	Maulsby	May
McKean	McKinney	Metcalf	Miller
Muhlbauer	Mullins	Neuhauser	Norrgard
Ollie	Osterberg	Parker	Paulin
Pavich	Pellett	Peters	Petersen, D. F.
Peterson, M. K.	Plasier	Platt	Poncy
Renaud	Renken	Rosenberg	Royer
Running	Schneklath	Schrader	Sherzan
Shoning	Siegrist	Skow	Spear
Stromer	Stueland	Svoboda	Swartz
Tabor	Teaford	Van Camp	Van Maanen
Wise	Mr. Speaker		

The nays were, none.

Absent or not voting, 6:

Beaman	Hermann	Jochum	Shoultz
Swearingen	Tyrrell		

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 1:40 p.m., until the fall of the gavel.

The House resumed session at 2:39 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 9, 1987, adopted the conference committee report and passed House File 500, a bill for an act relating to the state civil rights law and the civil rights commission.

Also: That the Senate has on May 9, 1987, adopted the following concurrent resolution in which the concurrence of the Senate was asked:

House Concurrent Resolution 35, a concurrent resolution suggesting that "Quality and Productivity" be made a theme for the marketing of the state.

Also: That the Senate has on May 9, 1987, 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 658, a bill for an act relating to the allocation of the state ceiling on private activity bonds for tax-exempt purposes and providing an effective date.

Also: That the Senate has, on May 9, 1987, adopted the conference committee report and passed Senate File 481, a bill for an act relating to state tax revenues and expenditures by altering the individual income tax rates, withholding, standard deductions, and personal exemptions and credits; increasing the state sales, services, and use tax and providing for refunds for certain contractors as a result of that increase; adjusting the allowable growth under the school foundation formula; and providing effective dates.

Also: That the Senate has on May 9, 1987, amended the House amendment, concurred in the House amendment as amended, and passed the following bill in which the concurrence of the House is asked:

Senate File 515, a bill for an act relating to the allocations and appropriations of lottery revenues and the programs for which the revenues may be used.

JOHN F. DWYER, Secretary

### SENATE AMENDMENT CONSIDERED

Chapman of Linn called up for consideration **House File 599**, a bill for an act relating to mortgage foreclosures by establishing an alternative mortgage foreclosure proceeding with final judicial sale and rights in lieu of redemption, and establishing nonjudicial foreclosure proceedings upon waiver of deficiency judgments, amended by the Senate, and moved that the House concur in the following Senate amendment H—4103:

H—4103

- 1 Amend House File 599, as amended, passed, and re-
- 2 printed by the House, as follows:
- 3 1. Page 1, by inserting before line 1 the
- 4 following:
- 5 "Sec. 100. Section 628.4, Code 1987, is amended to
- 6 read as follows:
- 7 628.4 REDEMPTION PROHIBITED.
- 8 A party who has ~~taken an appeal from the district~~
- 9 ~~court, or stayed execution on the judgment, is not~~
- 10 entitled to redeem."
- 11 2. Page 1, by inserting after line 12 the
- 12 following:
- 13 "Sec. 101. Section 654.14, Code 1987, is amended
- 14 by adding the following new unnumbered paragraph:
- 15 NEW UNNUMBERED PARAGRAPH. If the owner or person
- 16 in actual possession of agricultural land as defined
- 17 in section 172C.1 is not afforded a right of first
- 18 refusal in leasing the mortgaged premises by the

19 receiver, the owner or person in actual possession has  
20 a cause of action against the receiver to recover  
21 either actual damages or a one thousand dollar  
22 penalty, and costs, including reasonable attorney's  
23 fees. The receiver shall deliver notice to the owner  
24 or person in actual possession, or the attorney of the  
25 owner or person in actual possession of an offer made  
26 to the receiver, the terms of the offer, and the name  
27 and address of the person making the offer. The  
28 delivery shall be made personally with receipt  
29 returned or by certified or registered mail, with the  
30 proper postage on the envelope, addressed to the owner  
31 or person in actual possession or the attorney of the  
32 owner or person in actual possession. An offer shall  
33 be deemed to have been refused if the owner or person  
34 in actual possession or the attorney of the owner or  
35 person in actual possession does not respond within  
36 ten days following the date that the notice is mailed.

37 Sec. 102. Section 654.16, unnumbered paragraph 2,  
38 Code 1987, is amended to read as follows:

39 ~~If the designated homestead is not sold separately,~~  
40 ~~but rather is sold in conjunction with the~~  
41 ~~nonhomestead property at a foreclosure sale~~ in order  
42 to satisfy the judgment, the court shall determine the  
43 fair market value of the designated homestead. The  
44 court may consult with the county appraisers appointed  
45 pursuant to section 450.24, or with one or more  
46 independent appraisers, to determine the fair market  
47 value of the designated homestead. ~~The mortgagor may~~  
48 ~~redeem the homestead separately by tendering the fair~~  
49 ~~market value of the homestead pursuant to chapter 628.~~

50 Sec. 103. Section 654.16, Code 1987, is amended by

Page 2

1 adding the following new unnumbered paragraphs:  
2 **NEW UNNUMBERED PARAGRAPH.** The mortgagor may redeem  
3 the designated homestead by tendering the fair market  
4 value, as determined pursuant to this section, of the  
5 designated homestead at any time within two years from  
6 the date of the foreclosure sale, pursuant to the  
7 procedures set forth in chapter 628. However, this  
8 paragraph shall not apply to a member institution  
9 which has purchased a designated homestead at a  
10 foreclosure sale.

11 **NEW UNNUMBERED PARAGRAPH.** The mortgagor may redeem  
12 the designated homestead from a member institution,  
13 which has purchased the designated homestead at a  
14 foreclosure sale, by tendering the fair market value  
15 of the designated homestead within one year from the  
16 date of the foreclosure sale, pursuant to the  
17 procedures set forth in chapter 628.

18 NEW UNNUMBERED PARAGRAPH. If the member  
19 institution which has purchased the designated  
20 homestead at a foreclosure sale is not a state bank as  
21 defined in section 524.103, the following shall apply:  
22 1. At the time the sheriff's deed is issued, the  
23 institution shall notify the mortgagor of the  
24 mortgagor's right of first refusal. A copy of this  
25 unnumbered paragraph and subsections 1 through 5 and  
26 titled "Notice of Right of First Refusal" is  
27 sufficient notice.  
28 2. If within one year after a sheriff's deed is  
29 issued to the institution, the institution proposes to  
30 sell or otherwise dispose of the designated homestead,  
31 in a transaction other than a public auction, the  
32 institution shall first offer the mortgagor the  
33 opportunity to repurchase the designated homestead on  
34 the same terms the institution proposes to sell or  
35 dispose of the designated homestead. If the  
36 institution seeks to sell or otherwise dispose of the  
37 designated homestead by public auction within one year  
38 after a sheriff's deed is issued to the institution,  
39 the mortgagor must be given sixty days' notice of all  
40 of the following:  
41 a. The date, time, place, and procedures of the  
42 auction sale.  
43 b. Any minimum terms or limitations imposed upon  
44 the auction.  
45 3. The institution is not required to offer the  
46 mortgagor financing for the purchase of the homestead.  
47 4. The mortgagor has ten business days after being  
48 given notice of the terms of the proposed sale or  
49 disposition, other than a public auction, in which to  
50 exercise the right to repurchase the homestead by

**Page 3**

1 submitting a binding offer to the institution on the  
2 same terms as the proposed sale or other disposition,  
3 with closing to occur within thirty days after the  
4 offer unless otherwise agreed by the institution.  
5 After the expiration of either the period for offer or  
6 the period for closing, without submission of an offer  
7 or a closing occurring, the institution may sell or  
8 otherwise dispose of the designated homestead to any  
9 other person on the terms upon which it was offered to  
10 the mortgagor.  
11 5. Notice of the mortgagor's right of first  
12 refusal, a proposed sale, auction, or other  
13 disposition, or the submission of a binding offer by  
14 the mortgagor, is considered given on the date the  
15 notice or offer is personally served on the other  
16 party or on the date the notice or offer is mailed to

17 the other party's last known address by registered or  
18 certified mail, return receipt requested. The right  
19 of first refusal provided in this section is not  
20 assignable, but may be exercised by the mortgagor's  
21 successor in interest, receiver, personal represen-  
22 tative, executor, or heir only in case of bankruptcy,  
23 receivership, or death of the mortgagor.

24 NEW UNNUMBERED PARAGRAPH. As used in this section,  
25 "member institution" means any lending institution  
26 that is a member of the federal deposit insurance  
27 corporation, the federal savings and loan insurance  
28 corporation, the national credit union administration,  
29 or an affiliate of such institution."

30 3. Page 2, line 33, by inserting after the word  
31 "filing." the following: "At any time prior to  
32 judgment, the mortgagor may pay the plaintiff the  
33 amount claimed in the petition and, if paid, the  
34 foreclosure action shall be dismissed. At any time  
35 after judgment and before the sale, the mortgagor may  
36 pay the plaintiff the amount of the judgment and, if  
37 paid, the judgment shall be satisfied of record and  
38 the sale shall not be held."

39 4. Page 3, line 7, by inserting after the word  
40 "purchaser." the following: "If the mortgagor at the  
41 sale bids an amount equal to the judgment, the  
42 property shall be sold to the mortgagor even though  
43 other persons may bid an amount which is more than the  
44 judgment. If the mortgagor purchases at the sale, the  
45 liens of junior lienholders shall not be extinguished.  
46 If a person other than the mortgagor purchases at the  
47 sale, the liens of junior lienholders are  
48 extinguished."

49 5. Page 4, line 15, by inserting after the word  
50 "action" the words "or procedure".

#### Page 4

1 6. Page 4, by striking lines 18 through 21 and  
2 inserting the following:

3 "1. Except as provided in section 654.2A, a  
4 creditor shall comply with this section before  
5 initiating an action pursuant to this chapter or  
6 initiating the procedure established pursuant to  
7 chapter 655A to foreclose on a deed of trust or  
8 mortgage."

9 7. Page 5, by inserting after line 19 the  
10 following:

11 "8. This section does not apply if the creditor is  
12 an individual or individuals, or if the mortgaged  
13 property is property other than a one-family or two-  
14 family dwelling which is the residence of the  
15 mortgagor.

16 9. An affidavit signed by an officer of the  
17 creditor that the creditor has complied with this  
18 section is deemed to be conclusive evidence of  
19 compliance by all persons other than the creditor and  
20 the mortgagor."

21 8. Page 5, by striking lines 21 through 23 and  
22 inserting the following:

23 "A mortgage or deed of trust shall not contain the  
24 notice under section 654.20."

25 9. Page 6, line 13, by inserting after the word  
26 "default" the following: "or files with the recorder  
27 of the county where the mortgaged property is located  
28 a rejection of the notice pursuant to section 655A.6  
29 and serves a copy of the rejection upon the  
30 mortgagee".

31 10. Page 6, by inserting after line 13 the  
32 following:

33 "The notice shall contain the following in capital  
34 letters of the same type or print size as the rest of  
35 the notice:

36 WITHIN THIRTY DAYS AFTER YOUR RECEIPT OF THIS  
37 NOTICE, YOU MUST EITHER CURE THE DEFAULTS DESCRIBED IN  
38 THIS NOTICE OR FILE WITH THE RECORDER OF THE COUNTY  
39 WHERE THE MORTGAGED PROPERTY IS LOCATED A REJECTION OF  
40 THIS NOTICE AND SERVE A COPY OF YOUR REJECTION ON THE  
41 MORTGAGEE IN THE MANNER PROVIDED BY THE RULES OF CIVIL  
42 PROCEDURE FOR SERVICE OF ORIGINAL NOTICES. IF YOU  
43 WISH TO REJECT THIS NOTICE, YOU SHOULD CONSULT AN  
44 ATTORNEY AS TO THE PROPER MANNER TO MAKE THE  
45 REJECTION.

46 IF YOU DO NOT TAKE EITHER OF THE ACTIONS DESCRIBED  
47 ABOVE WITHIN THE THIRTY-DAY PERIOD, THE FORECLOSURE  
48 WILL BE COMPLETE AND YOU WILL LOSE TITLE TO THE  
49 MORTGAGED PROPERTY. AFTER THE FORECLOSURE IS COMPLETE  
50 THE DEBT SECURED BY THE MORTGAGED PROPERTY WILL BE

**Page 5**

1 EXTINGUISHED."

2 11. Page 6, line 21, by inserting after the word  
3 "Notice" the following: "or rejection of notice".

4 12. Page 6, line 22, by inserting after the word  
5 "procedure" the following: "for service of original  
6 notice".

7 13. Page 6, by inserting after line 27 the  
8 following:

9 "Sec. \_\_\_\_\_. NEW SECTION. 655A.6 REJECTION OF  
10 NOTICE.

11 If either the mortgagor, or successor in interest  
12 of record including a contract purchaser, within  
13 thirty days of service of the notice pursuant to  
14 section 655A.3, files with the recorder of the county

15 where the mortgaged property is located, a rejection  
16 of the notice reasonably identifying the notice which  
17 is rejected together with proofs of service required  
18 under section 655A.4 that the rejection has been  
19 served on the mortgagee, the notice served upon the  
20 mortgagor pursuant to section 655A.3 is of no force or  
21 effect."

22 14. Page 6, line 28, by striking the figure  
23 "655A.6" and inserting the following: "655A.7".

24 15. Page 7, line 5, by striking the figure  
25 "655A.7" and inserting the following: "655A.8".

26 16. Page 7, line 7, by striking the word and  
27 figure "655A.6 and" and inserting the following:  
28 "655A.7 and if no rejection of notice has been filed  
29 pursuant to section 655A.6, then".

30 17. Page 7, line 14, by striking the figure  
31 "655A.8" and inserting the following: "655A.9".

32 18. Page 7, by inserting after line 16 the  
33 following:

34 "Sec. 200. Section 100 of this Act applies to all  
35 general and special execution sales held on, after, or  
36 within one year before the effective date of this Act.

37 Sec. 201. Section 101 of this Act applies to all  
38 leases executed by receivers on or after the effective  
39 date of this Act.

40 Sec. 202. Section 654.16, Code 1987, as amended by  
41 sections 102 and 103 of this Act, applies to all  
42 foreclosure sales of agricultural land held on or  
43 after the effective date of this Act, and to  
44 foreclosure sales of agricultural land held within one  
45 year before the effective date of this Act if the  
46 holder of the sheriff's certificate of sale is a  
47 mortgagee who has not sold or otherwise disposed of  
48 the agricultural land and whose mortgage was enforced  
49 by the foreclosure sale.

50 Sec. 203. This Act, being deemed of immediate

#### Page 6

1 importance, takes effect on the tenth day after its  
2 enactment."

3 19. Title page, line 1, by inserting after the  
4 word "by" the following: "removing certain  
5 restrictions on redemption in certain cases,".

6 20. Title page, line 3, by striking the words  
7 "redemption, and" and inserting the following:  
8 "redemption, providing a cause of action against the  
9 receiver in certain cases, permitting the use of  
10 independent appraisers to determine the value of the  
11 homestead, providing for certain redemption rights,  
12 providing for a right of repurchase,".

13 21. Title page, line 5, by inserting after the

- 14 word "judgments" the following: ", providing dates of  
 15 applicability, and providing an effective date".  
 16 22. By renumbering, relettering, or redesignating  
 17 and correcting internal references as necessary.

The motion prevailed and the House concurred in the Senate amendment H—4103.

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. 599)

The ayes were, 56:

Adams	Arnould	Beatty	Blanshan
Brammer	Branstad	Chapman	Cohoon
Connolly	Cooper	Corey	Doderer
Dvorsky	Fey	Fogarty	Garman
Groninga	Gruhn	Halvorson, R. N.	Hansen, S. D.
Harper	Hatch	Haverland	Holveck
Jay	Jochum	Johnson	Knapp
Koenigs	Lundby	May	McKean
McKinney	Muhlbauer	Mullins	Neuhauser
Norrgard	Osterberg	Parker	Pavich
Peterson, M. K.	Platt	Pony	Rosenberg
Schrader	Shoning	Shoultz	Siegrist
Skow	Spear	Svoboda	Swartz
Tabor	Teaford	Wise	Mr. Speaker

The nays were, 38:

Bennett	Bisignano	Buhr	Carpenter
Clark	Connors	Corbett	De Groot
Diemer	Eddie	Fuller	Halvorson, R. A.
Hammond	Hanson, D. R.	Harbor	Hermann
Hester	Hummel	Kremer	Lageschulte
Maulsby	Metcalfe	Miller	Ollie
Paulin	Pellet	Petersen, D. F.	Plasier
Renaud	Renken	Royer	Running
Schneklath	Sherzan	Stromer	Stueland
Van Camp	Van Maanen		

Absent or not voting, 6:

Beaman	Black	Daggett	Peters
Swearingen	Tyrrell		

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

## IMMEDIATE MESSAGES

Arnould of Scott asked and received unanimous consent that the following bills be immediately messaged to the Senate: House Files 164, 588 and 599.

### Unfinished Business Calendar

The House resumed consideration of **Senate File 187**, a bill for an act relating to the purchase of sacramental wine, deferred and retained on the unfinished business calendar May 6, 1987.

Stromer of Hancock offered the following amendment H—3545 filed by him and moved its adoption:

H—3545

- 1 Amend Senate File 187 as follows:
- 2 1. Page 1, line 8, by inserting after the word
- 3 "license" the following: ", to health care facilities
- 4 licensed under chapter 135C".

Amendment H—3545 was adopted.

Renaud of Polk asked and received unanimous consent to consider amendment H—3903, ruled not germane April 6, 1987, and found on pages 2015 through 2019 of the House Journal.

Hummel of Benton offered the following amendment H—4261, to amendment H—3903, filed by Hummel, et al., and moved its adoption:

H—4261

- 1 Amend the House amendment, H—3903, to Senate File
- 2 187 as passed by the Senate as follows:
- 3 1. Page 2, line 37, by inserting after the word
- 4 "city" the words "under paragraph "c" of this
- 5 subsection".
- 6 2. Page 2, line 49, by inserting after the word
- 7 "city" the words "under paragraph "c" of this
- 8 subsection".
- 9 3. Page 3, line 11, by inserting after the word
- 10 "city" the words "under paragraph "c" of this
- 11 subsection".

Amendment H—4261 was adopted.

On motion by Renaud of Polk, amendment H—3903, as amended, was adopted.

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

On the question "Shall the bill pass?" (S.F. 187)

The ayes were, 62:

Adams	Arnould	Beatty	Bisignano
Black	Brammer	Branstad	Carpenter
Cohoon	Connolly	Connors	Cooper
Diemer	Fey	Fogarty	Fuller
Garman	Gruhn	Hansen, S. D.	Harbor
Harper	Hatch	Haverland	Hermann
Hester	Jay	Jochum	Johnson
Knapp	Koenigs	Kremer	Lundby
May	McKinney	Metcalf	Miller
Muhlbauer	Neuhauser	Norrgard	Ollie
Parker	Paulin	Pavich	Peters
Peterson, M. K.	Platt	Poncy	Renaud
Running	Shoning	Shoultz	Siegrist
Skow	Spear	Stromer	Stueland
Svoboda	Swartz	Tabor	Van Camp
Wise	Mr. Speaker		

The nays were, 28:

Bennett	Buhr	Clark	Corbett
Corey	Daggett	De Groot	Doderer
Eddie	Halvorson, R. A.	Halvorson, R. N.	Hammond
Hanson, D. R.	Holveck	Lageschulte	Maulsby
McKean	Mullins	Osterberg	Pellett
Petersen, D. F.	Plasier	Renken	Rosenberg
Schnekloth	Sherzan	Teaford	Van Maanen

Absent or not voting, 10:

Beaman	Blanshan	Chapman	Dvorsky
Groninga	Hummel	Royer	Schrader
Swearingen	Tyrrell		

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

## RULES SUSPENDED

Arnould of Scott asked and received unanimous consent to suspend the rules for the immediate consideration of Senate File 516.

### Appropriations Calendar

**Senate File 516**, a bill for an act relating to the mentally retarded, developmentally disabled, and chronically mentally ill by creating a regional delivery system, and specifying duties, memberships, services, funding, and effective dates, with report of committee recommending amendment and passage was taken up for consideration.

Jochum of Dubuque offered the following amendment H—4334 filed by the committee on appropriations:

H-4334

1 Amend Senate File 516 as passed by the Senate as  
2 follows:

3 1. Page 1, by striking line 8, and inserting the  
4 following: "regional planning boards within the  
5 department's eight districts' boundaries wherever  
6 possible. The regional planning".

7 2. Page 2, by striking lines 13 through 23 and  
8 inserting the following:

9 "Each regional planning board shall establish  
10 general policy guidelines for the operation of the  
11 regional advisory board and regional staff, adopt an  
12 annual plan and budget within funds appropriated for  
13 the necessary services for the eligible populations,  
14 oversee the quality of programs in the region for the  
15 special populations, and allocate funds for the  
16 staffing necessary for the duties of the regional  
17 planning boards."

18 3. Page 3, by striking line 35 and inserting the  
19 following:

20 "These rights, within funds appropriated, apply to  
21 any person with mental retardation,".

22 4. Page 4, by striking lines 1 through 4 and  
23 inserting the following: "a developmental disability  
24 or chronic mental illness who receives services which  
25 are funded in whole or in part by public funds or  
26 services which are permitted under Iowa law."

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

29 "Sec. \_\_\_\_\_. Section 225C.28, unnumbered paragraph  
30 1, Code 1987, is amended to read as follows:

31 The rights of persons described in section 225C.26  
32 within funds appropriated include, but are not limited  
33 to:".

34 6. Page 4, line 14, by inserting after the word  
35 "employees." the following: "Nothing in this section  
36 shall be interpreted as transferring obligations of  
37 counties as provided in chapters, other than this  
38 chapter, of the Code to the state."

39 7. Page 4, by striking lines 15 through 20.

40 8. Page 4, line 25, by inserting after the word  
41 "regions" the following: "within the department's  
42 eight districts' boundaries wherever possible".

43 9. Page 5, by inserting after line 11 the  
44 following:

45 "8. Reviews and comments on regional plans."

46 10. Page 5, by striking lines 12 through 15.

47 11. Page 5, by inserting after line 20 the

48 following:

49 "Sec. \_\_\_\_\_. NEW SECTION. 225C.1001 DUTIES OF THE  
50 DEPARTMENT OF HUMAN SERVICES.

## Page 2

1 The department shall develop and operate within the  
2 funds appropriated an information system for client  
3 data and tracking that utilizes a unique client  
4 identification system, except as is necessary for  
5 determination of legal settlement.

6 The department of human services shall provide  
7 service coordination for the eligible populations,  
8 within funds appropriated."

9 12. By striking page 6, line 24 through page 8,  
10 line 31 and inserting the following:

11 "1. This Act takes effect July 1, 1985 except  
12 section 5 which takes effect beginning July 1, 1987,  
13 providing that legislation is enacted by the general  
14 assembly before July 1, 1987, which provides a fair  
15 and equitable funding formula for the implementation  
16 of section 5 of this Act shall be implemented within  
17 funds appropriated according to the following  
18 schedules:

19 a. No claim for damages or injunctive relief shall  
20 accrue under section 225C.28, subsection 1, for any  
21 action or inaction by the state, its agents, or  
22 employees, prior to July 1, 1990.

23 The department shall present to the general  
24 assembly by January 1, 1988, a schedule and associated  
25 costs which would assure that diagnosis and  
26 evaluations are phased in between July 1, 1988, and  
27 July 1, 1990 with significant progress to be reached  
28 in each year. In addition, the department shall  
29 provide a progress report on the diagnosis and  
30 evaluations completed pursuant to House File 671.

31 The department of human services is responsible for  
32 adopting administrative rules regarding the definition  
33 of a comprehensive evaluation and diagnosis.

34 b. No claim for damages or injunctive relief shall  
35 accrue under section 225C.28, subsection 2, for any  
36 action or inaction by the state, its agents, or  
37 employees, prior to January 1, 1991.

38 The department shall present to the general  
39 assembly by January 1, 1988, a schedule and associated  
40 costs which would assure that between July 1, 1988,  
41 and January 1, 1991, program plans are completed and  
42 coordinated for completion with comprehensive  
43 diagnosis and evaluation with significant progress  
44 reached in each of the years. The department is  
45 responsible for adopting administrative rules  
46 regarding the definition of a program plan. In  
47 addition, the department shall provide a progress  
48 report on program plans completed pursuant to House  
49 File 671.

50 c. No claim for damages or injunctive relief shall

## Page 3

1 accrue under section 225C.28, subsection 3, first  
2 sentence, for any action or inaction by the state, its  
3 agents, or employees, prior to July 1, 1993. The  
4 provisions of such subsection shall be defined by  
5 administrative rule adopted by the department and  
6 shall be enforced by July 1, 1993.

7 d. No claim for damages or injunctive relief shall  
8 accrue under section 225C.28, subsection 3, second  
9 sentence, for any action or inaction by the state, its  
10 agents, or employees, prior to July 1, 1988. The  
11 provision of such subsection shall be defined by  
12 administrative rule adopted by the Iowa state civil  
13 rights commission and shall be enforced by July 1,  
14 1988.

15 e. No claim for damages or injunctive relief shall  
16 accrue under section 225C.28, subsections 4 and 5, for  
17 any action or inaction by the state, its agents, or  
18 employees, prior to the implementation of section  
19 225C.28, subsection 2.

20 f. No claim for damages or injunctive relief shall  
21 accrue under section 225C.28, subsection 6, for any  
22 action or inaction by the state, its agents, or  
23 employees, prior to July 1, 1993.

24 The department shall present to the general  
25 assembly by January 1, 1991, a schedule and associated  
26 costs for the provision of services which are age-  
27 appropriate and least restrictive. The department of  
28 human services is responsible for adopting  
29 administrative rules and guidelines regarding least  
30 restrictive environment and age-appropriate services.  
31 However, any program plans and services developed  
32 pursuant to paragraphs "b", "c", "d", "e", and "g",  
33 shall not require services in the least restrictive  
34 environment prior to July 1, 1993.

35 g. No claim for damages or injunctive relief shall  
36 accrue under section 225C.28, subsection 7, for any  
37 action for inaction by the state, its agents, or  
38 employees, prior to July 1, 1989.

39 The department of human services and the department  
40 of education shall present to the general assembly by  
41 January 1, 1988, the schedule and associated costs for  
42 the implementation of the provisions of section  
43 225C.28, subsection 7. Administrative rules shall be  
44 developed by the departments of human services and  
45 education on vocational training and employment  
46 options. Such rules shall be expressed relative to  
47 the availability of vocational services and employment  
48 options that exist generally to persons in the state.

49 h. No claims for damages or injunctive relief  
50 shall accrue under section 225C.28, subsection 8, for

## Page 4

1 any action or inaction by the state, its agents, or  
 2 employees, prior to July 1, 1988. The provisions of  
 3 section 225C.28, subsection 8, shall be defined by  
 4 administrative rule by the department of employment  
 5 services and in force by July 1, 1988.

6 i. No claims for damages or injunctive relief  
 7 shall accrue under section 225C.28, subsection 9, for  
 8 any action or inaction by the state, its agents, or  
 9 employees, prior to January 1, 1988. The provisions  
 10 of section 225C.28, subsection 9, shall be defined by  
 11 administrative rule by the division of insurance of  
 12 the department of commerce and in force by January 1,  
 13 1988."

14 13. Page 8, line 35, by striking the word "A" and  
 15 inserting the following: "After July 1, 1988, a".

16 14. Page 9, line 6, by inserting after the word  
 17 "unless" the following: "and until".

18 15. Page 9, line 7, by striking the words "prior  
 19 to that date".

Jochum of Dubuque offered the following amendment H—4356, to the committee amendment H—4334, filed by him from the floor and moved its adoption:

## H—4356

1 Amend the amendment, H—4334, to Senate File 516 as  
 2 passed by the Senate as follows:

3 1. Page 1, line 12, by inserting after the word  
 4 "appropriated" the following: "or budgeted".

5 2. Page 1, by inserting after line 26 the  
 6 following:

7 "\_\_\_\_\_. Page 4, by inserting after line 4, the  
 8 following:

9 "This section does not repeal or suspend any other  
 10 provision of law not contained in this chapter." "

11 3. Page 1, line 32, by inserting after the word  
 12 "appropriated" the following: "or budgeted".

13 4. Page 1, by inserting after line 33, the  
 14 following:

15 "\_\_\_\_\_. Page 4, by inserting after line 4, the  
 16 following:

17 "Sec. \_\_\_\_\_. Section 225C.28, Code 1987, is amended  
 18 by adding the following new unnumbered paragraph:

19 NEW UNNUMBERED PARAGRAPH. This section does not  
 20 repeal or suspend any other provision of law not  
 21 contained in this chapter." "

22 5. Page 1, line 49, by striking the words "Sec.  
 23 ." and inserting the following: "Sec. 1212".

24 6. Page 2, line 8, by inserting after the word

25 "appropriated" the following: ", in cooperation with  
26 the regional planning boards until June 30, 1988".

27 7. Page 3, line 3, by striking the figure "1993"  
28 and inserting the following: "1992".

29 8. Page 3, line 6, by striking the figure "1993"  
30 and inserting the following: "1992".

31 9. Page 3, line 23, by striking the figure "1993"  
32 and inserting the following: "1992".

33 10. Page 3, line 34, by striking the figure  
34 "1993" and inserting the following: "1992".

35 11. Page 4, by inserting after line 19, the  
36 following:

37 "\_\_\_\_\_. Page 9, by inserting after line 14, the  
38 following:

39 "Sec. \_\_\_\_\_. The general assembly meeting in 1988  
40 shall review and determine the assignment of  
41 responsibilities for service coordination for the  
42 eligible populations under section 225C.28, and the  
43 obligations and liabilities associated with service  
44 coordination responsibilities respective to counties,  
45 state, and regional boards." "

Amendment H—4356 was adopted.

Jochum of Dubuque asked and received unanimous consent to  
withdraw amendment H—4343 filed by him on May 8, 1987.

Jochum of Dubuque offered the following amendment H—4342,  
to the committee amendment H—4334, filed by him and moved its  
adoption:

H—4342

1 Amend amendment, H—4334, to Senate File 516 as  
2 passed by the Senate as follows:

3 1. Page 2, line 16, by inserting after the word  
4 "Aet" the following: "and".

5 2. Page 3, line 37, by striking the word "for"  
6 and inserting the following: "or".

Amendment H—4342 was adopted.

Hammond of Story offered the following amendment H—4348, to  
the committee amendment H—4334, filed by her and moved its  
adoption:

H—4348

1 Amend the amendment, H—4334, to Senate File 516 as  
2 passed by the Senate as follows:

3 1. Page 4, by striking lines 2 through 5 and  
4 inserting the following: "employees, prior to July 1,  
5 1988. The provisions of section 225C.28, subsection

6 8, shall be defined by administrative rule by the  
 7 department of human services and the department of  
 8 education division of vocational rehabilitation  
 9 services referencing the provisions of section 14C of  
 10 the federal fair labor standards act, as amended."

Amendment H—4348 was adopted.

On motion by Jochum of Dubuque, the committee amendment H—4334, as amended, was adopted.

Shoultz of Black Hawk asked and received unanimous consent to withdraw amendment H—4226 filed by him on May 6, 1987.

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

On the question "Shall the bill pass?" (S.F. 516)

The ayes were, 90:

Adams	Arnould	Beatty	Bennett
Bisignano	Black	Brammer	Branstad
Buhr	Chapman	Clark	Cohoon
Connolly	Connors	Cooper	Corbett
Corey	De Groot	Diemer	Doderer
Dvorsky	Eddie	Fey	Fogarty
Fuller	Garman	Groninga	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Hansen, S. D.
Hanson, D. R.	Harbor	Harper	Hatch
Haverland	Hermann	Hester	Holveck
Hummel	Jay	Jochum	Johnson
Knapp	Koenigs	Kremer	Lageschulte
Lundby	May	McKean	McKinney
Muhlbauer	Mullins	Neuhauser	Norrgard
Ollie	Osterberg	Parker	Paulin
Pavich	Pellett	Peters	Petersen, D. F.
Peterson, M. K.	Platt	Poncy	Renaud
Renken	Rosenberg	Royer	Running
Schneklath	Schrader	Sherzan	Shoning
Shoultz	Siegrist	Skow	Spear
Stromer	Stueland	Svoboda	Swartz
Tabor	Teaford	Van Camp	Van Maanen
Wise	Mr. Speaker		

The nays were, 6:

Carpenter	Daggett	Maulsby	Metcalf
Miller	Plasier		

Absent or not voting, 4:

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

### IMMEDIATE MESSAGES

Arnould of Scott asked and received unanimous consent that the following bills be immediately messaged to the Senate: Senate Files 187 and 516.

### ADOPTION OF THE REPORT OF THE SECOND CONFERENCE COMMITTEE (Senate File 481)

Doderer of Johnson called up for consideration the report of the second conference committee on Senate File 481 and moved the adoption of the second conference committee report and the amendments contained therein as follows:

#### REPORT OF THE SECOND CONFERENCE COMMITTEE ON SENATE FILE 481

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

We, the undersigned members of the second conference committee appointed to resolve the differences between the Senate and the House of Representatives on Senate File 481, a bill for an act relating to state tax revenues and expenditures by altering the individual income tax rates, withholding, standard deductions, and personal exemptions and credits; increasing the state sales, services, and use tax and providing refunds for certain contractors as a result of that increase; adjusting the allowable growth under the school foundation formula; and providing effective dates, respectfully make the following report:

1. That the House recede from its amendment, S-3681, to Senate File 481, as amended, passed, and reprinted by the Senate.

2. That Senate File 481, as amended, passed, and reprinted by the Senate, be amended as follows:

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

"Section 1. Section 442.7, subsection 1, paragraph a, unnumbered paragraph 1, Code 1987, is amended to read as follows:

The difference in the receipts of state general fund revenues, adjusted for changes in rates or basis, computed or estimated as follows:"

2. Title page, by striking lines 1 through 7 and inserting the following: "An act adjusting the allowable growth under the school foundation formula."

ON THE PART OF THE HOUSE:

MINNETTE DODERER, Chair  
PHIL BRAMMER  
DAVID OSTERBERG  
WAYNE BENNETT  
JANET METCALF

ON THE PART OF THE SENATE:

CHARLES BRUNER, Chair  
GEORGE R. KINLEY  
LARRY MURPHY  
JACK W. HESTER  
DAVID M. READINGER

The motion prevailed and the conference committee report was adopted.

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

On the question "Shall the bill pass?" (S.F. 481)

The ayes were, 79:

Adams	Arnould	Beatty	Bennett
Bisignano	Black	Blanshan	Brammer
Branstad	Buhr	Carpenter	Chapman
Clark	Cphoon	Connolly	Connors
Cooper	Corbett	Daggett	Diemer
Doderer	Dvorsky	Eddie	Fey
Fogarty	Fuller	Groninga	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Hansen, S. D.
Hanson, D. R.	Harbor	Harper	Hatch
Haverland	Hester	Holveck	Jay
Jochum	Johnson	Knapp	Koenigs
Lageschulte	Lundby	May	McKean
McKinney	Metcalf	Muhlbauer	Mullins
Norrgard	Ollie	Osterberg	Parker
Paulin	Pavich	Peters	Peterson, M. K.
Poncy	Renaud	Rosenberg	Running
Schneklath	Schrader	Sherzan	Shoning
Shoultz	Siegrist	Skow	Spear
Stromer	Svoboda	Swartz	Tabor
Teaford	Wise	Mr. Speaker	

The nays were, 16:

Corey	De Groot	Garman	Hermann
Hummel	Kremer	Maulsby	Miller
Pellett	Petersen, D. F.	Platt	Renken
Royer	Stueland	Van Camp	Van Maanen

Absent or not voting, 5:

Beaman	Neuhauser	Plasier	Swearingen
Tyrrell			

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

Running of Linn called up for consideration **Senate File 515**, a bill for an act relating to the allocations and appropriations of lottery revenues and the programs for which the revenues may be used, amended by the House, further amended by the Senate and moved that the House concur in the following Senate amendment H—436 to the House amendment:

H—4360

1 Amend the House amendment, S—4066, to Senate File  
2 515, as amended, passed and reprinted by the Senate as  
3 follows:

4 1. Page 2, line 5, by striking the words “two  
5 hundred fifty” and inserting the following: “four  
6 hundred”.

7 2. Page 3, by inserting after line 4 the  
8 following:

9 “\_\_\_\_\_ Page 11, by inserting after line 20 the  
10 following:

11 “f. For the fiscal years beginning July 1, 1987,  
12 July 1, 1988, and July 1, 1989 to the Iowa State  
13 University of science and technology, the sum of one  
14 hundred fifty thousand dollars for each fiscal year  
15 for allocation to the Iowa State University water  
16 resource research institute for a subsurface water and  
17 nutrient management system. This research shall  
18 concentrate its efforts on providing optimum soil  
19 water table level throughout the growing season,  
20 reduction of nitrates in Iowa’s surface and subsurface  
21 waters, reduction of Iowa’s dependency on subsurface  
22 water for irrigation, increasing productivity of  
23 selected Iowa soils for selected crops. The Iowa  
24 State University water resource research institute  
25 shall administer the research funds and report to the  
26 general assembly by February 1 of each year, on the  
27 program’s progress and results.””

The motion prevailed and the House concurred in the Senate amendment H—4360.

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

On the question “Shall the bill pass?” (S.F. 515)

The ayes were, 87:

Adams	Arnould	Beatty	Bisignano
Black	Blanshan	Brammer	Branstad
Buhr	Carpenter	Chapman	Clark
Cohoon	Connolly	Connors	Cooper
Corbett	Corey	Daggett	De Groot
Diemer	Doderer	Dvorsky	Eddie
Fogarty	Fuller	Garman	Groninga
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Hansen, S. D.	Hanson, D. R.	Harbor	Harper
Hatch	Haverland	Hester	Holveck

Hummel	Jay	Jochum	Johnson
Knapp	Koenigs	Kremer	Lundby
May	McKean	McKinney	Metcalf
Miller	Muhlbauer	Mullins	Neuhauser
Norrgard	Ollie	Osterberg	Parker
Paulin	Pavich	Pellett	Peters
Petersen, D. F.	Peterson, M. K.	Platt	Poncy
Renaud	Rosenberg	Royer	Running
Schnekloth	Schrader	Sherzan	Shoning
Siegrist	Skow	Spear	Stromer
Svoboda	Swartz	Tabor	Teaford
Van Camp	Wise	Mr. Speaker	

The nays were, 7:

Bennett	Hermann	Lageschulte	Maulsby
Renken	Stueland	Van Maanen	

Absent or not voting, 6:

Beaman	Fey	Plasier	Shoultz
Swearingen	Tyrell		

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 9, 1987, 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 626, a bill for an act relating to the agricultural development authority, by expanding certain definitions, providing requirements for certain farmers to participate in certain programs, providing programs to assist eligible beef cattle producers, making appropriations, and providing an effective date.

Also: That the Senate has, on May 9, 1987, adopted the conference committee report and passed House File 631, a bill for an act relating to public health and safety by establishing measures to improve and protect groundwater quality and to manage substances which pose health and safety hazards, by establishing goals, policies, funding mechanisms, including taxes and fees, and administrative provisions for the measures, by establishing programs relating to the management of agricultural activities, solid waste disposal, household hazardous wastes, storage tanks, fertilizers, pesticides, landfills, and watersheds, by providing penalties, establishing effective dates, and by providing for other properly related matters.

Also: That the Senate has on May 9, 1987, amended the House amendment, concurred in the House amendment as amended, and passed the following bill in which the concurrence of the House is asked:

Senate File 518, a bill for an act relating to and making appropriations to state agencies whose responsibilities relate to public defense, public safety, transportation,

and enforcement, and including allocation of moneys from the road use tax fund and providing effective dates.

Also: That the Senate has on May 9, 1987, adopted the conference committee report and passed House File 600, a bill for an act relating to elections.

Also: That the Senate has on May 9, 1987, amended and passed the following bill in which the concurrence of the House is asked:

House File 633, a bill for an act relating to restrictions on the number of acres of agricultural land that authorized farm corporations or authorized trusts may acquire or otherwise obtain or lease, restricting persons from being shareholders or beneficiaries in more than a certain number of authorized farm corporations or authorized trusts, and providing penalties.

Also: That the Senate has on May 9, 1987, amended and passed the following bill in which the concurrence of the House is asked:

House File 669, a bill for an act relating to intermediate care facilities for the mentally ill.

Also: That the Senate has on May 9, 1987, amended and passed the following bill in which the concurrence of the House is asked:

House File 676, a bill for an act relating to the imposition and repeal of a local option sales and services tax and providing effective dates.

Also: That the Senate has on May 9, 1987, amended and passed the following bill in which the concurrence of the House is asked:

House File 682, a bill for an act relating to exemption certificates under the state sales, services, and use tax and providing an effective date.

Also: That the Senate has on May 9, 1987, amended the House amendment, concurred in the House amendment as amended, and passed the following bill in which the concurrence of the House is asked:

Senate File 517, a bill for an act appropriating petroleum overcharge funds.

JOHN F. DWYER, Secretary

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

The House resumed session at 4:42 p.m., Speaker Avenson in the chair.

### IMMEDIATE MESSAGES

Arnould of Scott asked and received unanimous consent that the following bills be immediately messaged to the Senate: Senate Files 481 and 515.

### SENATE AMENDMENT CONSIDERED

Metcalf of Polk called up for consideration **House File 675**, a bill for an act relating to the determination, for purposes of the state sales,

services, and use tax, of gross receipts and purchase price when tangible personal property is traded to the retailer as part of the transaction subject to the tax, amended by the Senate amendment H—4353 as follows:

H—4353

1 Amend House File 675 as passed by the House as  
2 follows:

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

5 "Section 1. Section 422.42, subsection 3, Code  
6 1987, is amended to read as follows:

7 3. "Retail sale" or "sale at retail" means the  
8 sale to a consumer or to any person for any purpose,  
9 other than for processing, for resale of tangible  
10 personal property or taxable services, or for resale  
11 of tangible personal property in connection with  
12 taxable services, and includes the sale of gas,  
13 electricity, water, and communication service to  
14 retail consumers or users, but does not include  
15 agricultural breeding livestock and domesticated fowl,  
16 or commercial fertilizer, agricultural limestone, or  
17 herbicide, pesticide, insecticide, food and medication  
18 and agricultural drain tile and installation thereof  
19 which are to be used in disease control, weed control,  
20 insect control, or health promotion of plants or  
21 livestock produced as part of agricultural production  
22 for market, and does not include electricity, steam or  
23 any taxable service when purchased and used in the  
24 processing of tangible personal property intended to  
25 be sold ultimately at retail. When used by a  
26 manufacturer of food products, electricity, steam, and  
27 other taxable services are sold for processing when  
28 used to produce marketable food products for human  
29 consumption, including but not limited to, treatment  
30 of material to change its form, context or condition,  
31 in order to produce the food product, maintenance of  
32 quality or integrity of the food product, changing or  
33 maintenance of temperature levels necessary to avoid  
34 spoilage or to hold the food product in marketable  
35 condition, maintenance of environmental conditions  
36 necessary for the safe or efficient use of machinery  
37 and material used to produce the food product,  
38 sanitation and quality control activities, formation  
39 of packaging, placement into shipping containers, and  
40 movement of the material or food product until  
41 shipment from the building of manufacture. Tangible  
42 personal property is sold for processing within the  
43 meaning of this subsection only when it is intended  
44 that the property will, by means of fabrication,

45 compounding, manufacturing, or germination become an  
46 integral part of other tangible personal property  
47 intended to be sold ultimately at retail, or will be  
48 consumed as fuel in creating heat, power, or steam for  
49 processing including grain drying, for providing heat  
50 or cooling for livestock buildings or for generating

**Page 2**

1 electric current, or be consumed in self-propelled  
2 implements of husbandry engaged in agricultural  
3 production, or the property is a chemical, solvent,  
4 sorbent, or reagent, which is directly used and is  
5 consumed, dissipated, or depleted, in processing  
6 personal property which is intended to be sold  
7 ultimately at retail or consumed in the maintenance or  
8 repair of fabric or clothing, and which may not become  
9 a component or integral part of the finished product.  
10 The distribution to the public of free newspapers or  
11 shoppers guides is a retail sale for purposes of the  
12 processing exemption."

13 4. Page 1, by inserting after line 7 the  
14 following:

15 "Sec. \_\_\_\_\_. Section 422.42, subsections 9 and 10,  
16 Code 1987, are amended to read as follows:

17 9. Sales of building materials, supplies, and  
18 equipment to owners, contractors, subcontractors or  
19 builders, for the erection of buildings or the  
20 alteration, repair, or improvement of real property,  
21 are retail sales in whatever quantity sold. Where the  
22 owner, contractor, subcontractor, or builder is also a  
23 retailer holding a retail sales tax permit and  
24 transacting retail sales of building materials,  
25 supplies, and equipment, the person shall purchase  
26 such items of tangible personal property without  
27 liability for the tax if such property will be subject  
28 to the tax at the time of resale or at the time it is  
29 withdrawn from inventory for construction purposes.  
30 The sales tax shall be due in the reporting period  
31 when the materials, supplies, and equipment are  
32 withdrawn from inventory for construction purposes or  
33 when sold at retail. The tax shall not be due when  
34 materials are withdrawn from inventory for use in  
35 construction outside of Iowa and the tax shall not  
36 apply to tangible personal property purchased and  
37 consumed by the manufacturer as building materials in  
38 the performance by the manufacturer or its  
39 subcontractor of construction outside of Iowa.

40 10. The use within this state of tangible personal  
41 property by the manufacturer thereof, as building  
42 materials, supplies, or equipment, in the performance  
43 of construction contracts or for any other purpose

44 ~~except for resale or processing in Iowa~~, shall, for  
 45 the purpose of this division, be construed as a sale  
 46 at retail thereof by the manufacturer who shall be  
 47 deemed to be the consumer of such tangible personal  
 48 property. The tax shall be computed upon the cost to  
 49 the manufacturer of the fabrication or production  
 50 thereof.”

**Page 3**

1 3. Page 1, by inserting after line 7 the  
 2 following:

3 “Sec. \_\_\_\_\_. Section 422.45, subsection 19, Code  
 4 1987, is amended to read as follows:

5 19. The gross receipts from the sale of property  
 6 which is a container, label, carton, pallet, packing  
 7 case, wrapping paper, twine, bag, bottle, shipping  
 8 case or other similar article or receptacle sold to  
 9 retailers or manufacturers for the purpose of  
 10 packaging or facilitating the transportation of  
 11 tangible personal property sold at retail or  
 12 transferred in association with the maintenance or  
 13 repair of fabric or clothing.”

14 2. Page 1, by inserting after line 7 the  
 15 following:

16 “Sec. \_\_\_\_\_. Section 422.45, subsection 22, Code  
 17 1987, is amended by adding the following new  
 18 paragraph:

19 NEW PARAGRAPH. e. Community health centers as  
 20 defined in 42 U.S.C.A. § 254c, migrant health centers  
 21 as defined in 42 U.S.C.A. § 254b, legal services  
 22 corporations as defined in 42 U.S.C.A. § 2996 et seq.,  
 23 and legal aid organizations.”

24 5. Page 1, by inserting after line 14 the  
 25 following:

26 “Sec. \_\_\_\_\_. Section 423.1, subsection 10, Code  
 27 1987, is amended to read as follows:

28 10. Definitions contained in section 422.42 shall  
 29 apply to the ~~provisions~~ of this chapter according to  
 30 their context. The use in this state of building  
 31 materials, supplies, or equipment, the sale or use of  
 32 which is not treated as a retail sale or a sale at  
 33 retail under section 422.42, subsections 9 and 10,  
 34 shall not be subject to tax under this chapter.”

35 6. Title page, line 3, by inserting after the  
 36 word “property” the words “is used in processing or”.

37 7. Title page, line 2, by inserting after the  
 38 word “of” the following: “when certain building  
 39 materials are not subject to the tax and of the”.

40 8. By renumbering, relettering, or redesignating  
 41 and correcting internal references as necessary.

Doderer of Johnson offered the following amendment H—4361, to the Senate amendment H—4353, filed by her and Metcalf of Polk from the floor and moved its adoption:

H—4361

1 Amend the Senate amendment, H—4353, to House File  
2 675 as passed by the House as follows:  
3 1. Page 2, by inserting after line 50 the  
4 following:  
5 "\_\_\_\_\_. Page 1, by inserting after line 7 the  
6 following:  
7 "Sec \_\_\_\_\_. Section 422.43, subsection 11, Code  
8 1987, is amended to read as follows:  
9 11. The following enumerated services are subject  
10 to the tax imposed on gross taxable services:  
11 Alteration and garment repair; armored car; automobile  
12 repair; battery, tire and allied; investment  
13 counseling, excluding investment services of trust  
14 departments; bank service charges; barber and beauty;  
15 boat repair; car wash and wax; carpentry; roof,  
16 shingle, and glass repair; dance schools and dance  
17 studios; dry cleaning, pressing, dyeing, and  
18 laundering; electrical and electronic repair and  
19 installation; rental of tangible personal property;  
20 excavating and grading; farm implement repair of all  
21 kinds; flying service; furniture, rug, upholstery  
22 repair and cleaning; fur storage and repair; golf and  
23 country clubs and all commercial recreation; house and  
24 building moving; household appliance, television, and  
25 radio repair; jewelry and watch repair; machine  
26 operator; machine repair of all kinds; motor repair;  
27 motorcycle, scooter, and bicycle repair; oilers and  
28 lubricators; office and business machine repair;  
29 painting, papering, and interior decorating; parking  
30 facilities; pipe fitting and plumbing; wood  
31 preparation; licensed executive search agencies;  
32 private employment agencies, excluding services for  
33 placing a person in employment where the principal  
34 place of employment of that person is to be located  
35 outside of the state; sewing and stitching; shoe  
36 repair and shoeshine; storage warehousing of raw  
37 agricultural products; telephone answering service;  
38 test laboratories, except tests on humans; termite,  
39 bug, roach, and pest eradicators; tin and sheet metal  
40 repair; turkish baths, massage, and reducing salons;  
41 weighing; welding; well drilling; wrapping, packing,  
42 and packaging of merchandise other than processed  
43 meat, fish, fowl and vegetables; wrecking service;  
44 wrecker and towing; cable television; campgrounds;  
45 carpet and upholstery cleaning; gun and camera repair;  
46 janitorial and building maintenance or cleaning; lawn

47 care, landscaping and tree trimming and removal;  
 48 lobbying service; pet grooming; reflexology; security  
 49 and detective services; tanning beds or salons; and  
 50 water conditioning and softening. For purposes of

**Page 2**

1 this subsection, gross taxable services from rental  
 2 includes rents, royalties, and copyright and license  
 3 fees. For purposes of this subsection, "lobbying  
 4 service" means the rendering, furnishing or  
 5 performing, for a fee, salary or other compensation,  
 6 activities which are intended or used for the purpose  
 7 of encouraging the passage, defeat, or modification of  
 8 legislation or for influencing the decision of the  
 9 members of a legislative committee or subcommittee or  
 10 the representing, for a fee, salary or other  
 11 compensation, on a regular basis an organization which  
 12 has as one of its purposes the encouragement of the  
 13 passage, defeat or modification of legislation or the  
 14 influencing of the decision of the members of a  
 15 legislative committee or a subcommittee. "Lobbying  
 16 service" does not include the activities of a federal,  
 17 state, or local government official or employee acting  
 18 within the course of the official's or employee's  
 19 duties or a representative of the news media engaged  
 20 only in the reporting and dissemination of news and  
 21 editorials." "

22 2. Page 3, by inserting after line 39 the  
 23 following:

24 "\_\_\_\_\_. Title page, line 1, by inserting after the  
 25 word "to" the following: "the taxation of certain  
 26 services and"."

Groninga of Cerro Gordo asked and received unanimous consent to defer action on amendment H—4361.

Metcalf of Polk offered the following amendment H—4355, to the Senate amendment H—4353, filed by her from the floor and moved its adoption:

H—4355

- 1 Amend the Senate amendment, H—4353, to House File
- 2 675 as passed by the House as follows:
- 3 1. Page 3, by striking lines 14 through 23.

A non-record roll call was requested.

The ayes were 33, nays 27.

Amendment H—4355 was adopted.

Doderer of Johnson offered the following amendment H—4367, to

the Senate amendment H—4353, filed by her and Schnekloth of Scott from the floor:

H—4367

1 Amend the Senate amendment, H—4353, to House File  
2 675 as passed by the House as follows:

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

5 "\_\_\_\_\_. Page 1, by inserting before line 1 the  
6 following:

7 "Sec. 11. NEW SECTION. 99D.16 WITHHOLDING TAX ON  
8 WINNINGS.

9 All winnings provided in section 99D.11 are Iowa  
10 earned income and are subject to state and federal  
11 income tax laws. An amount deducted from winnings for  
12 payment of the state tax shall be remitted to the  
13 department of revenue and finance on behalf of the  
14 individual who won the wager.

15 Sec. 12. Section 422.5, subsection 2, Code 1987,  
16 is amended to read as follows:

17 2. However, ~~no~~ the tax shall not be imposed on ~~any~~  
18 a resident or nonresident whose net income, as defined  
19 in section 422.7, is five thousand dollars or less;  
20 but in the event that the payment of tax under this  
21 division would reduce the net income to less than five  
22 thousand dollars, then the tax shall be reduced to  
23 that amount which would result in allowing the  
24 taxpayer to retain a net income of five thousand  
25 dollars. The preceding sentence does not apply to  
26 estates or trusts. For the purpose of this  
27 subsection, the entire net income, including any part  
28 thereof of the net income not allocated to Iowa, shall  
29 be taken into account. If the combined net income of  
30 a husband and wife exceeds five thousand dollars,  
31 neither of them shall receive the benefit of this  
32 subsection, and it is immaterial whether they file a  
33 joint return or separate returns. However, if a  
34 husband and wife file separate returns and have a  
35 combined net income of five thousand dollars or less,  
36 neither spouse shall receive the benefit of this  
37 paragraph, if one spouse has a net operating loss and  
38 elects to carry back or carry forward the loss as  
39 provided in section 422.9, subsection 3. A person who  
40 is claimed as a dependent by another person as defined  
41 in section 422.12 shall not receive the benefit of  
42 this subsection if the person claiming the dependent  
43 has net income exceeding five thousand dollars or the  
44 person claiming the dependent and the person's spouse  
45 have combined net income exceeding five thousand  
46 dollars.

47 Sec. 13. Section 422.13, Code 1987, is amended by

48 adding the following new subsection:  
49 NEW SUBSECTION. 5. Notwithstanding subsections 1  
50 through 4 and sections 422.15 and 422.36, a

**Page 2**

1 partnership, trust, or corporation whose stockholders  
2 are taxed on the corporations's income under the  
3 provisions of the Internal Revenue Code is entitled to  
4 request permission from the director to file a  
5 composite return for the nonresident partners,  
6 beneficiaries, or shareholders. The director may  
7 grant permission to file or require that a composite  
8 return be filed under the conditions deemed  
9 appropriate by the director. A partnership, trust, or  
10 corporation filing a composite return is liable for  
11 tax required to be shown due on the return. All  
12 powers of the director and requirements of the  
13 director apply to returns filed under this subsection  
14 including, but not limited to, the provisions of this  
15 division and division VI of this chapter.

16 Sec. 14. Section 422.16, subsection 11, paragraph  
17 a, Code 1987, is amended to read as follows:

18 a. Every person or married couple filing a return  
19 shall make estimated tax payments if the person's or  
20 couple's Iowa income tax attributable to income other  
21 than wages subject to withholding can reasonably be  
22 expected to amount to fifty dollars or more for the  
23 taxable year, except that, in the cases of farmers and  
24 ~~fishers~~ fishermen, the exceptions provided in the  
25 Internal Revenue Code of 1954 with respect to making  
26 estimated payments ~~shall apply~~ applies. The estimated  
27 tax shall be paid in quarterly installments. The  
28 first installment shall be paid on or before the ~~last~~  
29 fifteenth day of the fourth month of the taxpayer's  
30 tax year for which the estimated payments apply. The  
31 other installments shall be paid on or before June ~~30~~  
32 15, September ~~30~~ 15, and January ~~31~~ 15. However, at  
33 the election of the person or married couple, ~~any an~~  
34 installment of the estimated tax may be paid prior to  
35 the date prescribed for its payment. If a person or  
36 married couple filing a return has reason to believe  
37 that the person's or couple's Iowa income tax may  
38 increase or decrease, either for purposes of meeting  
39 the requirement to make estimated tax payments or for  
40 the purpose of increasing or decreasing estimated tax  
41 payments, shall increase or decrease any subsequent  
42 estimated tax payments accordingly." "

43 2. Page 3, by inserting after line 34 the  
44 following:

45 "\_\_\_\_\_. Page 1, by inserting after line 14 the  
46 following:

47 "Sec. \_\_\_\_\_. Sections 11, 12, and 13 of this Act are  
 48 retroactive to January 1, 1987 for tax years beginning  
 49 on or after that date.  
 50 Sec. \_\_\_\_\_. Section 14 of this Act is effective

Page 3

1 January 1, 1988 for tax years beginning on or after  
 2 that date."  
 3 \_\_\_\_\_. Title page, line 1, by inserting after the  
 4 word "to" the following: "taxation in regard to the  
 5 withholding on pari-mutuel winnings, application of a  
 6 net operating loss, filing of nonresident income tax  
 7 returns, due date of individual estimated tax  
 8 payments,"."

Van Camp of Scott asked for unanimous consent to defer action on House File 675.

Objection was raised.

Hermann of Scott moved that the rules be suspended to defer action on House File 675 to immediately consider House File 650.

Roll call was requested by Hermann of Scott and Kremer of Buchanan.

On the question "Shall the rules be suspended to consider House File 650?"

The ayes were, 35:

Beaman	Bennett	Branstad	Carpenter
Clark	Corbett	Corey	Daggett
De Groot	Eddie	Garman	Halvorson, R. A.
Hanson, D. R.	Hermann	Hummel	Kremer
Lageschulte	Lundby	Maulsby	McKean
Miller	Paulin	Pellett	Petersen, D. F.
Plasier	Renken	Royer	Schnekloth
Shoning	Spear	Stromer	Stueland
Swartz	Van Camp	Van Maanen	

The nays were, 57:

Adams	Arnould	Beatty	Bisignano
Blanshan	Brammer	Buhr	Chapman
Cohoon	Connolly	Connors	Cooper
Doderer	Dvorsky	Fey	Fogarty
Fuller	Groninga	Gruhn	Hammond
Hansen, S. D.	Harper	Hatch	Haverland
Hester	Holveck	Jay	Johnson
Knapp	Koenigs	May	McKinney
Metcalf	Muhlbauer	Mullins	Neuhauser
Norrgard	Ollie	Osterberg	Parker

Pavich	Peters	Peterson, M. K.	Poncy
Renaud	Rosenberg	Running	Schrader
Sherzan	Shoultz	Siegrist	Skow
Svoboda	Tabor	Teaford	Wise
Mr. Speaker			

Absent or not voting, 8:

Black	Diemer	Halvorson, R. N.	Harbor
Jochum	Platt	Swearingen	Tyrrell

The motion to suspend the rules lost.

The House resumed consideration of amendment H—4367, to the Senate amendment H—4353, to House File 675.

On motion by Doderer of Johnson, amendment H—4367 was adopted.

Shoultz of Black Hawk offered the following amendment H—4374, to the Senate amendment H—4353, filed by him from the floor and moved its adoption:

H—4374

- 1 Amend the Senate amendment, H—4353, to House File
- 2 675 as passed by the House as follows:
- 3 1. By striking page 1, line 3 through page 2,
- 4 line 12.
- 5 2. Page 3, by striking lines 1 through 13.
- 6 3. Page 3, by striking lines 35 and 36.

A non-record roll call was requested.

The ayes were 22, nays 35.

Amendment H—4374 lost.

Arnould of Scott asked and received unanimous consent that House File 675 be temporarily deferred and that the bill retain its place on the calendar.

### SENATE AMENDMENTS CONSIDERED

Pavich of Pottawattamie called up for consideration **Senate File 518**, a bill for an act relating to and making appropriations to state agencies whose responsibilities relate to public defense, public safety, transportation, and enforcement, and including allocation of moneys from the road use tax fund and providing effective dates, amended by the House, further amended by the Senate and moved that the House concur in the following Senate amendment H—4371 to the House amendment:

H-4371

1 Amend the House amendment, S-4062, to Senate File  
2 518 as amended, passed, and reprinted by the Senate as  
3 follows:

4 1. Page 1, line 3, by striking the figure "19"  
5 and inserting the following: "13".

6 2. Page 1, by inserting after line 29 the  
7 following:

8 "\_\_\_\_\_. Page 5, line 31, by striking the figure  
9 "5,299,675" and inserting the following:  
10 "5,099,675"."

11 3. Page 1, lines 37 and 38, by striking the words  
12 and figure "one hundred thousand (100,000)" and  
13 inserting the following: "two hundred thousand  
14 (200,000)".

15 4. Page 1, by striking line 44 and inserting the  
16 following:

17 "\_\_\_\_\_. Page 6, by striking lines 24 through 29 and  
18 inserting the following:

19 "Sec. 5. Notwithstanding section 384.15,  
20 subsection 7, paragraph "b", there is appropriated all  
21 unencumbered and unobligated money remaining in the  
22 law enforcement training reimbursement fund on June  
23 30, 1987, after operation of section 1, subsections 1  
24 and 2, and section 4, subsection 4, paragraphs "b" and  
25 "c" of this Act, to the department of public safety  
26 for the capital acquisition of an automated  
27 fingerprint identification system (AFIS). There is  
28 also appropriated the unencumbered and unobligated  
29 money credited to the law enforcement training  
30 reimbursement fund during the fiscal year beginning  
31 July 1, 1987 and ending June 30, 1988, to the  
32 department of public safety for such fiscal year for  
33 the capital acquisition of an automated fingerprint  
34 identification system (AFIS). However, the total  
35 moneys appropriated under this section shall not  
36 exceed five hundred thousand (500,000) dollars.""

37 5. By striking page 1, line 45 through page 2,  
38 line 27.

39 6. Page 2, by striking lines 35 through 44.

40 7. Page 2, by inserting before line 45 the  
41 following:

42 "\_\_\_\_\_. Page 11, line 5, by striking the word  
43 "forty-five" and inserting the following: "twenty-  
44 three"."

45 8. Page 2, line 46, by striking the figure  
46 "1,417,237" and inserting the following: "750,000".

47 9. Page 3, by striking lines 2 through 6.

48 10. Page 3, by striking lines 14 and 15.

49 11. Page 3, by inserting before line 16 the  
50 following:

**Page 2**

- 1 "\_\_\_\_\_. Page 13, by inserting after line 5 the  
 2 following:  
 3 "Sec. \_\_\_\_\_. The state department of transportation  
 4 shall lower the entrance pipe by two feet at station  
 5 329 + 60 Rt on U.S. highway 63 in Tama county, Iowa." "  
 6 12. Page 4, by inserting after line 22 the  
 7 following:  
 8 "\_\_\_\_\_. Page 18, line 6, by striking the word and  
 9 figure "subsection 2" and inserting the following:  
 10 "subsections 1 and 2, section 4, subsection 4,  
 11 paragraphs "b" and "c"."  
 12 \_\_\_\_\_. Page 18, line 6, by inserting before the  
 13 figure "24" the following: "5,"."

The motion prevailed and the House concurred in the Senate amendment H—4371.

Pavich of Pottawattamie 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. 518)

The ayes were, 96:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Black	Blanshan
Brammer	Branstad	Buhr	Chapman
Clark	Cohoon	Connolly	Connors
Cooper	Corbett	Corey	Daggett
De Groot	Diemer	Doderer	Dvorsky
Eddie	Fey	Fogarty	Fuller
Garman	Groninga	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. R.
Harbor	Harper	Hatch	Haverland
Hermann	Hester	Holveck	Hummel
Jay	Jochum	Johnson	Knapp
Koenigs	Kremer	Lageschulte	Lundby
Maulsby	May	McKean	McKinney
Metcalf	Miller	Muhlbauer	Mullins
Neuhauser	Norrgard	Ollie	Osterberg
Parker	Paulin	Pavich	Pellet
Peters	Petersen, D. F.	Peterson, M. K.	Plasier
Platt	Poney	Renaud	Renken
Rosenberg	Royer	Running	Schnekloth
Schrader	Shoning	Shoultz	Siegrist
Skow	Spear	Stromer	Stueland
Svoboda	Swartz	Tabor	Teaford
Van Camp	Van Maanen	Wise	Mr. Speaker

The nays were, none.

Absent or not voting, 4:

Carpenter

Sherzan

Swearingen

Tyrrell

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 5:26 p.m., until the fall of the gavel.

The House resumed session at 5:35 p.m., Speaker Avenson in the chair.

Chapman of Linn called up for consideration **House File 682**, a bill for an act relating to exemption certificates under the state sales, services, and use tax and providing an effective date, amended by the Senate, and moved that the House concur in the following Senate amendment H—4364:

H—4364

1 Amend House File 682 as amended, passed, and  
2 reprinted by the House, as follows:  
3 1. Page 1, by inserting before line 1 the  
4 following:  
5 "Sec. \_\_\_\_\_. Section 422.13, Code 1987, is amended  
6 by adding the following new subsection:  
7 **NEW SUBSECTION. 5.** Notwithstanding subsections 1  
8 through 4 and sections 422.15 and 422.36, a  
9 partnership, trust, or corporation whose stockholders  
10 are taxed on the corporation's income under the  
11 provisions of the Internal Revenue Code is entitled to  
12 request permission from the director to file a  
13 composite return for the nonresident partners,  
14 beneficiaries, and shareholders. The director may  
15 grant permission to file or require that a composite  
16 return be filed under the conditions deemed  
17 appropriate by the director. A partnership, trust, or  
18 corporation filing a composite return is liable for  
19 tax required to be shown due on the return. All  
20 powers of the director and requirements of the  
21 director apply to returns filed under this subsection,  
22 including but not limited to, the provisions of this  
23 division and division VI of this chapter."  
24 2. Title page, line 1, by inserting after the  
25 word "to" the following: "certain state taxes by  
26 allowing composite returns to be filed for  
27 nonresidents for income tax purposes and providing for  
28 fuel".

The motion prevailed and the House concurred in the Senate amendment H—4364.

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. 682)

The ayes were, 89:

Arnould	Beaman	Beatty	Bennett
Bisignano	Black	Brammer	Branstad
Buhr	Carpenter	Chapman	Clark
Cohoon	Connolly	Cooper	Corbett
Corey	Daggett	De Groot	Diemer
Doderer	Dvorsky	Eddie	Fey
Fogarty	Fuller	Garman	Groninga
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Hansen, S. D.	Hanson, D. R.	Harbor	Harper
Hatch	Haverland	Hermann	Hester
Holveck	Jay	Jochum	Johnson
Knapp	Koenigs	Kremer	Lageschulte
Lundby	Maulsby	May	McKean
McKinney	Metcalf	Miller	Muhlbauer
Mullins	Neuhauser	Norrgard	Ollie
Osterberg	Paulin	Pavich	Pellett
Peters	Peterson, M. K.	Plasier	Platt
Poncy	Renaud	Renken	Rosenberg
Royer	Schnekloth	Schrader	Sherzan
Shoning	Siegrist	Skow	Spear
Stromer	Stueland	Svoboda	Swartz
Tabor	Van Camp	Van Maanen	Wise
Mr. Speaker			

The nays were, 3:

Hummel	Parker	Teaford
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Absent or not voting, 8:

Adams	Blanshan	Connors	Petersen, D. F.
Running	Shoultz	Swearingen	Tyrrell

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

Knapp of Dubuque called up for consideration **Senate File 517**, a bill for an act appropriating petroleum overcharge funds, amended by the House, further amended by the Senate and moved that the House concur in the following Senate amendment H-4373 to the House amendment:

H-4373

1 Amend the House amendment, S-4034, to Senate File  
2 517 as amended, passed, and reprinted by the Senate as  
3 follows:

4 1. By striking page 2, line 46 through page 3,  
5 line 8 and inserting the following:

6 "4. To the state board of  
7 regents for the following  
8 purposes:

9 a. For energy conser-  
10 vation improvements at the  
11 University of Northern Iowa  
12 including the installation  
13 of a new, more efficient

14 boiler .....\$ \$ 2,400,000

15 b. For research by the  
16 Iowa State University of  
17 science and technology cen-  
18 ter for industrial research  
19 and service on establishing  
20 a waste stream for used  
21 motor oil, investigating  
22 alternative disposal methods,  
23 and coordinating with other  
24 states' research projects  
25 on used motor oil collec-  
26 tion and disposal .....\$ \$ 30,000".

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

29 "2. The state board of regents is authorized to  
30 enter into contracts for the purpose of commencing  
31 construction of the boiler project. It is the intent  
32 of the general assembly to fund the balance of the ten  
33 million one hundred thousand (10,100,000) dollar  
34 boiler project through other appropriations or through  
35 authorizing additional academic building revenue  
36 bonds. If the funds in the Stripper Wells account are  
37 insufficient to satisfy the appropriations from that  
38 account in section 1 of this Act, the appropriation in  
39 subsection 4, paragraph "a", shall be suspended by the  
40 amount of the shortage and the suspended appropriation  
41 shall continue and carry over until sufficient funds  
42 are deposited in that account."

43 3. Renumber as necessary.

A non-record roll call was requested.

The ayes were 38, nays 48.

The motion lost and the House refused to concur in the Senate amendment H-4373.

## IMMEDIATE MESSAGES

Arnould of Scott asked and received unanimous consent that the following bills be immediately messaged to the Senate: House File 682 and Senate File 517.

## SENATE AMENDMENT CONSIDERED

Holveck of Polk called up for consideration **House File 676**, a bill for an act relating to the imposition and repeal of a local option sales and services tax and providing effective dates, amended by the Senate, and moved that the House concur in the following Senate amendment H—4365:

H—4365

- 1 Amend House File 676 as amended, passed and
- 2 reprinted by the House as follows:
- 3 1. Page 1, by striking lines 1 through 15.

The motion prevailed and the House concurred in the Senate amendment H—4365.

Holveck 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. 676)

The ayes were, 87:

Adams	Arnould	Beaman	Beatty
Bisignano	Black	Blanshan	Brammer
Branstad	Buhr	Carpenter	Chapman
Clark	Cohoon	Connolly	Cooper
Corbett	Corey	Daggett	De Groot
Diemer	Doderer	Dvorsky	Eddie
Fey	Fogarty	Fuller	Garman
Groninga	Gruhn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. R.	Harbor
Harper	Hatch	Haverland	Hermann
Hester	Holveck	Hummel	Jay
Jochum	Johnson	Knapp	Lageschulte
Lundby	May	McKean	McKinney
Metcalf	Muhlbauer	Mullins	Neuhauser
Norrgard	Ollie	Osterberg	Parker
Paulin	Pavich	Pellett	Peters
Peterson, M. K.	Platt	Poncy	Renaud
Renken	Rosenberg	Royer	Running
Schneklath	Schrader	Sherzan	Shoning
Siegrist	Skow	Spear	Stromer
Svoboda	Swartz	Tabor	Teaford
Van Camp	Wise	Mr. Speaker	

The nays were, 7:

Bennett	Kremer	Maulsby	Miller
Petersen, D. F.	Plasier	Van Maanen	

Absent or not voting, 6:

Connors	Koenigs	Shoultz	Stueland
Swearingen	Tyrrell		

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

### SENATE AMENDMENT FURTHER CONSIDERED

The House resumed consideration of **House File 675**, a bill for an act relating to the determination, for purposes of the state sales, services, and use tax, of gross receipts and purchase price when tangible personal property is traded to the retailer as part of the transaction subject to the tax, temporarily deferred, and the Senate amendment H—4353, found on pages 2288 through 2290 of the House Journal.

The House resumed consideration of amendment H—4361, temporarily deferred, to the Senate amendment H—4353.

Doderer of Johnson offered the following amendment H—4376, to amendment H—4361, to the Senate amendment H—4353, filed by her and Schnekloth of Scott from the floor and moved its adoption:

H—4376

- 1 Amend the amendment, H—4361, to the Senate
- 2 amendment, H—4353, to House File 675 as passed by the
- 3 House as follows:
- 4 1. Page 1, line 14, by striking the words “bank
- 5 service charges” and inserting the following: “bank
- 6 service charges of all financial institutions”.
- 7 2. Page 2, line 3, by inserting after the word
- 8 “fees.” the following: “For purposes of this
- 9 subsection, “financial institutions” means all
- 10 national banks, federally chartered savings and loan
- 11 associations, federally chartered savings banks,
- 12 federally chartered credit unions, banks organized
- 13 under chapter 524, savings and loan associations and
- 14 savings banks organized under chapter 534, and credit
- 15 unions organized under chapter 533.”

Amendment H—4376 was adopted.

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Stueland of Clinton, for the remainder of the day, on request of Pellett of Cass.

The House stood at ease at 6:08 p.m., until the fall of the gavel.

The House resumed session and consideration of amendment H—4361, to the Senate amendment H—4353, to House File 675 at 6:16 p.m., Speaker Avenson in the chair.

Groninga of Cerro Gordo offered amendment H—4377, to amendment H—4361, to the Senate amendment H—4353, filed by him from the floor. Division was requested as follows:

H—4377

- 1 Amend amendment, H—4361, to Senate amendment, H—
- 2 4353, to House File 675 as passed by the House as
- 3 follows:

H—4377A

- 4 1. Page 1, lines 13 and 14, by striking the words
- 5 “, excluding investment services of trust departments”
- 6 and inserting the following: “, ~~excluding investment~~
- 7 ~~services of trust departments”.~~

H—4377B

- 8 2. Page 2, line 3, by inserting after the word
- 9 “fees.” the following: “For purposes of this
- 10 subsection, “investment counseling” means the
- 11 counseling of others or the managing or controlling of
- 12 property for others, for a noncommission fee, in
- 13 regard to the investing in and disposition of real,
- 14 personal, tangible, or intangible property by, but not
- 15 limited to, insurance agents, stockbrokers, financial
- 16 planners, estate planners, portfolio managers, and
- 17 trust department managers.”

Groninga of Cerro Gordo moved the adoption of amendment H—4377A, to amendment H—4361, to the Senate amendment H—4353.

A non-record roll call was requested.

The ayes were 39, nays 20.

Amendment H—4377A was adopted.

Carpenter of Polk offered the following amendment H—4375, to amendment H—4361, to the Senate amendment H—4353, filed by her from the floor and moved its adoption:

H—4375

- 1 Amend amendment H—4361 to the Senate amendment, H—
- 2 4353, to House File 675 as passed by the House as

3 follows:

- 4 1. Page 1, by striking lines 12 through 14 and
- 5 inserting the following: "repair; battery, tire and
- 6 allied; investment counseling, excluding investment
- 7 services of trust departments; bank service charges;
- 8 barber and beauty;".

Amendment H—4375 lost.

The House resumed consideration of amendment H—4377B.

Groninga of Cerro Gordo moved the adoption of amendment H—4377B, to amendment H—4361, to the Senate amendment H—4353.

Amendment H—4377B lost.

On motion by Doderer of Johnson, amendment H—4361, as amended, to the Senate amendment H—4353, was adopted.

Sherzan of Polk called up for consideration the motion to reconsider amendment H—4367 (found on pages 2293 through 2295 of the House Journal) filed by him from the floor and moved to reconsider the vote by which amendment H—4367, to the Senate amendment H—4353, was adopted by the House on May 9, 1987.

The motion to reconsider lost.

On motion by Metcalf of Polk, the House concurred in the Senate amendment H—4353, as amended.

Metcalf 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. 675)

The ayes were, 66:

Adams	Arnould	Beatty	Bennett
Bisignano	Black	Blanshan	Brammer
Branstad	Buhr	Chapman	Clark
Cohoon	Connors	Cooper	De Groot
Doderer	Dvorsky	Eddie	Fey
Fogarty	Fuller	Garman	Groninga
Gruhn	Hammond	Hansen, S. D.	Hanson, D. R.
Harper	Holveck	Hummel	Jay
Jochum	Johnson	Koenigs	May
McKean	McKinney	Metcalf	Muhlbauer
Mullins	Neuhauser	Norrsgard	Osterberg
Parker	Paulin	Pellett	Peters
Petersen, D. F.	Peterson, M. K.	Plasier	Renaud
Rosenberg	Schnekloth	Schrader	Shoning

Shoultz	Skow	Spear	Stromer
Svoboda	Tabor	Teaford	Van Camp
Wise	Mr. Speaker		

The nays were, 25:

Beaman	Carpenter	Connolly	Corbett
Corey	Daggett	Diemer	Halvorson, R. A.
Halvorson, R. N.	Hatch	Hester	Knapp
Kremer	Lageschulte	Lundby	Maulsby
Miller	Pavich	Poncy	Renken
Royer	Running	Sherzan	Siegrist
Van Maanen			

Absent or not voting, 9:

Harbor	Haverland	Hermann	Ollie
Platt	Stueland	Swartz	Swearingen
Tyrrell			

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

### MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on May 9, 1987, passed the following bill in which the concurrence of the Senate was asked:

House File 684, a bill for an act relating to the county juvenile justice base costs.

Also: That the Senate has on May 9, 1987, adopted the following concurrent resolution in which the concurrence of the Senate was asked:

House Concurrent Resolution 43, a house concurrent resolution relating to the use of soybean oil as a dust suppressant in grain storage facilities.

Also: That the Senate has on May 9, 1987, amended the House amendment, concurred in the House amendment as amended, and passed the following bill in which the concurrence of the House is asked:

Senate File 501, a bill for an act relating to the organization and procedures of state government, by making modifications to the authority for and procedures relating to governmental budget and finance administration, by making modifications in the authority for and procedures relating to state personnel administration, by making modifications to the powers, procedures, and structure of certain state governmental agencies, by making adjustments to the 1986 legislation reorganizing state government, by making other related adjustments and modifications, and by providing an effective date.

Also: That the Senate has on May 9, 1987, adopted the following concurrent resolution in which the concurrence of the House is asked:

Senate Concurrent Resolution 43, a senate concurrent resolution to accept a bronze memorial to commemorate the bicentennial of the Constitution of the United States.

JOHN F. DWYER, Secretary

## IMMEDIATE MESSAGES

Arnould of Scott asked and received unanimous consent that House Files 675 and 676 be immediately messaged to the Senate.

## SENATE AMENDMENTS CONSIDERED

Osterberg of Linn called up for consideration **House File 633**, a bill for an act relating to restrictions on the number of acres of agricultural land that authorized farm corporations or authorized trusts may acquire or otherwise obtain or lease, restricting persons from being shareholders or beneficiaries in more than a certain number of authorized farm corporations or authorized trusts, and providing penalties, amended by the Senate, and moved that the House concur in the following Senate amendment H—4368:

H—4368

- 1 Amend House File 633, as passed by the House, as
- 2 follows:
- 3 1. Page 1, line 8, by inserting after the word
- 4 "acres." the following: "However, this paragraph does
- 5 not apply to agricultural land that is leased by an
- 6 authorized farm corporation or authorized trust to the
- 7 immediate prior owner of the land for the purpose of
- 8 farming, as defined in section 172C.1. Upon cessation
- 9 of the lease to the immediate prior owner, the
- 10 authorized farm corporation or authorized trust shall,
- 11 within three years following the date of the
- 12 cessation, sell or otherwise dispose of the
- 13 agricultural land leased to the immediate prior
- 14 owner."
- 15 2. Page 1, line 8, by inserting after the word
- 16 "acres." the following: "This paragraph also does not
- 17 apply to land that is held or acquired and maintained
- 18 to protect significant elements of the state's natural
- 19 open space heritage, including but not limited to
- 20 significant river, lake, wetland, prairie, forest
- 21 areas, other biologically significant areas, land
- 22 containing significant archaeological, historical, or
- 23 cultural value, or fish or wildlife habitats, as
- 24 defined in rules adopted by the department of natural
- 25 resources."
- 26 3. By renumbering, relettering, or redesignating
- 27 and correcting internal references as necessary.

The motion prevailed and the House concurred in the Senate amendment H—4368.

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. 633)

The ayes were, 68:

Adams	Arnould	Beaman	Beatty
Bisignano	Brammer	Branstad	Buhr
Chapman	Connolly	Connors	Cooper
Daggett	Diemer	Doderer	Dvorsky
Fey	Fogarty	Fuller	Garman
Groninga	Gruhn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. R.	Harper
Hatch	Hester	Holveck	Jay
Jochum	Johnson	Knapp	Koenigs
Kremer	Lageschulte	May	McKean
McKinney	Metcalf	Muhlbauer	Norrgard
Ollie	Osterberg	Parker	Pavich
Pellett	Peters	Peterson, M. K.	Poncy
Renaud	Rosenberg	Running	Schrader
Shoning	Shoultz	Siegrist	Skow
Stromer	Svoboda	Swartz	Tabor
Teaford	Van Camp	Wise	Mr. Speaker

The nays were, 25:

Bennett	Black	Blanshan	Carpenter
Clark	Corbett	Corey	De Groot
Eddie	Harbor	Hummel	Lundby
Maulsby	Miller	Mullins	Neuhauser
Paulin	Petersen, D. F.	Plasier	Renken
Royer	Schnekloth	Sherzan	Spear
Van Maanen			

Absent or not voting, 7:

Cohoon	Haverland	Hermann	Platt
Stueland	Swearingen	Tyrrell	

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

## IMMEDIATE MESSAGE

(House File 633)

Arnould of Scott asked and received unanimous consent that House File 633 be immediately messaged to the Senate.

## House Refused To Concur

Connors of Polk called up for consideration **Senate File 501**, a bill for an act relating to the organization and procedures of state government, by making modifications to the authority for and procedures relating to governmental budget and finance administration, by making modifications in the authority for and procedures relating to state

personnel administration, by making modifications to the powers, procedures, and structure of certain state governmental agencies, by making adjustments to the 1986 legislation reorganizing state government, by making other related adjustments and modifications, and by 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-4379 to the House amendment:

H-4379

- 1 Amend the House amendment, S-4095, to Senate File
- 2 501, as amended, passed, and reprinted by the Senate,
- 3 as follows:
- 4 1. By striking page 1, line 4 through page 2,
- 5 line 30.
- 6 2. Page 3, line 34, by striking the word
- 7 "labor,".
- 8 3. Page 3, line 35, by inserting after the word
- 9 "income." the following: "One appointment shall be a
- 10 representative of labor."
- 11 4. Page 3, by striking line 40.
- 12 5. Page 4, by striking lines 23 through 25.
- 13 6. Page 4, by striking lines 30 through 39.
- 14 7. Page 5, by striking lines 4 through 7.
- 15 8. Page 5, by striking lines 8 through 11 and
- 16 inserting the following:
- 17 "\_\_\_\_\_. Page 27, lines 18 and 19, by striking the
- 18 words "commission and the" and inserting the
- 19 following: "commission."
- 20 9. Page 5, line 18, by inserting after the word
- 21 "governor" the following: "with the approval of the
- 22 executive council".
- 23 10. Page 5, by striking lines 21 and 22.
- 24 11. Page 5, line 24, by inserting after the word
- 25 "director." the following: "The pay plan becomes
- 26 effective only after the plan has been approved by the
- 27 executive council after submission to the council by
- 28 the director."
- 29 12. Page 8, by striking lines 12 through 15.
- 30 13. Page 8, by striking lines 17 and 18.
- 31 14. Page 8, by striking lines 28 through 30.
- 32 15. Page 8, line 39, by inserting after the
- 33 figure "7" the following: "and inserting the
- 34 following:
- 35 "Sec. \_\_\_\_\_. Section 159.20, Code 1987, is amended
- 36 by adding the following new unnumbered paragraph:
- 37 NEW UNNUMBERED PARAGRAPH. The division may engage
- 38 in activities relating to the sale, promotion,
- 39 marketing, and export of farm commodities and value-
- 40 added agricultural products processed in Iowa."
- 41 16. By striking page 8, line 40 through page 9,

42 line 10 and inserting the following:  
 43 "\_\_\_\_\_. Page 65, line 3, by inserting after the  
 44 word "purposes" the following: "after authorization  
 45 by a constitutional majority of each house of the  
 46 general assembly and approval by the governor".  
 47 \_\_\_\_\_. Page 65, line 16, by inserting after the  
 48 word "powers" the following: ", subject to  
 49 authorization and approval required under subsection  
 50 1"."

**Page 2**

1 17. Page 9, by striking lines 18 and 19.  
 2 18. Page 9, by striking lines 38 and 39.  
 3 19. Page 9, by striking lines 44 and 45.  
 4 20. By striking page 9, line 49 through page 10,  
 5 line 1.  
 6 21. Page 10, by striking lines 19 and 20.  
 7 22. Page 10, by striking line 22.  
 8 23. Page 10, by striking lines 25 through 35.  
 9 24. Page 10, by striking line 45  
 10 25. Page 10, by striking line 48.  
 11 26. By striking page 10, line 49 through page 11,  
 12 line 5.  
 13 27. Page 11, by inserting after line 6 the  
 14 following:  
 15 "\_\_\_\_\_. Title, line 9, by inserting after the word  
 16 "modifications," the following: "providing a  
 17 penalty."  
 18 28. Page 11, by striking line 6.  
 19 29. By renumbering, relettering, or redesignating  
 20 and correcting internal references as necessary.

Roll call was requested by Van Camp of Scott and Stromer of Hancock.

Rule 75 was invoked.

On the question "Shall the House concur in the Senate amendment H—4379?" (S.F. 501)

The ayes were, 38:

Adams	Beatty	Bisignano	Black
Branstad	Buhr	Connors	Cooper
Corbett	Corey	Daggett	De Groot
Dvorsky	Eddie	Fogarty	Fuller
Gruhn	Halvorson, R. A.	Hammond	Hatch
Holveck	Hummel	Lageschulte	McKean
McKinney	Muhlbauer	Osterberg	Parker
Pavich	Pellett	Poncy	Renaud
Royer	Running	Sherzan	Spear
Svoboda	Van Camp		

The nays were, 56:

Arnould	Beaman	Bennett	Blanshan
Brammer	Carpenter	Chapman	Clark
Cohoon	Connolly	Diemer	Doderer
Fey	Garman	Groninga	Halvorson, R. N.
Hansen, S. D.	Hanson, D. R.	Harbor	Harper
Hester	Jay	Jochum	Johnson
Knapp	Koenigs	Kremer	Lundby
Maulsby	May	Metcalf	Miller
Mullins	Neuhauser	Norrgard	Ollie
Paulin	Peters	Petersen, D. F.	Peterson, M. K.
Plasier	Renken	Rosenberg	Schnekloth
Schrader	Shoning	Shoultz	Siegrist
Skow	Stromer	Swartz	Tabor
Teaford	Van Maanen	Wise	Mr. Speaker

Absent or not voting, 6:

Haverland	Hermann	Platt	Stueland
Swearingen	Tyrell		

The motion lost and the House refused to concur in the Senate amendment H—4379, to the House amendment.

The House stood at ease at 7:03 p.m., until the fall of the gavel.

The House resumed session at 8:43 p.m., Speaker Avenson in the chair.

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Hermann of Scott, for the remainder of the day, on request of Van Maanen of Mahaska.

### IMMEDIATE MESSAGE (Senate File 501)

Arnould of Scott asked and received unanimous consent that Senate File 501 be immediately messaged to the Senate.

The House stood at ease at 8:45 p.m., until the fall of the gavel.

The House resumed session at 9:30 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-nine members present, twenty-one absent.

## Unfinished Business Calendar

The House resumed consideration of **Senate File 29**, a bill for an act relating to the movement of certain vehicles on the public highways of the state by authorizing the movement of motor homes with an outside width up to eight feet six inches and the movement of mobile homes by transporters, deferred and placed on the unfinished business calendar April 14, 1987 and amendment H—3067 found on page 372 of the House Journal.

Black of Jasper asked and received unanimous consent to withdraw amendment H—3067.

Dvorsky of Johnson offered the following amendment H—4349, filed by him:

H—4349

1 Amend Senate File 29 as amended, passed and  
2 reprinted by the House as follows:  
3 1. Page 1, by inserting before line 7 the  
4 following:  
5 "Sec. \_\_\_\_\_. Section 321.1, subsection 43,  
6 unnumbered paragraph 1, Code 1987, is amended to read  
7 as follows:  
8 "Chauffeur" means a person who operates a motor  
9 vehicle, including a school bus, in the transportation  
10 of persons for wages, compensation or hire, or a  
11 person who operates a truck tractor, road tractor or  
12 any motor truck which is required to be registered at  
13 a gross weight classification exceeding five tons, or  
14 any such motor vehicle exempt from registration which  
15 would be within the gross weight classification if not  
16 so exempt, or a person who operates a motor home in  
17 excess of eight feet in width. A person is not a  
18 chauffeur when the operation of the motor vehicle,  
19 other than a motor home in excess of eight feet in  
20 width or a truck tractor, by the owner or operator is  
21 occasional and merely incidental to the owner's or  
22 operator's principal business."

May of Worth rose on a point of order that amendment H—4349 was not germane.

The Speaker ruled the point well taken and amendment H—4349 not germane.

Black of Jasper offered the following amendment H—3146 filed by him and moved its adoption:

H—3146

1 Amend Senate File 29 as amended, passed and

2 reprinted by the Senate as follows:

- 3 1. Page 1, line 10, by inserting after the word  
4 "that" the following: "a boat being pulled on a boat  
5 trailer or".

Amendment H—3146 lost.

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

On the question "Shall the bill pass?" (S.F. 29)

The ayes were, 70:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Black	Blanshan
Brammer	Clark	Cohoon	Connors
Cooper	Daggett	De Groot	Diemer
Eddie	Fey	Fogarty	Fuller
Garman	Groninga	Gruhn	Halvorson, R. A.
Hammond	Hansen, S. D.	Harbor	Harper
Hatch	Haverland	Hester	Jochum
Johnson	Knapp	Koenigs	Kremer
Lageschulte	Lundby	Maulsby	May
McKinney	Mullins	Ollie	Osterberg
Parker	Paulin	Pavich	Pellett
Peters	Petersen, D. F.	Peterson, M. K.	Renaud
Renken	Rosenberg	Royer	Schnekloth
Schrader	Shoning	Shoultz	Siegrist
Skow	Spear	Stromer	Svoboda
Swartz	Tabor	Teaford	Van Camp
Van Maanen	Mr. Speaker		

The nays were, 23:

Buhr	Carpenter	Chapman	Connolly
Corbett	Corey	Doderer	Dvorsky
Halvorson, R. N.	Hanson, D. R.	Holveck	Hummel
Jay	McKean	Metcalf	Miller
Neuhauser	Norrgard	Plasier	Poncy
Running	Sherzan	Wise	

Absent or not voting, 7:

Branstad	Hermann	Muhlbauer	Platt
Stueland	Swearingen	Tyrrell	

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 669**, a bill for an act relating to intermediate care facilities for the mentally ill, amended by the Senate, and moved that the House concur in the following Senate amendment H — 4370:

H — 4370

- 1 Amend House File 669 as amended, passed and
- 2 reprinted by the House as follows:
- 3 1. Page 1, by striking lines 19 through 21 and
- 4 inserting the following: "and regulations for nursing
- 5 homes established promulgated by the Iowa department
- 6 of public state board of health, in consultation with
- 7 the department of inspections and appeals, whether
- 8 proprietary".

The motion prevailed and the House concurred in the Senate amendment H — 4370.

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

On the question "Shall the bill pass?" (H.F. 669)

The ayes were, 88:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Blanshan	Brammer
Buhr	Carpenter	Chapman	Clark
Cohon	Connolly	Connors	Cooper
Corbett	Corey	Daggett	De Groot
Diemer	Doderer	Dvorsky	Eddie
Fey	Fogarty	Fuller	Garman
Groninga	Gruhn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hansen, S. D.	Harbor	Harper
Hatch	Haverland	Holveck	Hummel
Jay	Jochum	Johnson	Knapp
Koenigs	Kremer	Lageschulte	Lundby
Maulsby	May	McKean	McKinney
Metcalf	Miller	Mullins	Neuhauser
Norrsgard	Ollie	Osterberg	Parker
Paulin	Pavich	Pellett	Peters
Petersen, D. F.	Peterson, M. K.	Poncy	Renaud
Rosenberg	Royer	Running	Schneklath
Schrader	Sherzan	Shoning	Shoultz
Siegrist	Skow	Spear	Stromer
Svoboda	Swartz	Tabor	Teaford
Van Camp	Van Maanen	Wise	Mr. Speaker

The nays were, 2:

Hanson, D. R.      Renken

Absent or not voting, 10:

Black	Branstad	Hermann	Hester
Muhlbauer	Plasier	Platt	Stueland
Swearingen	Tyrrell		

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

**IMMEDIATE MESSAGE**  
(House File 669)

Arnould of Scott asked and received unanimous consent that House File 669 be immediately messaged to the Senate.

**ADOPTION OF THE REPORT OF THE  
CONFERENCE COMMITTEE**  
(House File 671)

Jochum of Dubuque called up for consideration the report of the conference committee on House File 671 as follows:

**REPORT OF THE CONFERENCE COMMITTEE  
ON HOUSE FILE 671**

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 671, a bill for an act relating to and making appropriations to agencies, boards, commissions, departments, and programs of state government for health and human rights, human services, the judicial branch, the department of justice, the department of corrections, the board of parole, the auditor of state, campaign finance, employment services, inspections and appeals, employment relations, and commerce, and providing effective dates, respectfully make the following report:

1. That the Senate recede from its amendment, H—4165, to House File 671, as amended, passed, and reprinted by the House.

2. That House File 671, as amended, passed, and reprinted by the House be amended as follows:

1. Page 2, by striking lines 32 and 33 and inserting the following: "Failure of the commission to meet the performance goal shall not be grounds for legal action against the commission, nor shall it serve as a legislative definition of "prompt" as it is used in section 601A.15, subsection 3, nor shall it serve as a defense in any civil rights case."

2. Page 3, line 10, by inserting after the word "purposes" the following: ", provided that the funds appropriated in this item shall revert to the general fund of the state unless section 601K.128, Code 1987, is repealed by the Seventy-second General Assembly, 1987 Session, and such repeal is approved by the governor".

3. Page 3, line 13, by striking the figure "750,000" and inserting the following: "600,000".

4. Page 3, line 13, by inserting after the word "specified" the following: ", provided that the funds appropriated in this item shall revert to the general fund of the state unless section 601K.128, Code 1987, is repealed by the Seventy-second General Assembly, 1987 Session, and such repeal is approved by the governor".

5. Page 3, lines 14 and 15, by striking the words and figure "two hundred thousand (200,000)" and inserting the following: "fifty thousand (50,000)".

6. Page 6, line 5, by inserting after the word "purposes" the following: ", provided that the funds appropriated in this item shall revert to the general fund of the state unless section 601K.128, Code 1987, is repealed by the Seventy-second General Assembly, 1987 Session, and such repeal is approved by the governor".

7. Page 6, line 12, by inserting after the word "purposes" the following: ", provided that the funds appropriated in this item shall revert to the general fund of the state unless section 601K.128, Code 1987, is repealed by the Seventy-second General Assembly, 1987 Session, and such repeal is approved by the governor".

8. Page 6, line 18, by inserting after the word "purposes" the following: ", provided that the funds appropriated in this item shall revert to the general fund of the state unless section 601K.128, Code 1987, is repealed by the Seventy-second General Assembly, 1987 Session, and such repeal is approved by the governor".

9. Page 6, by striking lines 21 through 25 and inserting the following:

"For salaries and support  
of not more than five and five-  
tenths equivalent positions  
annually, maintenance and miscel-  
laneous purposes, provided that  
the funds appropriated in this  
item shall revert to the general  
fund of the state unless 601K.128,  
Code 1987, is repealed by the  
Seventy-second General Assembly,  
1987 Session, and such repeal is  
approved by the governor, and for  
program administration of juvenile  
justice and victim assistance . . . . . \$ 130,260

Of the funds appropriated in this subsection, no less than thirty-six thousand (36,000) dollars shall be spent for expenses relating to the administration of federal funds for juvenile assistance. It is the intent of the general assembly that the department of human rights employ sufficient staff to meet the federal funding match requirements established by the federal office for juvenile justice delinquency prevention. The governor's advisory council on juvenile justice shall determine the staffing level necessary to carry out federal and state mandates for juvenile justice."

10. Page 6, line 31, by inserting after the word "purposes" the following: ", provided that the funds appropriated in this item shall revert to the general fund of the state unless section 601K.128, Code 1987, is repealed by the Seventy-second General Assembly, 1987 Session, and such repeal is approved by the governor".

11. Page 7, line 3, by inserting after the word "purposes" the following: ", provided that the funds appropriated in this item shall revert to the general fund of the state unless section 601K.128, Code 1987, is repealed by the Seventy-second General Assembly, 1987 Session, and such repeal is approved by the governor".

12. Page 7, by inserting after line 23 the following:

"\_\_\_\_\_. For salaries, support, and maintenance of the elder law education program.....\$95,000".

13. Page 8, line 6, by striking the figure "1,027,195" and inserting the following: "1,077,195".

14. Page 8, by inserting after line 21, the following:

"Of the funds appropriated in this subsection, fifty thousand (50,000) dollars or so much thereof as is necessary, are allocated for a respite care program, administered by the department of elder affairs."

15. Page 8, by inserting after line 29 the following:

"Sec. 150. 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 sum of seventy-five thousand (75,000) dollars, or so much thereof as is necessary, for the purchase and support of a mobile resource center for the elder law education program."

16. Page 9, line 14, by striking the figure "1,327,142" and inserting the following: "1,340,695".

17. Page 12, line 6, by striking the figure "300,000" and inserting the following: "250,000".

18. Page 12, by inserting after line 6, the following:

"As a condition of the funds appropriated in this subsection the health data commission shall compile data from each state that includes the professional education and training requirements, scope of practice and method of insurance reimbursement for each of the health care professions which are licensed in the state of Iowa. The health data commission shall consult with the legislative council for the purposes of this study and shall issue a summary of its findings by December 1, 1987."

19. Page 14, by striking lines 27 and 28 and inserting the following: "prevent duplication of services."

20. Page 19, line 35, by striking the figure "1,100,000" and inserting the following: "700,000".

21. Page 19, by inserting after line 35 the following:

"Sec. \_\_\_\_\_. NEW SECTION. 135.100 ORGAN TRANSPLANT SERVICES.

The Iowa department of public health shall adopt rules which require certificate of need review of organ transplant services which have been or will be performed in or through an institutional health facility at a specific time but which were not performed for that specific organ prior to July 1, 1987. Organ transplant services shall not include transplant services which are routinely performed in the course of ordinary operative procedures in institutional health facilities. Each type of organ transplant shall be considered separately.

Sec. \_\_\_\_\_. NEW SECTION. 142B1 TRANSPLANT POLICY.

1. The department of human services and the Iowa department of public health shall create a thirteen-member commission to develop a written state plan for human organ and tissue transplants in this state and to make recommendations to the general assembly regarding appropriate legislation.

The membership of the commission shall include one member from each of the following organizations or industries, who shall be appointed from names submitted by the insurance industry, health policy corporation of Iowa, Iowa medical society, Iowa osteopathic medical association, and the Iowa nurses association. The Iowa hospital association shall submit the names of three representatives from separate, designated transplant centers. The Iowa department of public health and the department of human services shall jointly appoint a representative from one voluntary nonprofit organization interested in organ transplant procedures and one from the bureau of medical services of the department of human services, and three consumer representatives. The consumer representatives may receive actual expenses incurred as commission members, from funds appropriated to the department of human services.

2. The state plan shall consider policies and procedures for organ and tissue procurement, registration, and distribution, and the distribution plan shall guarantee equal access and availability to donor organs by each center; organ recipient selection criteria; transplant center designation and eligibility; and informed consent and confidentiality. The plan shall also address protocol to be adopted by each licensed hospital for identifying medically suitable organ and tissue donors, for designating and training persons within the hospital to make organ and tissue donor requests, for notifying organ and tissue procurement organizations of donations, and for cooperating in the procurement of the organ and tissue. The plan shall recognize the need for protocol which meets the special circumstances of different hospitals throughout the state and encourages reasonable discretion and sensitivity to family circumstances in all discussions regarding donations of organs and tissues.

3. The state plan shall designate those transplant procedures eligible for reimbursement under Title XIX. It is the policy of this state that Title XIX reimbursement shall be limited to nonexperimental human organ and tissue transplantation procedures and services as provided under Title XVIII of the federal Social Security Act. For the purposes of this section, "nonexperimental human organ and tissue transplantation procedures and services" shall be those so designated by Title XVIII of the federal Social Security Act, and heart transplants and services for patients so long as patient selection policies of the center satisfactorily address the elements of the most recent patient selection guidelines adopted by Title XVIII.

The commission shall adopt the state plan by January 1, 1988, at which time the department of human services shall adopt administrative rules pursuant to chapter 17A to implement the state plan. The Iowa department of public health shall adopt rules addressing organ donor protocols for hospitals. Until such time as such rules are adopted, the department of human services shall adopt emergency rules for reimbursements of transplant services under Title XIX for those procedures defined as nonexperimental under Title XVIII of the federal Social Security Act. For the purposes of this section, "nonexperimental human organ and tissue transplantation procedure and services" shall be those so designated by Title XVIII of the federal Social Security Act, and heart transplants and services for patients so long as patient selection policies of the center satisfactorily address the elements of the most recent patient selection guidelines adopted by Title XVIII.

4. Notwithstanding subsection 2, if federal requirements have the effect of denying equal access to centers, the commission shall modify its plan, and the department of human services shall adopt rules, consistent with the federal requirements.

Sec. \_\_\_\_\_. NEW SECTION. 145.7 TRANSPLANTS.

The commission shall require that the director of public health and the commissioner of human services gather data from appropriate sources regarding human organ and tissue transplant needs and occurrences in the state to assist in ongoing development and review of organ transplant policy."

22. Page 20, by striking lines 1 through 13 and inserting the following:

"Sec. 105. There is appropriated from the separate fund created under section 321J.17 to the family and community health division of the Iowa department of public health for the fiscal year beginning July 1, 1987, and ending June 30, 1988, the amount of fifty-five thousand (55,000) dollars, or so much thereof as is necessary, to pay the costs of medical examinations in crimes of sexual abuse and of treatments for prevention of venereal disease as required by section 709.10."

23. Page 21, by striking lines 10 through 22.

24. Page 21, by inserting before line 23 the following:

"Sec. \_\_\_\_\_. Section 321J.17, Code 1987, is amended to read as follows:

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 section 709.10, 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."

25. Page 21, by striking line 26.

26. Page 22, line 4, by striking the figure "6,900,000" and inserting the following: "6,800,000".

27. Page 24, line 11, by striking the figure "62,208,746" and inserting the following: "62,000,000".

28. Page 29, line 13, by striking the figure "138,291,254" and inserting the following: "138,500,000".

29. Page 29, by inserting after line 25 the following:

"Licensed birth centers or birth centers which receive reimbursement from at least two third-party payors shall be eligible for reimbursement for prenatal, delivery, and postnatal services for women eligible for medicaid."

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

"The department of human services shall develop policies and guidelines to implement on a pilot basis a special case management program for Title XIX enrollees, after reviewing programs in place in other states. The department, in consultation with the legislative fiscal bureau and under monitoring by the fiscal committee of the legislative council, shall develop a methodology to evaluate and compare the effectiveness of the provision of Title XIX services through case management and through health maintenance organizations, in terms of both cost and health outcomes. The evaluation shall continue for at least eighteen months subsequent to the implementation of the programs."

31. Page 31, by inserting after line 33, the following:

"By October 1, 1987, the department shall submit a revised medical assistance plan to the United States department of health and human services for implementation no later than July 1, 1988."

32. Page 33, by inserting after line 6 the following:

"The department shall initiate, on at least a pilot program basis in two counties, outreach services to investigate for potential modification, proceedings all child support orders for aid to dependent children clients whose orders have not been modified within the previous four years. The department shall report to the general assembly on the short-term and long-term cost effectiveness of initiating modification proceedings in the cases where modification proceedings were initiated as a consequence of the investigation and outreach services."

33. Page 33, by striking lines 7 through 15.

34. By striking page 36, line 26 through page 37, line 34 and inserting the following:

"It is the goal of the general assembly that out-of-state placements of children under foster care be reduced by at least fifty percent within the next two years and that standards be established relating to minimum qualifications for out-of-state providers. It is the intent of the general assembly that out-of-state providers not be provided greater reimbursement than is available to in-state providers for similar services initiated after October 1, 1987. It is the goal of the general assembly that out-of-state providers be utilized only when such providers provide specialized services that could not be provided efficiently within the state or where such providers have significant advantages in terms of proximity to family and community support.

The department shall work with the court and with providers of foster care services within the state in developing guidelines to meet this legislative intent.

g. Of the funds appropriated under this section, two hundred thousand (200,000) dollars, or so much thereof as is necessary, may be used to provide supplemental "difficulty of care" per diem rates to providers within the state for their care and treatment of foster care cases that otherwise would have been sent out-of-state. The department shall provide for flexibility in administering this provision and developing such payment differentials, and shall report to the general assembly no later than February 15, 1988 on the manner in which the payment differential has been established and used."

35. Page 43, by striking lines 22 and 23 and inserting the following: "section, there is appropriated from the general fund of the state two hundred thousand (200,000) dollars to provide for partial reimbursement to".

36. Page 43, by inserting after line 25 the following:

"7. As a condition of the appropriation made by this section, there is appropriated from the general fund of the state one hundred thousand (100,000) dollars, or so much thereof as is necessary, to the department of human services for rural mental health services. The division of mental health, mental retardation, and developmental disabilities of the department of human services shall allocate these funds to continue or expand existing special allocation project grants providing outreach services to Iowans affected by the continued rural economic decline. The division shall award these funds to agencies that have participated in the 1988 fiscal year mental health and mental retardation services funds special allocation grant application process."

37. Page 46, by inserting after line 6 the following: "Persons performing service coordination shall be given caseloads no greater than thirty for clients with mental retardation, developmental disabilities, or chronic mental illness."

38. Page 50, by striking lines 3 through 11.

39. Page 52, line 3, by striking the word "fifty-fifth" and inserting the following: "sixty-sixth".

40. Page 52, by striking lines 5 through 9 and inserting the following: "statistical data."

41. Page 53, line 32, by inserting after the figure "211;" the following: "section 213;".

42. Page 55, by inserting after line 24 the following:

"Sec. \_\_\_\_\_. TRANSFERS PROHIBITED. Funds shall not be transferred from specific appropriations made under this division of this Act for specific programs to any other programs."

43. Page 56, line 19, by striking the figure "3,450,000" and inserting the following: "3,500,000".

44. Page 58, by inserting after line 33 the following:

"2. In addition to the funds appropriated in subsection 1, there is appropriated one thousand five hundred (1,500) dollars for an inmate tort claim fund for inmate claims of less than twenty-five dollars. If the fund is exhausted during the fiscal year, sufficient funds shall be transferred from the institutional budgets to pay approved tort claims for the balance of the fiscal year.

The warden or superintendent of each institution or correctional facility shall designate an employee to receive, investigate, and recommend whether to pay any properly filed inmate tort claim for less than the above amount. The designee's recommendation shall be approved or denied by the warden or superintendent and forwarded to the department of corrections for final approval and payment.

Tort claims denied at the institution shall be forwarded to the state appeal board for their consideration as if originally filed with that body.

This procedure shall be used in lieu of chapter 25A for inmate tort claims of less than twenty-five dollars.

3. There is established an inmate population review committee composed of a designee of the governor, the director of the department of corrections or the director's designee, the chairperson of the board of parole or the chairperson's designee, and the co-chairs of the justice system appropriations subcommittee. The co-chairpersons of the justice system appropriations subcommittee shall be responsible for scheduling the first meeting of the committee and the committee shall elect a chairperson at its first meeting. The legislative fiscal bureau shall provide staff support to the committee. The committee shall meet at least every three months to review inmate population statistics, trends, and projections, and shall make recommendations to the governor and the general assembly as it deems appropriate."

45. Page 60, by inserting after line 20 the following:

"6. For a legal assistance program to provide civil legal assistance to inmates in the Iowa correctional system in matters of child custody, bankruptcy, and dissolution of marriage . . . . . \$ 25,000

The department shall determine whether an inmate applying for civil legal assistance is indigent under section 815.9, after submission by the inmate of the detailed financial statement required by that section. The inmate has an affirmative duty to provide all relevant information on the issue of the inmate's indigency to the satisfaction of the department that the inmate is indigent. The department may establish by rule a schedule of charges, on a graduated scale related to income and resources, to be paid by inmates who are not indigent for the provision of civil legal assistance.

The department may establish by rule maximum rates or reasonable compensation for attorneys providing the various categories of civil legal assistance under the program funded by this subsection.

7. For repairs to roofs and related expenses at the eight correctional institutions . . . . . \$ 115,700".

46. Page 64, line 13, by striking the figure "55,885,000" and inserting the following: "55,800,000".

47. Page 64, line 35, by striking the figure "1,800,000" and inserting the following: "1,500,000".

48. Page 65, by striking lines 9 through 13 and inserting the following:

"Sec. 350. A public office providing indigent defense which is in existence on January 1, 1987, shall not be abolished during the period beginning January 1, 1987 and ending June 30, 1988, unless done at the request of the chief judge of the judicial district."

49. Page 68, by inserting after line 21 the following:

"Sec. \_\_\_\_\_. Section 602.1301, subsection 2, paragraph b, Code 1987, is amended to read as follows:

b. Before December 1, the supreme court shall submit to the 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 any change by the governor, the director of management, or any other person in the executive branch, 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.

Sec. \_\_\_\_\_. Section 602.8105, subsection 1, paragraph 1, Code 1987, is amended to read as follows:

1. In criminal cases, the same fees for the same services as in civil cases, to be paid by the county or city, which has the duty to prosecute the criminal action, payable as provided in section 602.8109. When judgment is rendered against the defendant, costs collected from the defendant shall be paid to the county or city which has the duty to prosecute the criminal action to the extent necessary for reimbursement for fees paid. However, the fees which are payable by the county to the clerk of the district court for services rendered in criminal actions prosecuted under state law and in habitual offender actions pursuant to section 321.556, and the court costs taxed in connection with the trial of those criminal actions or appeals from the judgments in those criminal actions are waived."

50. Page 68, by striking lines 27 through 29.

51. Page 70, line 14, by striking the word "eighty" and inserting the following: "eighty-one".

52. Page 70, line 16, by striking the figure "1,669,000" and inserting the following: "1,708,000".

53. Page 70, by inserting after line 16 the following:

"Of the funds appropriated in this subsection, thirty-nine thousand (39,000) dollars, or so much thereof as is necessary, is allocated for the employment of one additional boiler inspector."

54. Page 70, line 20, by striking the word "thirty" and inserting the following: "thirty-two".

55. Page 70, line 22, by striking the figure "980,000" and inserting the following: "1,060,000".

56. Page 73, line 25, by striking the figure "3,233,000" and inserting the following: "3,197,500".

57. By striking page 76, line 26 through page 77, line 6.

58. Page 81, line 4, by inserting after the word "funds," the following: "including funds required for additional personnel,".

59. Page 82, line 7, by inserting after the word "funds," the following: "including funds required for additional personnel,".

60. Page 82, line 34, by striking the word "five" and inserting the following: "six".

61. Page 83, line 11, by inserting after the word "funds," the following: "including funds required for additional personnel,".

62. Page 84, line 15, by inserting after the word "funds," the following: "including funds required for additional personnel,".

63. Page 86, by inserting after line 10 the following:

"Sec. \_\_\_\_\_. Section 10A.106, Code 1987, is amended by adding the following new subsection:

NEW SUBSECTION. 5. Gaming division.

Sec. \_\_\_\_\_. NEW SECTION. 10A.701 GAMING DIVISION.

The gaming division shall combine and coordinate the supervision of pari-mutuel betting and the conducting of games of skill, games of chance, or raffles in the state. The division shall enforce and implement chapters 99B and 99D. The division is headed by the administrator of gaming who shall be appointed pursuant to section 99D.6. The state racing commission shall perform duties within the division as prescribed in chapter 99D."

64. Page 86, by inserting after line 21 the following:

"Sec. \_\_\_\_\_. Section 19A.3, Code 1987, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. Notwithstanding other provisions of this section or the Code to the contrary, those employees or positions within the offices of the elected state officers which were exempt from the merit system provisions of this chapter immediately prior to July 1, 1986, shall be exempt from the merit system provisions of this chapter on and after the effective date of this Act."

65. Page 86, by inserting after line 28 the following:

"Sec. \_\_\_\_\_. Section 99B.10, subsection 1, Code 1987, is amended to read as follows:

1. A prize of ~~cash or merchandise exceeding five dollars in value or cash~~ shall not be awarded for use of the device. However, a mechanical or amusement device may be designed or adapted to award a prize or one or more free games or portions of games without payment of additional consideration by the participant.

Sec. \_\_\_\_\_. Section 135C.2, Code 1987 is amended by adding the following new subsection:

NEW SUBSECTION. 4. The protection and advocacy agency designated in the state, under Pub. L. No. 98-527, the developmental disabilities Act of 1984, and Pub. L. No. 99-319, the protection and advocacy for mentally ill individuals Act of 1986, is recognized as an agency legally authorized and constituted to ensure the implementation of the purposes of this chapter for populations under its authority and in the manner designated by Pub. L. No. 98-527 and Pub. L. No. 99-319 and in the assurances of the governor of the state.

Sec. \_\_\_\_\_. Section 135C.16, subsection 3, Code 1987, is amended to read as follows:

3. An inspector of the department may enter any licensed health care facility without a warrant, and may examine all records pertaining to the care provided residents of the facility. An inspector of the department may contact or interview any resident, employee, or any other person who might have knowledge about the operation of a health care facility. An inspector of the department of human services shall have

the same right with respect to any facility where one or more residents are cared for entirely or partially at public expense, and an investigator of the designated protection and advocacy agency shall have the same right with respect to any facility where one or more residents have developmental disabilities or mental illnesses, and the state fire marshal or a deputy appointed pursuant to section 135C.9, subsection 1, paragraph "b" shall have the same right of entry into any facility and the right to inspect any records pertinent to fire safety practices and conditions within that facility. If any such inspector has probable cause to believe that any institution, building, or agency not licensed as a health care facility is in fact a health care facility as defined by this chapter, and upon producing identification that the individual is an inspector is denied entry thereto for the purpose of making an inspection, the inspector may, with the assistance of the county attorney of the county in which the purported health care facility is located, apply to the district court for an order requiring the owner or occupant to permit entry and inspection of the premises to determine whether there have been any violations of this chapter.

Sec. \_\_\_\_\_. Section 135C.17, Code 1987, is amended to read as follows:

#### 135C.17 DUTIES OF OTHER DEPARTMENTS.

It shall be the duty of the department of human services, state fire marshal, and the officers and agents of other state and local governmental units, and the designated protection and advocacy agency to assist the department in carrying out the provisions of this chapter, insofar as the functions of these respective offices and departments are concerned with the health, welfare, and safety of any resident of any health care facility. It shall be the duty of the department to cooperate with the protection and advocacy agency by responding to all reasonable requests for assistance and information as required by federal law and this chapter.

Sec. \_\_\_\_\_. Section 135C.19, subsection 3, Code 1987, is amended to read as follows:

3. A copy of each citation required to be posted by this subsection shall be sent by the department to the department of human services and to the designated protection and advocacy agency if the facility has one or more residents with developmental disabilities or mental illness.

Sec. \_\_\_\_\_. Section 135C.38, subsection 1, Code 1987, is amended to read as follows:

1. Upon receipt of a complaint made in accordance with section 135C.37, the department or care review committee shall make a preliminary review of the complaint. Unless the department or committee concludes that the complaint is intended to harass a facility or a licensee or is without reasonable basis, it shall within twenty working days of receipt of the complaint make or cause to be made an on-site inspection of the health care facility which is the subject of the complaint. The department may refer to the care review committee of a facility any complaint received by the department regarding that facility, for initial evaluation and appropriate action by the committee. In any case, the complainant shall be promptly informed of the result of any action taken by the department or committee in the matter. The complainant shall also be notified of the name, address, and telephone number of the designated protection and advocacy agency if the alleged violation involves a facility with one or more residents with developmental disabilities or mental illness."

66. Page 92, by inserting after line 1 the following:

"Sec. \_\_\_\_\_. Section 546.2, subsection 3, paragraph d, Code 1987, is amended by striking the paragraph."

67. Page 92, by inserting after line 10 the following:

"Sec. \_\_\_\_\_. Section 546.6, Code 1987, is repealed.

Sec. \_\_\_\_\_. All appropriations from the general fund of the state for the fiscal year beginning July 1, 1987 and ending June 30, 1988 which are enacted by the Seventy-second General Assembly, 1987 Session, and become law and all standing appropriations from the general fund of the state provided by law for the fiscal year beginning July 1, 1987 and ending June 30, 1988 for executive departments and agencies or state programs administered by the executive departments or agencies are reduced by one-tenth of one percent for the fiscal year beginning July 1, 1987 and ending June 30, 1988.

Sec. \_\_\_\_\_. Sections 150, 310, and 350 of this Act, being deemed of immediate importance, take effect upon its enactment."

68. Title page, line 1, by striking the word "and" and inserting the following: "the financing of public agencies and programs by".

69. Title page, line 7, by inserting after the word "commerce," the following: "relating to human organ and tissue transplants, by providing for use of certain funds from a separate fund from civil penalties for certain violations, by providing for the repeal of the division of children, youth, and families in the department of human rights, by transferring the gaming division to the department of inspections and appeals, relating to the protection and advocacy designated in the state, by providing for budget reductions for certain agencies."

ON THE PART OF THE HOUSE:

THOMAS J. JOCHUM, Chair  
MICHAEL K. PETERSON  
TOM SWARTZ

ON THE PART OF THE SENATE:

JOE J. WELSH, Chair  
EMIL J. HUSAK  
RICHARD J. VARN

Hanson of Delaware in the chair at 10:05 p.m.

Speaker Avenson in the chair at 10:20 p.m.

Jochum of Dubuque moved the adoption of the conference committee report and the amendments contained therein, which motion prevailed.

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. 671)

The ayes were, 67:

Adams	Arnould	Beatty	Bisignano
Black	Blanshan	Brammer	Buhr
Chapman	Cphoon	Connolly	Connors
Cooper	Doderer	Dvorsky	Fey

Fogarty	Fuller	Groninga	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Hansen, S. D.
Harper	Hatch	Haverland	Hester
Holveck	Jay	Jochum	Johnson
Knapp	Koenigs	Lageschulte	Lundby
May	McKean	McKinney	Muhlbauer
Mullins	Neuhauser	Norrgard	Ollie
Osterberg	Parker	Pavich	Peters
Peterson, M. K.	Poncy	Renaud	Rosenberg
Running	Schrader	Sherzan	Shoning
Shoultz	Siegrist	Skow	Spear
Svoboda	Swartz	Tabor	Teaford
Van Camp	Wise	Mr. Speaker	

The nays were, 27:

Beaman	Bennett	Carpenter	Clark
Corbett	Corey	Daggett	De Groot
Diemer	Eddie	Garman	Hanson, D. R.
Harbor	Hummel	Kremer	Maulsby
Metcalf	Miller	Paulin	Pellett
Petersen, D. F.	Plasier	Renken	Royer
Schneklath	Stromer	Van Maanen	

Absent or not voting, 6:

Branstad	Hermann	Platt	Stueland
Swearingen	Tyrrell		

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

### MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on May 9, 1987, insisted on its amendment to Senate File 501, a bill for an act relating to the organization and procedures of state government, by making modifications to the authority for and procedures relating to governmental budget and finance administration, by making modifications in the authority for and procedures relating to state personnel administration, by making modifications to the powers, procedures, and structure of certain state governmental agencies, by making adjustments to the 1986 legislation reorganizing state government, by making other related adjustments and modifications, and by providing an effective date, and the members of the conference committee, on the part of the Senate are: The Senator from Dubuque, Senator Carr, Chair; the Senator from Polk, Senator Kinley; the Senator from Story, Senator Bruner; the Senator from Black Hawk, Senator Corning; and the Senator from Marshall, Senator Soorholtz.

JOHN F. DWYER, Secretary

**CONFERENCE COMMITTEE APPOINTED**  
(Senate File 501)

The Speaker announced the appointment of the conference committee to consider the differences between the House and Senate concerning Senate File 501: Blanshan of Greene, Chair; Connors of Polk, Halvorson of Webster, Hanson of Delaware and Shoning of Woodbury.

The House stood at ease at 10:36 p.m., until the fall of the gavel.

The House resumed session at 11:45 p.m., Speaker Avenson in the chair.

**IMMEDIATE MESSAGE**  
(House File 671)

Tabor of Jackson asked and received unanimous consent that House File 671 be immediately messaged to the Senate.

The House stood at ease at 11:46 p.m., until the fall of the gavel.

The House resumed session at 11:51 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 9, 1987, adopted the conference committee report and passed Senate File 511, a bill for an act relating to the organization and procedures of state government, by making modifications to the authority for and procedures relating to governmental budget and finance administration, by making modifications in the authority for and procedures relating to state personnel administration, by making modifications to the powers, procedures, and structure of certain state governmental agencies, by making adjustments to the 1986 legislation reorganizing state government, by making other related adjustments and modifications, and by providing an effective date.

Also: That the Senate has, on May 9, 1987, insisted on its amendment to Senate File 517, a bill for an act appropriating petroleum overcharge funds, and the members of the conference committee, on the part of the Senate are: The Senator from Johnson, Senator Varn, Chair; the Senator from Fayette, Senator Murphy; the Senator from Marion, Senator Dieleman; the Senator from Black Hawk, Senator Lind; and the Senator from Bremer, Senator Jensen.

JOHN F. DWYER, Secretary

**CONFERENCE COMMITTEE APPOINTED**  
(Senate File 517)

The Speaker announced the appointment of the conference committee to consider the differences between the House and Senate concerning Senate File 517: Knapp of Dubuque, chair; Rosenberg of Story, Buhr of Polk, Van Camp of Scott and Diemer of Black Hawk.

ADOPTION OF THE REPORT OF THE CONFERENCE COMMITTEE (Senate File 511)

Jochem of Dubuque called up for consideration the report of the conference committee on Senate File 511 as follows:

REPORT OF THE CONFERENCE COMMITTEE ON SENATE FILE 511

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 511, a bill for an act relating to and making appropriations to agencies, boards, commissions, departments and programs of state government relating to elected officials, the executive council, management, revenue and finance, personnel, general services, economic development, agriculture, natural resources, and education, providing effective dates, and making certain provisions retroactive, respectfully make the following report:

1. That the House recede from its amendment, S-4005, to Senate File 511, as amended, passed, and reprinted by the Senate.

2. That Senate File 511, as amended, passed, and reprinted by the Senate, be amended as follows:

1. Page 1, line 3, by striking the word "Sec." and inserting the following: "Section".

2. Page 1, line 14, by striking the figure "1,308,292" and inserting the following: "1,295,192".

3. Page 4, line 24, by striking the figure "5,108,985" and inserting the following: "4,963,985".

4. Page 5, line 19, by striking the figure "1,639,067" and inserting the following: "1,583,067".

5. Page 7, by inserting after line 22 the following:

"Sec. \_\_\_\_\_. There is appropriated from the general fund of the state to the department of general services for each fiscal year in the fiscal period beginning July 1, 1988 and ending June 30, 1990, the sum of three million (3,000,000) dollars, or so much thereof as is necessary, to be used for capitol complex construction and renovation."

6. Page 7, line 35, by striking the figure "3,076,213" and inserting the following: "3,045,213".

7. By striking page 9, line 15 through page 10, line 1 and inserting the following:

"For salaries and support for not more than six hundred thirteen point twenty-eight full-time equivalent positions, maintenance, and miscellaneous purposes ..... \$17,316,998".

8. Page 11, line 13, by inserting before the word "provided" the following:

"and for program administration of justice assistance funds, the statistical analysis center, and highway safety grant funds,".

9. Page 11, line 19, by striking the figure "1,364,905" and inserting the following: "1,354,464".

10. By striking page 11, line 23 through page 12, line 6.

11. Page 12, line 21, by striking the word "two" and inserting the following: "one".

12. Page 12, line 22, by striking the figure "2,475,000" and inserting the following: "1,475,000".

13. Page 12, line 24, by inserting after the figure "422.100." the following: "Notwithstanding section 422.100, all of the funds allocated to the counties from the moneys and credits replacement fund during the fiscal year beginning July 1, 1987 and ending June 30, 1988, shall be allocated to cities as required by law by the county treasurer."

14. Page 13, by striking lines 15 through 22.

15. Page 13, by striking lines 27 and 28 and inserting the following: "thirty-four million seven hundred sixty-three thousand six hundred fifty-seven (34,763,657) dollars, or so much thereof as".

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

"\_\_\_\_\_. The funds allocated to the state board of regents for faculty salary adjustments at the three state universities shall be distributed based on an amount necessary to fund an eleven percent increase in the faculty salaries after funds received from increased tuition, less the amount committed to student aid, have been allocated for that purpose."

17. Page 15, lines 8 through 11, by striking the words "in the same proportion that the payroll for each individual program for the fiscal year ending June 30, 1987 is to the annual payroll for all programs for that fiscal year".

18. Page 15, by inserting after line 13 the following:

"Sec. 121A. 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 general services the sum of four million two hundred fifty thousand (4,250,000) dollars, or so much thereof as is necessary, of which seven hundred fifty thousand (750,000) dollars shall be allocated to the historical division of the department of cultural affairs to equip the new historical building with the remainder to be used for capitol complex construction and renovation.

Notwithstanding section 8.33, funds appropriated by this section which are unexpended or unencumbered shall carry forward to the fiscal year beginning July 1, 1987 for the same purpose as originally appropriated."

19. Page 15, by inserting after line 24 the following:

"Sec. \_\_\_\_\_. CRIMINAL AND JUVENILE JUSTICE PLANNING AGENCY – STUDY.

The legislative fiscal bureau shall conduct a study and evaluation of the criminal and juvenile justice planning agency within the department of management and shall report its findings to the general assembly. The study and evaluation shall include a review of the following:

1. The appropriate organization and location of the agency.

2. The agency's progress in meeting the requirements of chapter 80C.
3. The coordination and expenditure of federal justice-related grant moneys.
4. The activity of the criminal and juvenile justice advisory council.
5. The staffing pattern and needs of the agency.
6. Assistance provided by the agency to state and local units of government.
7. Other relevant issues identified by the legislative council or the legislative fiscal bureau."

20. Page 17, by inserting after line 22 the following:

"Sec. \_\_\_\_\_. Section 8.21, Code 1987, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. The governor shall transmit to the general assembly not later than seven days following delivery of the budget message to the general assembly the final bill drafts of the governor's proposed budget expenditures. The bill drafts shall be written in the bill drafting form adopted by the legislative council.

Sec. \_\_\_\_\_. 12.40 TARGETED SMALL BUSINESS LINKED DEPOSIT PROGRAM.

The treasurer of state shall adopt rules to implement a targeted small business linked deposit program to increase the availability of lower cost funds to inject needed capital into small businesses owned and operated by women or minorities, which is the public policy of the state. The rules shall be in accordance with the following:

1. "Targeted small business" means a business as defined in section 220.111, subsection 1.
2. A linked deposit shall only be approved in connection with a loan application for a targeted small business which has been certified pursuant to section 15.108, subsection 7, paragraph "c", subparagraph (4).
3. Loan applications for a targeted small business shall be for the purchase of land, machinery, equipment, or licenses, or patent, trademark, or copyright fees and expenses, but not inventory.
4. The maximum size of a targeted small business loan is one hundred thousand dollars per borrower for intangible property and two hundred fifty thousand dollars per borrower for tangible personal or real property.

Sec. \_\_\_\_\_. NEW SECTION. 12.41 IOWA SATISFACTION AND PERFORMANCE BOND PROGRAM.

Agencies of state government shall be required to waive the requirement of satisfaction or performance bonds for targeted small businesses which are able to demonstrate the inability of securing such a bond because of a lack of experience. This waiver shall not apply to businesses with a record of repeated failure of substantial performance or material breach of contract in prior circumstances. The waiver shall be applied only to a project or individual transaction amounting to fifty thousand dollars or less, notwithstanding section 573.2. In order to qualify, the targeted small business shall provide written evidence to the department of economic development that the bond would otherwise be denied the business. The granting of the waiver shall in no way

relieve the business from its contractual obligations and shall not preclude the state agency from pursuing any remedies under law upon default or breach of contract. The department of economic development shall certify targeted small businesses for eligibility and participation in this program and shall make this information available to other state agencies. Subdivisions of state government may also grant such a waiver under similar circumstances.

21. Page 17, by inserting after line 34 the following:

"Sec. \_\_\_\_\_. Section 18.134, Code 1987, is amended to read as follows:

**18.134 LIMITATION OF COMMUNICATIONS.**

The department of general services shall not provide or resell communications services to entities other than state agencies. A political subdivision receiving communications services from the state as of April 1, 1986 may continue to do so ~~until January 1, 1988~~ but communications services shall not be provided or resold to additional political subdivisions. The rates charged to the political subdivision shall be the same as the rates charged to state agencies."

22. Page 18, by inserting after line 27 the following:

"Sec. \_\_\_\_\_. Section 422.45, Code 1987, is amended by adding the following new subsection:

**NEW SUBSECTION.** The gross receipts from the sale of tangible personal property which will be given as prizes to players in games of skill, games of chance, raffles, and bingo games as defined in chapter 99B."

23. Page 19, line 11, by striking the figure "774,611" and inserting the following: "944,285".

24. Page 19, by striking lines 12 through 14.

25. Page 19, line 30, by striking the word "thirty-two" and inserting the following: "forty-one".

26. Page 19, line 35, by striking the word "twenty-two" and inserting the following: "twenty-three".

27. Page 20, line 2, by striking the figure "955,842" and inserting the following: "705,842".

28. Page 20, by striking lines 10 through 14.

29. Page 20, line 24, by striking the figure "674,472" and inserting the following: "593,578".

30. Page 21, line 3, by striking the words "eighty-six point seventy-four" and inserting the following: "eighty-eight point zero five".

31. Page 21, line 7, by striking the figure "4,334,184" and inserting the following: "4,269,334".

32. Page 21, by inserting after line 7 the following:

"The full-time equivalent positions authorized in this paragraph include four full-time equivalent positions for projects authorized in House File 631 regarding agricultural drainage wells and sinkholes."

33. Page 21, line 16, by striking the figure "6,616,519" and inserting the following: "6,546,519".

34. Page 22, by striking lines 12 through 15.

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

"6. It is the intent of the general assembly that the department of agriculture and land stewardship, in its operation of the agricultural marketing program, shall conform its activities to the mission, goals, and objectives provided in this subsection and collect information pertaining to performance measures developed by the legislative fiscal bureau. The department shall provide a report at least quarterly to the legislative fiscal bureau and the co-chairpersons and ranking members of the agriculture and natural resources appropriations subcommittee on the performance measures. The department shall be notified by the legislative fiscal bureau by July 1, 1987 of the specific performance measures for which data shall be collected and reported.

The department shall operate an agricultural marketing program designed to lead to more advantageous marketing of Iowa agricultural products to accomplish the following objectives:

a. Investigate the subject of marketing agricultural products and recommend efficient and economical methods of marketing.

b. Promote the sales, distribution, and merchandising of agricultural products to be indicated by the number of trade or sales leads originated through the agricultural marketing programs, by the number of Iowa companies represented at trade shows, and by the number of out-of-state buyers contacted through trade shows and other promotional events.

c. Furnish information and assistance to the public concerning the marketing of agricultural products to be indicated by the number of Iowa companies that receive counseling or assistance.

d. Cooperate with the college of agriculture of Iowa State University of science and technology in farm marketing education and research and avoid unnecessary duplications to be indicated by the number of meetings with the university staff to discuss marketing research and education and number and type of recommendations generated from these meetings.

e. Gather and diffuse useful information concerning all phases of the marketing of Iowa farm products in cooperation with other public and private agencies.

f. Ascertain sources of supply of Iowa agricultural products and prepare and publish from time to time lists of names and addresses of producers and consignors and furnish lists to persons applying for them to be indicated by the number of potential out-of-state buyers that receive the list of Iowa suppliers.

g. Aid in the promotion and development of the agricultural processing industry in the state to be indicated by the number of trade or sales leads originated through the agricultural marketing programs, the number of Iowa companies represented at trade shows, the number of out-of-state buyers contacted through trade shows and other promotional events, and the number of Iowa companies meeting with out-of-state buyers brought to Iowa as part of the agricultural marketing programs."

36. Page 29, line 9, by inserting after the word "resources" the following: "for the fiscal year beginning July 1, 1986 and ending June 30, 1987,".

37. Page 29, by inserting after line 16 the following:

"Notwithstanding section 8.33, funds appropriated by this section which remain unexpended or unencumbered on June 30, 1987 shall not revert to the general fund of the state.

Sec. \_\_\_\_\_. There is appropriated from the general fund of the state to the department of natural resources for the fiscal year beginning July 1, 1987 and ending June 30, 1988, the sum of forty thousand (40,000) dollars, or so much thereof as is necessary, to conduct a feasibility study of constructing a dam at Pine Lake state park.

Sec. 207A. Notwithstanding section 8.33, of the funds appropriated to the horticultural division of the department of agriculture and land stewardship by 1986 Iowa Acts, chapter 1246, section 501, subsection 1, paragraph "e", which would otherwise revert to the general fund, fifteen thousand (15,000) dollars, or so much thereof as necessary, shall carry over and be used by the department to conduct a pilot project providing federal special supplemental food program recipients with coupons redeemable at farmers markets. The department shall adopt rules governing the project.

Sec. 207B. There is appropriated from the general fund of the state to the department of agriculture and land stewardship for the fiscal year beginning July 1, 1986 and ending June 30, 1987, the sum of two hundred fifty thousand (250,000) dollars, or so much thereof as may be necessary, for the farm commodity division to be used to pay initial costs of establishing the Iowa agricultural export trading company. Moneys appropriated under this section may be used for salaries and support for not more than four full-time equivalent positions. These full-time equivalent positions are included in the farm commodity division total in section 201, subsection 2, paragraph "a", of this Act.

Notwithstanding section 8.33, moneys which remain unobligated or unencumbered for the purposes provided in this section for the fiscal year beginning July 1, 1986 and ending June 30, 1987 shall remain available for expenditure by the department of agriculture and land stewardship for the purposes specified for the fiscal year beginning July 1, 1987 and ending June 30, 1988.

The moneys appropriated in this section shall revert to the general fund of the state upon successful completion of the public stock offering of the Iowa agricultural export trading company as required by Senate File 274.

Sec. 207C. 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 agriculture and land stewardship the sum of one hundred twenty-five thousand (125,000) dollars for startup funding for the Iowa grain quality program. Moneys appropriated in this section may be used for salaries and support for one full-time equivalent position.

Notwithstanding section 8.33, the funds which remain unobligated or unencumbered for the purposes provided in this section for the fiscal year beginning July 1, 1986 and ending June 30, 1987 shall remain available for expenditure by the department of agriculture and land stewardship for the purposes specified in the fiscal year beginning July 1, 1987 and ending June 30, 1988."

38. Page 31, by inserting after line 8 the following:

"Sec. \_\_\_\_\_. The natural resources commission shall not authorize the reconstruction of the bridge over the canal at Black Hawk state park.

Sec. \_\_\_\_\_. Of the appropriations made from the jobs now account of the Iowa plan fund, under section 99E.32, subsection 3, paragraph "a", to the department of natural resources for the fiscal year beginning July 1, 1987, at least two hundred fifty thousand dollars shall be used for grants-in-aid to county conservation boards; two hundred fifty thousand dollars shall be used, only if federal funds are available, for acquisition and development of facilities under the western trails historical project; two hundred fifty thousand dollars for the Union Grove lake restoration development project; forty thousand dollars for the A. A. Call state park restoration project; fifteen thousand dollars for bike and recreational trail development projects in the greenbelt area located in or near the Iowa river corridor; one hundred sixty-five thousand dollars to Marshall county conservation board for restoration work including dam repair at Green Castle lake; one hundred thousand dollars for the civilian conservation corps museum and memorial at Backbone state park; and thirty-five thousand dollars for additional acquisition at Maquoketa caves park.

Sec. 231A. There is appropriated from the general fund of the state to the Iowa agricultural development authority for the fiscal year beginning July 1, 1986 and ending June 30, 1987, the amount of five million (5,000,000) dollars, or so much thereof as is necessary, to be used for providing assistance to Iowa farmers under and through the agricultural loan assistance programs. Not more than one hundred fifty thousand (150,000) dollars, or so much thereof as is necessary, shall be used for general administration, including salaries, support, maintenance, and miscellaneous purposes.

Not more than one-half of the funds appropriated shall be committed for grants pursuant to agreements under section 175.35 entered into on or after April 1, 1987 but before October 1, 1987. Notwithstanding section 8.33, moneys appropriated by this section which are committed for grants pursuant to agreements under section 175.35 entered into on or after April 1, 1987 but before October 1, 1987, shall not revert to the general fund of the state.

Not more than one-half of the funds appropriated shall be committed for assistance, training, and management programs for agricultural producers under the program established in House File 626, enacted by the Seventy-second General Assembly, 1987 Session. Notwithstanding section 8.33, the moneys appropriated for assistance, training, and management programs for agricultural producers under this section which are committed pursuant to agreements under House File 626 and entered into between April 1, 1987 and June 30, 1989 shall not revert to the general fund of the state.

If House File 626 does not become law, the moneys allocated for that program under this section shall be used for grants pursuant to agreements under section 175.35."

39. Page 32, by inserting after line 13 the following:

"Sec. \_\_\_\_\_. Section 173.1, Code 1987, is amended by striking the section and inserting in lieu thereof the following:

#### 173.1 STATE FAIR AUTHORITY.

The Iowa state fair authority is established as a public instrumentality of the state. The authority is not an agency of state government. However, the authority is considered a state agency and its employees state employees for the purposes of chapter 17A, the merit system provisions of chapter 19A, and chapters 20, 25A, 91B, 97B, and

509A. The authority is established to conduct an annual state fair and exposition on the Iowa state fairgrounds and to conduct other interim events consistent with its rules. The powers of the authority are vested in the Iowa state fair board. The Iowa state fair board consists of 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.

2. One director from each congressional district and three directors at large, to be elected at a convention as provided in section 173.2.

3. A president and vice president to be elected by the state fair board from the nine elected directors.

4. A secretary and a treasurer to be elected by the board, and who shall be non-voting members.

Sec. \_\_\_\_\_. Section 173.9, Code 1987, is amended by striking the section and inserting in lieu thereof the following:

#### 173.9 SECRETARY.

The board shall appoint a secretary who shall hold office for one year. The secretary shall:

1. Administer the policies set by the board.

2. Employ other employees and agents as the secretary deems necessary for carrying out the policies of the board and to conduct the affairs of the state fair. The secretary may fix the duties and compensation of any employees or agents with the approval of the board.

3. Keep a complete record of the annual convention and of all meetings of the board.

4. Draw all warrants on the treasurer of the board and keep a correct account of them.

5. Perform other duties as the board directs.

Sec. \_\_\_\_\_. Section 173.10, Code 1987, is amended to read as follows:

#### 173.10 SALARY OF SECRETARY.

The secretary shall receive such ~~the~~ salary as fixed by the ~~general assembly board~~.

Sec. \_\_\_\_\_. Section 173.14, Code 1987, is amended by striking the section and inserting in lieu thereof the following:

#### 173.14 FUNCTIONS OF THE BOARD.

The state fair board has the custody and control of the state fairgrounds, including the buildings and equipment on it belonging to the state, and may:

1. Hold an annual fair and exposition on those grounds. All revenue generated by the fair and any interim uses shall be retained solely by the board.

2. Prepare premium lists and establish rules of exhibitors for the fair which shall be published by the board not later than sixty days prior to the opening of the fair.

3. Grant a written permit to persons as it deems proper to sell fruit, provisions, and other lawful articles under rules the board prescribes.

4. Appoint security personnel as the president deems necessary.

5. Take and hold property by gift, devise, or bequest for fair purposes. The president, secretary, and treasurer of the board shall have custody and control of the property, subject to the action of the board. Those officers shall give bonds as required in the case of executors, to be approved by the board and filed with the secretary of state.

6. Erect and repair buildings on the grounds and make other necessary improvements.

7. Grant written permission to persons to use the fairgrounds when the fair is not in progress.

8. Take, acquire, hold, and dispose of property by deed, gift, devise, bequest, lease, or eminent domain. The title to real estate acquired under this subsection and improvements 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 board. In the exercise of the power of eminent domain the board shall proceed in the manner provided in chapters 471 and 472.

9. Solicit and accept contributions from private sources for the purpose of financing and supporting the fair.

10. Make an agreement with the Iowa highway safety patrol to provide for security during the annual fair and exposition and interim events.

Sec. \_\_\_\_ NEW SECTION. 173.14A GENERAL CORPORATE POWERS OF THE AUTHORITY.

The authority has all of the general corporate powers needed to carry out its purposes and duties, and to exercise its specific powers including, but not limited to, the power to:

1. Issue its negotiable bonds and notes as provided in this chapter.

2. Sue and be sued in its own name.

3. Have and alter a corporate seal.

4. Make and alter bylaws for its management consistent with this chapter.

5. Make and execute agreements, contracts, and other instruments, with any public or private entity.

6. Accept appropriations, gifts, grants, loans, or other aid from public or private entities.

7. Make, alter, and repeal rules consistent with this chapter, subject to chapter 17A.

Sec. \_\_\_\_ NEW SECTION. 173.14B BONDS AND NOTES.

1. The board may issue and sell negotiable revenue bonds of the authority in denominations and amounts as the board deems for the best interests of the fair, for any of the following purposes after authorization by a constitutional majority of each house of the general assembly and approval by the governor:

- a. To acquire real estate to be devoted to uses for the fair.
- b. To pay any expenses or costs incidental to a building or repair project.
- c. To provide sufficient funds for the advancement of any of its corporate purposes.

2. The board may issue negotiable bonds and notes of the authority in principal amounts which are necessary to provide sufficient funds for achievement of its corporate purposes, the payment of interest on its bonds and notes, the establishment of reserves to secure its bonds and notes, and all other expenditures of the board incident to and necessary or convenient to carry out its purposes and powers, subject to authorization and approval required under subsection 1. However, the total principal amount of bonds and notes outstanding at any time shall not exceed one hundred fifty million dollars. The bonds and notes are deemed to be investment securities and negotiable instruments within the meaning of and for all purposes of the uniform commercial code.

3. Bonds and notes are payable solely out of the moneys, assets, or revenues of the authority 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 its political subdivisions other than the authority within the meaning of any constitutional or statutory debt limitations, but are special obligations of the authority payable solely from sources provided in this chapter, and the authority shall not pledge the credit or taxing power of this state or its political subdivisions other than the authority or make its debts payable out of any moneys except those of the authority.

4. Bonds shall:

a. State the date and series of the issue, be consecutively numbered, and state on their face that they are payable both as to principal and interest solely out of the assets of the authority and do not constitute an indebtedness of this state or its political subdivisions other than the authority within the meaning of any constitutional or statutory debt limit.

b. Be either registered, registered as to principal only, or in coupon form, issued in denominations as the board prescribes, fully negotiable instruments under the laws of this state, signed on behalf of the authority with the manual or facsimile signature of the president or vice president, attested by the manual or facsimile signature of the secretary, have impressed or imprinted on it the seal of the authority or facsimile of it, and coupons attached shall be signed with the facsimile signature of the president or vice president, be payable as to interest at rates and at times as the authority determines, be payable as to principal at times over a period not to exceed fifty years from the date of issuance, at places and with reserved rights of prior redemption, as the board prescribes, be sold at prices, at public or private sale, and in a manner as the board prescribes, and the board may pay all expenses, premiums, and commissions which it deems necessary or advantageous in connection with the issuance and sale; and be issued subject to the terms, conditions, and covenant providing for the payment of the principal, redemption premiums, if any, interest, and other terms, conditions, covenants, and protective provisions safeguarding payment, not inconsistent with this chapter, as are found to be necessary by the board for the most advantageous sale, which may include, but are not limited to, covenants with the holders of the bonds as to those matters set forth in section 220.26, subsection 4, paragraph "b".

5. The board may issue bonds of the authority for the purpose of refunding any bonds or notes of the authority then outstanding, including the payment of any redemption premiums and any interest accrued or to accrue to the date of redemption of the outstanding bonds or notes. Until the proceeds of the bonds issued for the purpose of refunding outstanding bonds or notes are applied to the purchase or retirement of outstanding bonds or notes or the redemption of outstanding bonds or notes, the proceeds may be placed in escrow and be invested and reinvested in accordance with this chapter. The interest, income, and profits earned or realized on an investment may also be applied to the payment of the outstanding bonds or notes to be refunded by purchase, retirement, or redemption. After the terms of the escrow have been fully satisfied and carried out, any balance of proceeds and interest earned or realized on the investments may be returned to the authority for use by it in any lawful manner. All refunding bonds shall be issued and secured and subject to this chapter in the same manner and to the same extent as other bonds.

6. The board may issue negotiable bond anticipation notes of the authority and may renew them from time to time but the maximum maturity of the notes, including renewals, shall not exceed ten years from the date of issue of the original notes. Notes are payable from any available moneys of the authority not otherwise pledged or from the proceeds of the sale of bonds in anticipation of which the notes were issued. Notes may be issued for any corporate purpose of the authority. Notes shall be issued in the same manner as bonds and notes and the resolution of the board may contain any provisions, conditions, or limitations, not inconsistent with this subsection, which the bonds or a bond resolution of the board may contain. Notes may be sold at public or private sale. In case of default on its notes or violation of any obligations of the authority to the noteholders, the noteholders have all the remedies provided in this chapter for bondholders. Notes shall be as fully negotiable as bonds of the authority.

7. A copy of each pledge agreement by or to the authority, including without limitation each bond resolution, indenture of trust, or similar agreement, or any revisions or supplements to it shall be filed with the secretary of state and no further filing or other action under article 9 of the uniform commercial code or any other law of the state is required to perfect the security interest in the collateral or any additions to it or substitutions for it, and the lien and trust so created is binding from and after the time it is made against all parties having claims of any kind in tort, contract, or otherwise against the pledgor.

8. Members of the board and any person executing the authority's bonds, notes, or other obligations are not liable personally on the bonds, notes, or other obligations or subject to personal liability or accountability by reason of the issuance of the authority's bonds or notes.

9. The board shall publish a notice of intention to issue bonds or notes in a newspaper published and of general circulation in the state. The notice shall include a statement of the maximum amount of bonds or notes proposed to be issued, and in general, what net revenues will be pledged to pay the bonds or notes and interest on them. An action shall not be brought questioning the legality of the bonds or notes, the power of the board to issue the bonds or notes, or the legality of any proceedings in connection with the authorization or issuance of the bonds or notes after sixty days from the date of publication of the notice.

Sec. \_\_\_\_\_. Section 173.16, Code 1987, is amended to read as follows:

## 173.16 MAINTENANCE OF STATE FAIR.

All expenses incurred in maintaining the state fairgrounds and in conducting the annual fair ~~thereon on it~~, including the compensation and expenses of the officers, members, and employees of the board, shall be recorded by the secretary and paid from the state fair receipts, unless a specific appropriation has been provided for such that purpose. An individual member of the state fair board shall not be personally liable because of any act performed or debt created by action of the board in carrying out the purposes and provisions of this chapter. The board may request special capital improvement appropriations from the state and may request emergency funding from the executive council for natural disasters. The board may request that the department of transportation provide maintenance in accordance with section 307A.2, subsection 11.

Sec. \_\_\_\_\_. Section 173.21, unnumbered paragraph 1, Code 1987, is amended to read as follows:

The state fair board shall file with the governor each year at the time provided by law make by February 15 a report to the governor containing the following information relative to the state fair and exposition and the district and county fairs:

Sec. \_\_\_\_\_. NEW SECTION. 173.23 LIEN ON PROPERTY.

The board has a prior lien upon the property of any concessionaire, exhibitor, or person, immediately upon the property being brought onto the grounds, to secure existing or future indebtedness.

Sec. \_\_\_\_\_. NEW SECTION. 173.24 EXEMPTION OF STATE FAIR BY THE STATE'S PURCHASING PROCEDURES.

The state fair is exempt from the state system of uniform purchasing procedures. However, the board may contract with the department of general services to purchase any items through the state system. The board shall adopt its own system of uniform standards and specifications for purchasing.

Sec. \_\_\_\_\_. STATE FAIR BOARD — BONDS AND NOTES. The Iowa state fair board shall conduct a study and file its recommendations with the general assembly by January 15, 1988. The study shall examine whether the cultural and exposition objectives of the state fair would, in the long term, be better served by a relocation of the state fairgrounds and by the development of more multipurpose buildings on a new or the present fairgrounds.

Only fifteen million dollars of the bonds and notes authorized by section 173.14B, as enacted in this Act, may be issued before and by January 15, 1988."

## 40. Page 32, by inserting after line 28 the following:

"As a condition of the appropriation made in this subsection, the department shall enter into a 28E agreement with the state board of regents for purposes of insuring, to the greatest extent possible, that research conducted at institutions under the control of the state board of regents may be developed and marketed by Iowa businesses.

The department and the cooperative extension service in agriculture and home economics of the Iowa State University of science and technology shall enter into an agreement under chapter 28E that provides a procedure for coordinating the economic development activities of the department with the economic development activities of the cooperative extension service in agriculture and home economics of the Iowa State University of science and technology."

41. Page 33, line 31, by striking the word "Of".

42. By striking page 33, line 32 through page 34, line 4.

43. Page 34, by striking line 5 and inserting the following:

"As a condition of funds appropriated under this subsection, fifteen".

44. Page 34, line 7, by striking the word "may" and inserting the following: "shall".

45. Page 34, by striking line 13 and inserting the following:

"As a condition of funds appropriated under this subsection, twenty".

46. Page 34, line 15, by striking the word "may" and inserting the following: "shall".

47. Page 34, by inserting after line 19 the following:

"As a condition of funds appropriated under this subsection, one hundred twenty-five thousand (125,000) dollars, or so much thereof as is necessary, shall be used by the historical division of the department of cultural affairs to acquire by negotiated sale part of the land encompassing the Blood Run national historic landmark in Lyon county, Iowa.

As a condition of funds appropriated by this subsection, one hundred thousand (100,000) dollars, or so much thereof as is necessary, shall be used by the department of economic development for professional preparation of a statewide tourism development, marketing, and information delivery plan covering needs and opportunities for the period 1988 through 1992 and for implementation of the initial phases of the plan.

As a condition of funds appropriated by this subsection, seventy-five thousand (75,000) dollars, or so much thereof as is necessary, shall be used for state aid, distributed equally to three tourism regions for planning and operations of regional and local tourism development programs."

48. Page 34, by striking lines 26 through 29.

49. Page 37, by inserting after line 31 the following:

Sec. \_\_\_\_\_. State departments or agencies handling or in charge of the community economic betterment account of the Iowa plan fund, the RISE fund, the jobs training programs under chapters 7B, 280B, and 280C, and other funds or programs for providing assistance to business in furtherance of economic development shall not provide assistance from those funds or under those programs until the department or agency has studied the effect of such assistance on the competitiveness of the business compared with existing businesses and the potential for the displacement of jobs from other businesses in the state.

In determining which businesses are to receive the assistance from these funds or programs, consideration should be given to the quality of jobs to be provided. Jobs that have a higher wage scale, have a lower turnover rate, are full-time, or are career-type positions are considered higher in quality. When the assistance is in the form of grants, businesses that have wage scales substantially below that of existing Iowa businesses should be rated as providing the lowest quality of jobs and should therefore be given the lowest ranking for providing such assistance."

50. Page 38, by inserting after line 27 the following:

"Sec. 302A. There is appropriated from the general fund of the state to the department of economic development for the fiscal year beginning July 1, 1986 and ending June 30, 1987, the sum of two hundred eighty-five thousand (285,000) dollars, or so much thereof as may be necessary, to be used for tourism and marketing purposes.

Notwithstanding section 8.33, moneys which remain unobligated or unencumbered for the purposes provided in this section on June 30, 1987 shall remain available for expenditure by the department of economic development during the fiscal year beginning July 1, 1987 for the purposes specified.

Sec. 302B. Notwithstanding section 8.33, moneys appropriated pursuant to 1986 Iowa Acts, chapter 1246, section 1, subsection 6, to the department of economic development for the establishment and maintenance of an export finance program for the fiscal year beginning July 1, 1986 and ending June 30, 1987, which remain unexpended or unencumbered shall carry forward to the fiscal year beginning July 1, 1987 and ending June 30, 1988, to be used for the same purpose as originally appropriated."

51. Page 39, by inserting after line 26 the following:

"Sec. \_\_\_\_\_. NEW SECTION. 15.110 TARGETED SMALL BUSINESS LOAN AND EQUITY GRANT PROGRAM.

A targeted small business loan and equity grant program is established within the Iowa department of economic development. The director shall adopt rules establishing the standards and procedures for distributing grants, providing loans, buying down the interest on loans, or buying down the principal on loans for newly created small businesses. The total amount of assistance to any one business shall not exceed five thousand dollars. Standards shall give top priority to applicants who establish targeted small businesses in industries or fields for which no targeted small business has been certified pursuant to section 15.108, subsection 7, paragraph "c", subparagraph (4).

Sec. \_\_\_\_\_. Section 15.241, Code 1987, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. The department may provide grants of not more than five thousand dollars under the program, if the grants are used to secure additional financing from private sources. The department may provide a service fee to financial institutions for administering loans provided under this section.

Sec. \_\_\_\_\_. Notwithstanding section 28.120, subsection 6, twenty percent of the loan repayments received by the department of economic development under that section shall be deposited in the revolving loan fund to operate the self-employment loan program as established in section 15.241. Not more than twenty-five percent of the funds may be used to administer the program, and not less than fifty percent of the grants or loans provided under the program shall go to targeted small businesses as defined in section 15.102. It is the intent of the general assembly that the department of economic development coordinate the activity of the self-employment loan program with the small business development centers, satellite centers, area community colleges, and other technical assistance providers, and with the self-sufficiency programs established in 1987 Iowa Acts, House File 671, under the department of human rights and the department of human services."

52. Page 40, line 17, by striking the word "forty-six" and inserting the following: "forty-eight".

53. Page 40, line 25, by striking the word "ninety-four" and inserting the following: "one hundred".

54. Page 41, line 5, by striking the figure "100,000" and inserting the following: "60,000".

55. Page 42, by striking lines 9 through 12.

56. Page 43, by striking lines 9 and 10 and inserting the following: "not more than one hundred twenty-one full-time equiva-".

57. Page 43, line 12, by striking the figure "5,300,708" and inserting the following: "5,150,708".

58. Page 43, by striking line 17 and inserting the following: "program established by law, four hundred thousand (400,000)".

59. Page 43, by striking line 21 and inserting the following: "programs, and one hundred thousand (100,000) dollars to".

60. Page 43, line 22, by striking the words "the state board of regents" and inserting the following: "institutions of higher education".

61. Page 43, line 24, by inserting after the word "students." the following: "Of the moneys appropriated for the summer residence program under this subsection, an amount not exceeding twenty-five thousand (25,000) dollars shall be used to support existing law-related education centers for training seminars and workshops in law-related education, summer institutes relating to law-related education methodology and substance, and mock trial competitions for junior and senior high school students."

62. Page 45, by striking lines 10 through 13.

63. Page 46, line 11, by striking the word "seven" and inserting the following: "eight".

64. Page 46, by inserting after line 14 the following:

" \_\_\_\_\_ EDUCATIONAL AID TO  
 AMERICAN INDIANS  
 For educational aid to  
 American Indians under sec-  
 tion 256.30 ..... \$100,000".

65. Page 48, by striking line 22 and inserting the following:

"and miscellaneous purposes and for the establishment of a consortium consisting of representatives of Iowa State University, the University of Iowa, and the University of Northern Iowa as equal participants to establish and use a process for the exchange and integration of knowledge among the universities in the fields including but not limited to food production, food processing, food preservation,

nutrition, medicine, pharmacy, chemical-free water, clean air, and environmental safety. The consortium shall also establish a means for the integration of knowledge across disciplines in each of the universities. In the establishment of the process for integration and exchange of knowledge for these purposes, the consortium shall also develop a process for disseminating this knowledge to the public for personal and business use by Iowans ..... \$ 483,370".

66. Page 49, line 20, by striking the figure "131,142,205" and inserting the following: "130,619,205".

67. Page 49, by striking lines 21 through 31 and inserting the following:

"It is a condition of the appropriation in this subparagraph that from the moneys appropriated, three hundred seventy-eight thousand (378,000) dollars be expended for salary increases for professional and scientific employees of the institution, one hundred forty-five thousand (145,000) dollars be expended for an emergency supplement for graduate students adversely affected by the federal tax reform Act of 1986, and one million seven hundred eighty thousand (1,780,000) dollars be expended for educational quality projects approved by the state board of regents. For the purpose of implementing educational quality projects, the State University of Iowa may exceed the limitation on full-time equivalent positions included in this subparagraph."

68. Page 49, line 33, by striking the figure "100,000" and inserting the following: "60,000".

69. Page 50, by striking lines 29 through 33.

70. Page 54, line 12, by striking the figure "108,217,792" and inserting the following: "107,873,792".

71. Page 54, by striking lines 13 through 25 and inserting the following:

"It is a condition of the appropriation in this subparagraph that from the moneys appropriated, two hundred fifty-nine thousand (259,000) dollars be expended for salary increases for professional and scientific employees of the institution, eighty-five thousand (85,000) dollars be expended for an emergency supplement for graduate students adversely affected by the federal tax reform Act of 1986, and one million seven hundred eighty thousand (1,780,000) dollars be expended for educational quality projects approved by the state board of regents for the general university, agricultural experiment station or the cooperative extension service in agriculture and home economics. For the purpose of implementing educational quality projects, Iowa State University may exceed the limitation on full-time equivalent positions included in this paragraph."

72. Page 55, line 14, by striking the figure "414,846" and inserting the following: "389,846".

73. Page 55, line 25, by inserting after the word "for" the following: "not more than one thousand".

74. Page 55, line 29, by striking the figure "42,474,679" and inserting the following: "42,418,679".

75. By striking page 55, line 30 through page 56, line 4 and inserting the following:

"For the purpose of implementing educational quality projects, the University of Northern Iowa may exceed the limitation on full-time equivalent positions included in this subsection."

76. Page 56, by striking lines 8 through 10 and inserting the following: "discriminated against in having access to a year-round on-campus self-supporting student operated book exchange."

77. Page 56, by striking lines 24 through 31 and inserting the following:

"7. The provisions of section 8.33, unnumbered paragraph 2, shall not apply to the funds appropriated in this section. No later than September 15, 1988, the state board of regents shall submit to the department of management and the legislative fiscal bureau a list of all obligations of appropriations made for the fiscal year beginning July 1, 1987 which have been incurred for goods and services that have not been received or rendered as of September 1, 1988."

78. By striking page 56, line 32 through page 58, line 21 and inserting the following:

"Sec. 409. There is appropriated from the general fund of the state to the state board of regents for the fiscal year beginning July 1, 1986 and ending June 30, 1987, the sum of two million (2,000,000) dollars, or so much thereof as is necessary, to be used by Iowa State University of science and technology for research for amorphous silicon. As a condition of this appropriation, Iowa State University of science and technology shall negotiate for the first production facility or pilot plant to be located in Iowa resulting from the research and an equitable arrangement for the sharing of the rights to copyrights, patents, licenses or other intellectual property.

Notwithstanding section 8.33, moneys appropriated in this section which remain unobligated and unencumbered on June 30, 1987 shall remain available to Iowa State University for the purposes specified during the fiscal year beginning July 1, 1987 and ending June 30, 1988.

Sec. \_\_\_\_\_. Of the appropriations made from the jobs now account of the Iowa plan fund, under section 99E.32, subsection 3, paragraph "c", to the department of cultural affairs for the fiscal year beginning July 1, 1987, fifty thousand dollars shall be provided as a grant to greater Des Moines grand prix, inc. for the 1988 greater Des Moines metropolitan grand prix auto race. If the grand prix auto race is not held in Des Moines during the 1988 calendar year, all moneys provided under this section for the grand prix shall revert to the Iowa plan fund".

79. Page 58, by striking lines 22 through 29 and inserting the following:

"Sec. 410. 1986 Iowa Acts, chapter 1246, section 111, subsection 7, is amended to read as follows:

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 but shall be available for expenditure by the Iowa department of public health for the purposes specified in this section during the fiscal year beginning July 1, 1987. Of the funds available under this section during the fiscal year beginning July 1, 1987 and ending June 30, 1988, three hundred thousand dollars shall be used to supplement moneys appropriated to the Iowa department of public health for salaries and support for the family and community health division and seventy-seven thousand five hundred sixty dollars shall be used to supplement moneys appropriated to the Iowa department of public health for the mobile and regional child health specialty clinics."

80. Page 60, by striking lines 26 and 27 and inserting the following: "under section 99E.32, thirty-five thousand (35,000) dollars shall be expended for a program to assist".

81. Page 62, by inserting after line 28 the following:

"Sec. \_\_\_\_\_. If any school district has utilized funds available under section 281.9 for services authorized under section 273.5, that district is eligible to apply to the department of education for an amount not to exceed fifty thousand dollars in order to continue to provide those services for the fiscal year beginning July 1, 1987 and ending June 30, 1988."

82. Page 62, by inserting after line 33 the following:

"Sec. \_\_\_\_\_. Nothing in this Act is intended by the general assembly to be the provision of a fair and equitable funding formula specified in 1985 Iowa Acts, chapter 249, section 9. Nothing in this Act shall be construed, is intended, or shall imply a claim of entitlement to any programs or services specified in section 225C.28."

83. Page 63, by inserting after line 8 the following:

"Sec. \_\_\_\_\_. Section 135B.31, Code 1987, is amended to read as follows:

#### 135B.31 EXCEPTIONS.

Nothing in this division is intended or should affect in any way that obligation of public hospitals under chapter 347 or municipal hospitals, as well as the state hospital at Iowa City, to provide medical treatment or obstetrical and newborn care for indigent persons under chapter 255 or 255A, wherein medical treatment is provided by hospitals of that category to patients of certain entitlement, nor to the operation by the state of mental or other hospitals authorized by law. Nothing herein shall in any way affect or limit the practice of dentistry or the practice of oral surgery by a dentist.

Sec. \_\_\_\_\_. Section 144.13A, Code 1987, is amended to read as follows:

#### 144.13A REGISTRATION FEE.

The local registrar and state registrar shall charge the parent a ten dollar fee for the registration of a certificate of birth. If the person responsible for the filing

of the certificate of birth under section 144.13 is not the parent, the person shall collect the fee from the parent. The fee shall be remitted to the appropriate registrar. If the expenses of the birth are reimbursed under the medical assistance program established by chapter 249A or paid for under the statewide indigent patient care program established by chapter 255, or paid for under the obstetrical and newborn indigent patient care program established by chapter 255A, or if the parent is indigent and unable to pay the expenses of the birth and no other means of payment is available to the parent, the registration fee is waived. If the person responsible for the filing of the certificate is not the parent, the person is discharged from the duty to collect and remit the fee under this section if the person has made a good faith effort to collect the fee from the parent. The fees collected by the local registrar and state registrar shall be remitted to the treasurer of state for deposit in the general fund of the state. It is the intent of the general assembly that the funds generated from the registration fees be appropriated and used for primary and secondary child abuse prevention programs.

Sec. \_\_\_\_\_. Section 155.37, subsection 1, paragraph b, Code 1987, is amended to read as follows:

b. If the cost of the prescription or any part of it will be paid by expenditure of public funds authorized under chapter 239, 249, 249A, 252, 253, or 255, or 255A, the pharmacist shall exercise professional judgment by selecting a drug product of the same generic name and demonstrated bioavailability but of a lesser cost than the one prescribed for dispensing and sale to the person unless the physician, dentist, or podiatrist specifically states that only that designated brand or trade name drug product is to be dispensed. However, a pharmacy to which the prescription is presented or communicated is not required to substitute a drug product of the same generic name and demonstrated bioavailability but of lesser cost unless the pharmacy has in stock one or more such drug products.

Sec. \_\_\_\_\_. NEW SECTION. 234A.1 ADOLESCENT TASK FORCE.

1. A task force on adolescents is established. The task force is composed of the following voting members:

a. The lieutenant governor or the lieutenant governor's designee.

b. One member of the senate appointed by the majority leader of the senate and one member of the senate appointed by the minority leader of the senate.

c. One member of the house of representatives appointed by the speaker of the house and one member of the house of representatives appointed by the minority leader of the house.

d. Four state government employees, appointed by the legislative council, one from each of the following departments: the department of education, the department of human rights, the department of human services, and the Iowa department of public health.

e. Two public members appointed by the governor.

f. Six to twelve public members, with one or two from each of the following seven categories, appointed by the legislative council, with expertise in the area of adolescent pregnancy prevention or the provision of services to pregnant adolescents or adolescent parents:

(1) Health care professionals.

- (2) Psychologists or social workers.
- (3) Family planning service workers.
- (4) Appropriate public school professional staff.
- (5) Service providers for adolescents.
- (6) Job training and counseling workers.
- (7) Adolescent parents or adolescent peer counselors.

2. The legislative council shall designate a chairperson or co-chairpersons. The task force shall meet at the call of the chairperson or co-chairpersons or ten task force members. The public members appointed by the legislative council and the governor shall be paid their actual and necessary expenses pursuant to section 2.12. The lieutenant governor shall be reimbursed and compensated as provided in section 2.10, and the legislative members shall be reimbursed and compensated as provided in section 2.44.

3. The task force shall:

a. Analyze problems confronting adolescents in this state and assess the symptoms of those problems, including but not limited to a review of problems relating to adolescent pregnancy, substance abuse, and suicide prevention.

b. Investigate and promote the development of viable family units and adolescent self-worth and self-esteem.

c. Assess the need for adolescent pregnancy prevention and services programs in Iowa.

d. Inventory existing programs and services relating to adolescent pregnancy prevention and services.

e. Investigate alternative funding sources relating to adolescent pregnancy prevention and services.

f. Investigate existing and needed maternity care health benefit coverages for pregnant adolescents.

g. Make legislative recommendations to the legislative council and issue a final report to the general assembly by January 1, 1988 regarding adolescent pregnancy prevention and services.

4. The legislative council shall authorize the legislative service bureau and the legislative fiscal bureau to provide assistance to the task force, and may authorize the use of funds available to the legislative council to pay the expenses of the task force.

5. As used in this section, "adolescent" means a person under eighteen years of age or a person in attendance at an accredited school pursuing a course of study leading to a high school diploma, or its equivalent.

Sec. \_\_\_\_\_. PREGNANCY PREVENTION AND SERVICES GRANTS.

The commissioner of human services, the director of the department of education, the director of the department of human rights, and the director of public health, or their designees, shall jointly designate and award, and the department of human services shall administer grants, which may be awarded to public school corporations, adolescent service providers, and nonprofit organizations involved in adolescent issues for

two-year pilot projects targeted toward those areas of the state with the highest incidence of adolescent pregnancy, from one or more of the following programmatic areas:

1. Pregnancy prevention programs for adolescents and workshops for parents of adolescents to improve parent-child communications regarding human sexuality.
2. Communications media campaigns to discourage adolescent sexual activity and to encourage the assumption of responsibility by adolescents, both male and female, for their sexual activity and for parenting.
3. Residential facilities for pregnant adolescents and adolescent parents in need of shelter.
4. Early pregnancy detection for adolescents and prenatal services and adoption counseling for pregnant adolescents.
5. Child care and case management services provided to adolescent parents, both male and female, for a predetermined fee under purchase-of-service contracts, which include child care services, instruction in child development and parenting skills, support services for completion of school and for job training and placement, and other personal services.
6. Teacher training, including transportation costs and workshop, conference, and course work expenses, designed to improve the teaching of components of the human growth and development curricula in grades kindergarten through twelve. A preference shall be given for the funding of teacher training grant projects which would qualify participating teachers for continuing education unit credits.
7. Pregnancy prevention programs which teach and encourage teen sexual abstinence.

As used in this section, "adolescent" means a person under eighteen years of age or a person in attendance at an accredited school pursuing a course of study leading to a high school diploma, or its equivalent. Pilot projects providing services to an adolescent under eighteen years of age may continue to provide the services beyond the adolescent's eighteenth birthday in accordance with guidelines adopted by the four state administrators authorized to award grants under this section. Pilot projects shall not use funds appropriated from the general fund of this state for the purpose of providing abortion services which are not medically necessary as defined under the medical assistance program administered pursuant to chapter 249A or for the purpose of dispensing or providing birth control items on property owned or controlled by a public school corporation.

Sec. \_\_\_\_\_. Section 255.16, Code 1987, is amended to read as follows:

#### 255.16 COUNTY QUOTAS.

Subject to subsequent qualifications in this section, there shall be treated at the university hospital during each fiscal year a number of committed indigent patients from each county which shall bear the same relation to the total number of committed indigent patients admitted during the year as the population of such county shall bear to the total population of the state according to the last preceding official census. This standard shall apply to indigent patients, the expenses of whose commitment, transportation, care and treatment shall be borne by appropriated funds and shall not govern the admission of either obstetrical patients under chapter 255A or obstetrical or orthopedic patients under this chapter in accordance with eligibility standards pursuant

to section 255A.5 If the number of patients admitted from any county shall exceed by more than ten percent the county quota as fixed and ascertained under the first sentence of this section, the charges and expenses of the care and treatment of such patients in excess of ten percent of the quota shall be paid from the funds of such county at actual cost; but if the number of excess patients from any county shall not exceed ten percent, all costs, expenses, and charges incurred in their behalf shall be paid from the appropriation for the support of the hospital.

Sec. \_\_\_\_\_. Section 255.19, unnumbered paragraph 2, Code 1987, is amended to read as follows:

All of the provisions of this chapter except as to commitment of patients shall apply to such patients. The university hospital authorities shall collect from the person or persons liable for the support of such patients reasonable charges for hospital care and service and deposit the same with the treasurer of the university for the use and benefit of the university hospital except as specified for obstetrical patients pursuant to section 255A.9. Earnings of the hospital whether from private patients, cost patients, or indigents shall be administered so as to increase as much as possible, the service available for indigents, including the acquisition, construction, reconstruction, completion, equipment, improvement, repair, and remodeling of medical buildings and facilities and additions thereto and the payment of principal and interest on bonds issued to finance the cost thereof as authorized by the provisions of chapter 263A. The physicians and surgeons on the hospital staff who care for patients provided for in this section may charge for their medical services under such rules, regulations and plan therefor as approved by the state board of regents.

Sec. \_\_\_\_\_. Section 255.26, unnumbered paragraph 1, Code 1987, is amended to read as follows:

Warrants issued under section 255.25 shall be promptly drawn on the treasurer of state and forwarded by the director of revenue and finance to the treasurer of the state university, and the same shall be by the treasurer of the state university placed to the credit of the funds which are set aside for the support of said hospital. However, warrants shall not be paid unless the UB-82 claim required pursuant to section 255A.13 has been filed with the Iowa health data commission. The superintendent of the said university hospital shall certify to the auditor of state on the first day of January, April, July and October of each year, the amount as herein provided not previously certified by the superintendent due the state from the several counties having patients chargeable thereto, and the auditor of state shall thereupon charge the same to the county so owing. A duplicate certificate shall also be mailed to the auditor of each county having patients chargeable thereto. Expenses for obstetrical patients served under section 255A.9 shall be reimbursed as specified in section 255A.9.

Sec. \_\_\_\_\_. **NEW SECTION. 255A.1 STATE POLICY.**

It is the policy of the state to provide obstetrical and newborn care to medically indigent individuals in this state, at the appropriate and necessary level, at a licensed hospital or health care facility closest and most available to the residence of the indigent individual.

Sec. \_\_\_\_\_. **NEW SECTION. 255A.2 OBSTETRICAL AND NEWBORN INDIGENT PATIENT CARE PROGRAM.**

A statewide obstetrical and newborn indigent patient care program is established for the purpose of providing obstetrical and newborn care to medically indigent resi-

dents of this state. Appropriations by the general assembly for this chapter shall be allocated for the obstetrical and newborn patient care fund within the Iowa department of public health and shall be utilized for the obstetrical and newborn indigent patient care program as specified in this chapter. Indigent patients in need of such care residing in the counties of Cedar, Clinton, Iowa, Johnson, Keokuk, Louisa, Muscatine, Scott, and Washington shall be provided the care at the university hospitals under the nonquota obstetrical program under chapter 255.

Sec. \_\_\_\_\_. NEW SECTION. 255A.3 ADMINISTRATION OF PROGRAM.

The Iowa department of public health shall administer the statewide obstetrical and newborn indigent patient care program. The department shall adopt administrative rules to implement the program pursuant to chapter 17A. Administrative costs of the department shall not exceed three percent of the annual funds appropriated for the obstetrical and newborn patient care fund.

Sec. \_\_\_\_\_. NEW SECTION. 255A.4 PATIENT QUOTA FORMULA.

The Iowa department of public health shall establish a patient quota formula for determining the maximum number of obstetrical and newborn patients eligible for the program from each county. The formula shall be based upon the annual appropriation for the program, the average number of live births in each county during the most recent three-year period for which statistics are available, and the per capita income for each county during the most recent one-year period for which statistics are available. In accordance with this formula the department shall allocate a patient quota to each county at the beginning of each fiscal year. The department shall provide for the reassignment of an unused county quota allotment on April 1 of each year. The reassignment shall be taken only from a county which has an unused quota allotment for the portion of the fiscal year ending March 31. A county may utilize its quota allotment for a patient determined to be eligible before the end of the fiscal year but scheduled to need care after the end of the fiscal year. The reassignment of an unused county allotment shall be made to other counties on the basis of rules adopted by the department pursuant to chapter 17A.

A woman who resides in a county which exceeds the patient quota allocated for the county, and who has been deemed eligible under section 255A.5, shall be served at the University of Iowa hospitals and clinics pursuant to section 255.16.

Sec. \_\_\_\_\_. NEW SECTION. 255A.5 MINIMUM ELIGIBILITY STANDARDS.

The Iowa 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, ambulance services, and inpatient transportation costs, for indigent obstetrical and newborn care provided by the University of Iowa hospitals and clinics and by other licensed hospitals and physicians. 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 and orthopedic 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.

Sec. \_\_\_\_\_. NEW SECTION. 255A.6 APPLICATION AND CERTIFICATION FOR CARE.

A person desiring obstetrical and newborn care, the cost of which is payable from the obstetrical and newborn patient care fund, or the parent or guardian of a minor desiring or in need of such care, may apply to the director of a maternal health center, operated by the Iowa department of public health, to have the cost of such care paid from the fund. In counties not served by such a center, the department shall contract with another agency, institution or organization to receive and process applications for care. The director of the center 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. If the applicant is eligible for assistance pursuant to chapter 249A, or if the applicant is eligible for maternal and child health care services covered by a maternal and child health program, the obstetrical patient care program shall not provide such assistance, care, or covered services provided under other programs. The Iowa department of public health, with the department of human services, shall jointly develop a standardized application form and shall coordinate the determination of eligibility for medical assistance and the obstetrical patient care program. In counties in which the maternal and child health clinic processes the application, the clinic shall notify the county relief office of the application process.

Sec. \_\_\_\_\_. NEW SECTION. 255A.7 FREEDOM OF CHOICE OF PROVIDER.

A person certified for obstetrical and newborn care under this chapter may choose to receive the appropriate level of care at the University of Iowa hospitals and clinics or any other licensed hospital or health care facility.

Sec. \_\_\_\_\_. NEW SECTION. 255A.8 REIMBURSABLE COSTS OF CARE.

The obstetrical and newborn care costs of a person certified for such care under this chapter at a licensed hospital or health care facility or from licensed physicians shall be paid by the Iowa department of public health from the obstetrical and newborn patient care fund. However, a physician who provides obstetrical or newborn care at the university of Iowa hospitals and clinics to a person certified for care under this chapter is not entitled to receive any compensation for the provision of such care in accordance with section 255.23.

Sec. \_\_\_\_\_. NEW SECTION. 255A.9 ALLOWABLE REIMBURSEMENTS.

All providers of services to obstetrical and newborn patients under this chapter 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 and newborn patient care fund to providers of services for residents of a county is limited to that county's obstetrical and newborn patient quota multiplied by the medical assistance program's average reimbursement for obstetrical and newborn care for the most recent fiscal year except as otherwise provided in this section. The Iowa department of public health shall reserve ten percent of the fund annually for payment of the costs of care of a patient certified for care under this chapter in excess of the medical assistance program's average reimbursements if the nature and extent of the care justifies such additional reimbursement. The department shall adopt rules pursuant to chapter 17A, establishing the requirements for such additional reimbursement.

Sec. \_\_\_\_\_. NEW SECTION. 255A.10 PROCEDURES FOR PAYMENT.

The Iowa department of public health shall establish procedures for payment for providers of services to obstetrical and newborn patients under this chapter from the obstetrical and newborn patient care fund. All billings from such providers shall be submitted directly to the department. However, payment shall not be made unless the application and certification for care pursuant to section 255A.6 is performed.

Sec. \_\_\_\_\_. NEW SECTION. 255A.11 COUNTY RESPONSIBILITY FOR COSTS OF CARE.

A county shall not be held responsible for the costs of providing obstetrical and newborn care, including physician examination, medical testing, ambulance services, and transportation costs, to pregnant women and their newborn infants who meet the eligibility requirements adopted by the Iowa department of public health.

Sec. \_\_\_\_\_. NEW SECTION. 255A.12 REVERSION OR TRANSFER OF MONEYS IN THE OBSTETRICAL AND NEWBORN PATIENT CARE FUND.

Moneys encumbered prior to June 30 of a fiscal year for a certified eligible pregnant woman scheduled to deliver in the next fiscal year shall not revert from the obstetrical and newborn patient care fund to the general fund of the state. Moneys allocated to the obstetrical and newborn patient care fund shall not be transferred nor voluntarily reverted from the fund within a given fiscal year.

Sec. \_\_\_\_\_. NEW SECTION. 255A.13 DATA COLLECTION.

Beginning July 1, 1987, the University of Iowa hospitals and clinics shall submit, on a quarterly basis, UB-82 claims for all patients discharged after being served under the indigent patient program under chapter 255. The UB-82 claim shall include all data elements which are required by the Iowa health data commission.

Sec. \_\_\_\_\_. NEW SECTION. 279.50 HUMAN GROWTH AND DEVELOPMENT INSTRUCTION.

1. Each board of directors of a public school corporation shall appoint an advisory committee composed of at least one person from each of the following groups: parents, teachers, school administrators, school board directors, pupils, health care professionals, members of the clergy, and other residents of the school district. The advisory committee shall study the provision of instruction to pupils in grades kindergarten through twelve appropriate to the pupils' grade level, age, and level of maturity, in topics related to human growth and development in order to promote accurate and comprehensive knowledge in this area, to foster responsible decision making, based on cause and effect, and to support and enhance the efforts of parents to provide moral guidance to their children. The advisory committee in its study shall address and make recommendations on the inclusion or exclusion of each of the following topics of instruction:

- a. Self-esteem, responsible decision making, and personal responsibility and goal setting.
- b. Interpersonal relationships.
- c. Discouragement of adolescent sexual activity.
- d. Family life and parenting skills.
- e. Human sexuality, reproduction, contraception and family planning, prenatal

development, childbirth, adoption, available prenatal and postnatal support, and male and female responsibility.

f. Sex stereotypes.

g. Protective behaviors to prevent sexual abuse or sexual harassment.

h. Sexually transmitted diseases, including acquired immune deficiency syndrome, and their causes and prevention.

2. The advisory committee shall make its recommendations regarding the implementation of human growth and development instruction for pupils in the school district, including the inclusion or exclusion of the instructional topics in subsection 1, paragraphs "a" through "h", to the school board at least every three years and shall file a written report with the state department of education indicating the date and contents of the advisory committee's recommendations to the school board.

3. The school board may designate the advisory committee appointed pursuant to section 280.12, subsection 2, as the advisory committee to perform the duties required by this section, provided the advisory committee appointed under section 280.12, subsection 2 meets the advisory committee composition requirements in subsection 1.

4. Each school board shall provide an instructional program in human growth and development in grades kindergarten through twelve. Each school board shall annually provide to a parent or guardian of any pupil enrolled in the school district, an outline of the human growth and development curriculum used in the pupil's grade level and information regarding the procedure for inspection of the complete curriculum and instructional materials, including inspection prior to their use in the classroom. A pupil shall not be required to take instruction in human growth and development or in the specific topics under subsection 1, paragraphs "a" through "h", if the pupil's parent or guardian files with the pupil's teacher or principal a written request that the pupil be excused from the instruction.

Each school board or merged area school which offers general adult education classes or courses shall periodically offer an evening instructional program in human growth and development for parents, guardians, prospective biological and adoptive parents, and foster parents.

5. The state department of education shall make available model human growth and development curricula for grades kindergarten through twelve which shall include the instructional topics in subsection 1, paragraphs "a" through "h". The department of education shall distribute the model curricula to each school board and to each advisory committee appointed pursuant to subsection 1, and shall provide technical assistance to school boards and advisory committees in the use or adaptation of the curricula."

84. Page 67, by striking line 1 and inserting the following: "million two hundred fifty thousand (3,250,000) dollars to be".

85. Page 67, by striking lines 7 through 21 and inserting the following:

a. Merged Area I .....	\$ 124,850
b. Merged Area II .....	\$ 159,548
c. Merged Area III .....	\$ 118,658
d. Merged Area IV .....	\$ 44,496
e. Merged Area V .....	\$ 372,808

f. Merged Area VI .....	\$ 131,372
g. Merged Area VII .....	\$ 152,560
h. Merged Area IX .....	\$ 171,630
i. Merged Area X .....	\$ 258,505
j. Merged Area XI .....	\$ 897,675
k. Merged Area XII .....	\$ 105,944
l. Merged Area XIII .....	\$ 436,499
m. Merged Area XIV .....	\$ 50,853
n. Merged Area XV .....	\$ 125,015
o. Merged Area XVI .....	\$ 99,587".

86. Page 67, by inserting after line 31 the following:

"Sec. \_\_\_\_\_. NEW SECTION. 256.30 EDUCATIONAL EXPENSES FOR AMERICAN INDIANS.

The department of education shall provide moneys to pay the expense of educating American Indian children residing in the Sac and Fox Indian settlement on land held in trust by the secretary of the interior of the United States in excess of federal moneys paid to the tribal council for educating the American Indian children when moneys are appropriated for that purpose. The tribal council shall administer the moneys distributed to it by the department and shall submit an annual report and other reports as required by the department to the department on the expenditure of the moneys.

The tribal council shall first use moneys distributed to it by the department of education for the purposes of this section to pay the additional costs of salaries for certificated instructional staff for educational attainment and full-time equivalent years of experience to equal the salaries listed on the proposed salary schedule for the school at the Sac and Fox Indian settlement for the school year beginning July 1, 1987 as that salary schedule existed on May 1, 1987, but the salary for a certificated instructional staff member employed on a full-time basis shall not be less than eighteen thousand dollars. The department of management shall approve allotments of moneys appropriated in this section when the department of education certifies to the department of management that the requirements of this section have been met."

87. Page 68, by striking lines 1 through 4 and inserting the following:

"Sec. \_\_\_\_\_. Section 261.9, subsection 5, Code 1987, is amended by adding the following new paragraph:

NEW PARAGRAPH. e. Which was eligible to participate in the tuition grant".

88. Page 68, by striking line 7 and inserting the following: "will continue to be eligible during the".

89. Page 69, by inserting after line 2 the following:

"Sec. \_\_\_\_\_. Section 261.18, Code 1987, is amended by adding the following new subsection:

NEW SUBSECTION. 3. Of the funds appropriated for the subvention program, the commission shall provide three thousand dollars of subvention to the college of osteopathic medicine and surgery for each Iowa student, to be credited against the tuition charged for the Iowa student by the college of osteopathic medicine and surgery, and the remaining funds shall be allocated to the college of osteopathic medicine and surgery."

90. Page 69, by striking lines 7 and 8 and inserting the following: "twenty-four million six three hundred nineteen thousand eighty-four dollars for tuition grants."

91. Page 69, line 11, by striking the word "fifty" and inserting the following: "fifty".

92. Page 70, line 14, by striking the word "physical" and inserting the word "occupational".

93. Page 70, by inserting after line 22 the following:

"Sec. \_\_\_\_\_. Section 261.63, Code 1987, is amended to read as follows:

**261.63 APPROPRIATION.**

Commencing July 1, ~~1984~~ 1987, there is appropriated from the general fund of the state to the commission for each fiscal year the sum of one million eight hundred thousand dollars for supplemental grants."

94. Page 70, line 26, by striking the words "five hundred" and inserting the following: "one hundred fifty".

95. Page 70, lines 27 and 28, by striking the words "five hundred" and inserting the following: "one hundred fifty".

96. Page 72, line 1, by striking the word "utilities" and inserting the following: "utilities,".

97. Page 72, by inserting after line 5 the following:

"Sec. \_\_\_\_\_. Section 262.44, subsection 1, unnumbered paragraph 2, Code 1987, is amended by striking the unnumbered paragraph.

Sec. \_\_\_\_\_. Section 262.61, Code 1987, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. If the amount of bonds or notes issued under this chapter exceeds the actual costs of the projects for which the bonds or notes were issued, the amount of the difference shall be used to pay the principal and interest due on bonds or notes issued under this chapter.

Sec. \_\_\_\_\_. Section 262A.9, Code 1987, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. If the amount of bonds issued under this chapter exceeds the actual costs of the projects for which bonds were issued, the amount of the difference shall be used to pay the principal and interest due on bonds issued under this chapter.

Sec. \_\_\_\_\_. Section 263A.7, Code 1987, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. If the amount of bonds or notes issued under this chapter exceeds the actual costs of the projects for which the bonds or notes were issued, the amount of the difference shall be used to pay the principal and interest due on bonds or notes issued under this chapter.

Sec. \_\_\_\_\_. NEW SECTION. 269.3 CLASSROOM TEACHERS.

For purposes of chapter 20, classroom teachers employed by the Iowa braille and

sight-saving school may be accreted to the faculty employee organization at the University of Northern Iowa or any other approved employee organization.

Sec. \_\_\_\_\_. NEW SECTION. 270.11 CLASSROOM TEACHERS.

For purposes of chapter 20, classroom teachers employed by the school for the deaf may be accreted to the faculty employee organization at the University of Northern Iowa or any other approved employee organization.

Sec. \_\_\_\_\_. Section 271.6, Code 1987, is amended to read as follows:

**271.6 INTEGRATED TREATMENT OF UNIVERSITY HOSPITAL PATIENTS.**

The authorities of the Oakdale campus may authorize patients for admission to the hospital on the Oakdale campus who are referred from the university hospitals and who shall retain the same status, classification, and authorization for care which they had at the university hospitals. Patients referred from the university hospitals to the Oakdale campus shall be deemed to be patients of the university hospitals. The provisions of chapter Chapters 255 and 255A and operating policies of the university hospitals shall apply to the patients and to the payment for their care the same as the provisions apply to patients who are treated on the premises of the university hospitals.

Sec. \_\_\_\_\_. Section 273.3, subsection 6, Code 1987, is amended to read as follows:

6. Area education agencies may co-operate and contract between themselves and with other public agencies to provide special education programs and services, media services, and educational services to schools and children residing within their respective areas. Area education agencies may provide print and nonprint materials to public and private colleges and universities that have teacher education programs approved by the state board of education."

98. By striking page 72, line 8 through page 73, line 8.

99. Page 74, by inserting after line 29 the following:

"Sec. \_\_\_\_\_. Section 280A.42, Code 1987, is amended to read as follows:

**280A.42 PAYMENT OF EXPENSES.**

The board of directors of a merged area shall audit and allow all just claims against the area school and an order shall not be drawn upon the treasury until the claim has been audited and allowed. However, the board of directors, by resolution, may authorize the secretary of the board, when the board is not in session, to issue payments for salaries pursuant to the terms of a written contract and to issue payments upon the receipt of verification filed with the secretary for expenses for freight; drayage; express; postage; printing; utilities including electricity, water, waste collection; heating; air conditioning; telephone, and telegraph charges all other general fund and plant fund expenses within limits established by resolution of the board; expenses involving auxiliary, agency, and scholarship and loan accounts; and refunds to students for tuition and fees. The secretary shall either deliver in person or mail the payments to the payees. A payment shall be made payable only to the person performing the service or furnishing the supplies for which the payment is issued. Payments issued prior to audit and allowance by the board shall be allowed by the board at the first meeting held after the issuance and shall be entered in the minutes of the meeting."

100. Page 81, by inserting after line 22 the following:

"Sec. \_\_\_\_\_. Section 285.1, Code 1987, is amended by adding the following new subsection:

NEW SUBSECTION. 22. Notwithstanding subsection 1, paragraph "a", a parent or guardian of an elementary pupil entitled to transportation pursuant to subsection 1, may request that a child day care facility be designated for purposes of subsection 9 rather than the residence of the pupil. The request shall be submitted for a period of time of at least one semester and may not be submitted more than twice during a school year."

101. Page 82, by inserting after line 12 the following:

Sec. \_\_\_\_\_. NEW SECTION. 303.18 LOAN FOR EXHIBITS.

Notwithstanding sections 302.1 and 302.1A, and after moneys appropriated under section 99E.32, subsection 5, for the fiscal year beginning July 1, 1987 and ending June 30, 1988 have been expended or obligated, the administrator of the historical division of the department of cultural affairs may obtain a loan of not exceeding three million fifty thousand dollars from moneys designated as the permanent school fund of the state in section 302.1, to be used to pay for equipment, planning, and construction costs of educational exhibits for the state historical museum. The exhibits will teach common school children of Iowa about Iowa's history, culture, and heritage. The department of revenue and finance shall make the payment upon receipt of a written request from the administrator of the historical division. Moneys received under this section as a loan that are not expended are available for expenditure during the fiscal year beginning July 1, 1988.

The historical division shall repay a portion of the amount of the loan together with annual interest payments due on the balance of the loan over a ten-year period commencing with the fiscal year beginning July 1, 1987. Payments shall be made from gross receipts and other moneys available to the historical division. Annual payments shall not be less than the amount of interest on the permanent school fund required to be transferred to the first in the nation in education foundation under section 302.1A or seventy-five percent of the gross receipts, whichever is greater. Payments of both principal and interest made by the state historical division under this section shall be paid quarterly and shall be considered interest earned on the permanent school fund to the extent necessary for payment of interest to the first in the nation in education foundation under section 302.1A.

The treasurer of state shall determine the rate of interest that the historical division shall pay on the loan.

Sec. \_\_\_\_\_. NEW SECTION. 294A.25 APPROPRIATION.

1. For each fiscal year commencing with the fiscal year beginning July 1, 1987, there is appropriated from the general fund of the state to the department of education the amount of ninety-two million one hundred thousand eighty-five dollars to be used to improve teacher salaries. The moneys shall be distributed as provided in this section.

2. The amount of one hundred fifteen thousand five hundred dollars to be paid to the department of human services for distribution to its certificated classroom teachers at institutions under the control of the department of human services for payments for phase II based upon the average student yearly enrollment at each institution as determined by the department of human services.

3. The amount of ninety-four thousand six hundred dollars to be paid to the state board of regents for distribution to certificated classroom teachers at the Iowa braille and sight-saving school and the Iowa school for the deaf for payments of minimum salary supplements for phase I and payments for phase II based upon the average yearly enrollment at each school as determined by the state board of regents.

4. For the fiscal year beginning July 1, 1987 only, the amount of two hundred thousand dollars for pilot projects for sabbaticals for teachers.

Notwithstanding section 256.21, if House File 499 is enacted by the Seventy-second General Assembly, 1987 Session, and becomes law, the department shall establish pilot projects for sabbatical programs for the school year beginning July 1, 1987. Notwithstanding section 8.33, moneys appropriated in this subsection and not expended for pilot projects by June 30, 1987 shall not revert on June 30, 1987, but shall carry over and may be expended during the fiscal year beginning July 1, 1988. It is the intent of the general assembly that projects authorized by this subsection shall meet requirements which are similar to the requirements specified in section 256.21 if House File 499 is enacted by the Seventy-second General Assembly, 1987 Session, and becomes law. Procedures for making applications for projects authorized by this subsection shall be established by the state board of education by rule under chapter 17A. The department shall send notification to school districts as soon as practicable concerning the requirements for applications for sabbaticals and shall encourage school districts to develop their own sabbatical programs using moneys available to them under phase III if House File 499 is enacted by the Seventy-second General Assembly, 1987 Session, and becomes law.

5. For each fiscal year, the remainder of moneys appropriated in subsection 1 to the department of education shall be deposited in the educational excellence fund to be allocated in an amount to meet the minimum salary requirements of this chapter for phase I, in an amount of thirty-eight million five hundred thousand dollars for phase II, and the remainder of the appropriation for phase III.

As a condition of the appropriation in this section, and notwithstanding section 8.31, if at any time between July 1, 1987 and February 1, 1988, the governor determines that the estimated budget resources of the state will be insufficient to pay all appropriations in full for the fiscal year beginning July 1, 1987 and ending June 30, 1988, in lieu of using section 8.31 to modify allotments on a uniform basis, the governor shall certify to the department of education the amount by which budget resources are insufficient. The department of education shall notify the governor of the amount of moneys allocated for phase III under this chapter and pursuant to the appropriation made in this section. The governor shall order that the allocation for phase III be reduced by an amount equal to the amount that the budget resources are insufficient or by the amount contained in the department of education's notification to the governor under this section, whichever is less and shall certify to the department of education the amount of money available for phase III."

102. Page 83, line 9, by inserting after the word "nature." the following: "The deduction in this paragraph does not apply to a taxpayer whose adjusted gross income, as properly computed for federal tax purposes, is forty-five thousand dollars or more. In the case where the taxpayer is married, whether filing jointly or separately, the deduction does not apply if the combined adjusted gross income of the taxpayer and spouse is forty-five thousand dollars or more."

103. Page 83, by inserting after line 9 the following:

"As used in this paragraph, "tuition" means any charges for the expenses of personnel, buildings, equipment and materials other than textbooks, and other expenses of elementary or secondary schools which relate to the teaching only of those subjects legally and commonly taught in public elementary and secondary schools in this state and which do not relate to the teaching of religious tenets, doctrines, or worship, the purpose of which is to inculcate those tenets, doctrines, or worship, and which do not relate to extracurricular activities including sporting events, musical or dramatic events, speech activities, driver's education, or programs of a similar nature."

104. Page 83, line 34, by inserting after the word "subsection." the following: "The credit in this subsection does not apply to a taxpayer whose adjusted gross income, as properly computed for federal tax purposes, is forty-five thousand dollars or more. In the case where the taxpayer is married, whether filing jointly or separately, the credit does not apply if the combined adjusted gross income of the taxpayer and spouse is forty-five thousand dollars or more."

105. Page 83, by inserting after line 34 the following:

"As used in this subsection, "tuition" means any charges for the expenses of personnel, buildings, equipment and materials other than textbooks, and other expenses of elementary or secondary schools which relate to the teaching only of those subjects legally and commonly taught in public elementary and secondary schools in this state and which do not relate to the teaching of religious tenets, doctrines, or worship, the purpose of which is to inculcate those tenets, doctrines, or worship, and which do not relate to extracurricular activities including sporting events, musical or dramatic events, speech activities, driver's education, or programs of a similar nature."

106. Page 84, by striking lines 6 through 13.

107. Page 84, line 20, by inserting after the word "Sections" the following: "121A,".

108. Page 84, line 20, by inserting after the figure "207," the following: "207A, 207B, 207C, 231A, 302A, 302B, 408A, 409,".

109. Title page, line 1, by inserting after the words "relating to" the following: "the financing of public agencies and programs".

110. Title page, lines 6 and 7, by striking the words "providing effective dates, and making certain provisions retroactive" and inserting the following: "providing a property tax exemption for certain educational facilities, establishing an office of state-federal relations, providing for the education of American Indian children, establishing an occupational therapist loan program, providing for the sale of certain property and the purchase of certain property, providing tax exemption for certain property of a public television station, establishing a targeted small business linked deposit program and Iowa satisfaction and performance bond program, establishing a state fair authority, establishing an obstetrical and newborn indigent patient care program, accretion to bargaining units of certain teachers, providing for a loan of moneys in the permanent school fund, providing a tax deduction and a tax credit for certain purposes, making provisions retroactive, and providing effective dates."

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

ON THE PART OF THE HOUSE:

THOMAS J. JOCHUM, Chair  
MICHAEL K. PETERSON  
TOM SWARTZ

ON THE PART OF THE SENATE:

JOE J. WELSH, Chair  
EMIL J. HUSAK  
RICHARD J. VARN

On motion by Arnould of Scott, the House recessed at 11:59 p.m., until 12:01 a.m.

SUNDAY, MAY 10, 1987

The House reconvened at 12:01 a.m., Speaker Avenson in the chair.

The House resumed consideration of the conference committee report on Senate File 511.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Norrgard of Des Moines, for the remainder of the day, on request of Haverland of Polk.

Van Camp of Scott rose on a point of order and invoked Joint Rule 13.3.

The Speaker ruled the point not well taken and the conference committee in order.

Jochum of Dubuque moved the adoption of the conference committee report and the amendments contained therein.

A non-record roll call was requested.

Rule 75 was invoked.

The ayes were 47, nays 46.

The motion prevailed and the conference committee report was adopted.

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

Rule 75 was invoked.

On the question "Shall the bill pass?" (S.F. 511)

The ayes were, 46:

Adams	Arnould	Bisignano	Blanshan
Brammer	Clark	Connolly	Corbett
Corey	De Groot	Diemer	Dvorsky
Eddie	Fogarty	Fuller	Groninga
Halvorson, R. A.	Hansen, S. D.	Hanson, D. R.	Haverland
Knapp	Koenigs	Lageschulte	Lundby
McKean	McKinney	Muhlbauer	Parker
Pavich	Peters	Petersen, D. F.	Peterson, M. K.
Plasier	Poncy	Renaud	Running

Schnekloth	Sherzan	Shoning	Siegrist
Skow	Spear	Svoboda	Swartz
Tabor	Mr. Speaker		

The nays were, 47:

Beaman	Beatty	Bennett	Black
Buhr	Carpenter	Chapman	Cohoon
Connors	Cooper	Daggett	Doderer
Fey	Garman	Gruhn	Halvorson, R. N.
Hammond	Harbor	Harper	Hatch
Hester	Holveck	Hummel	Jay
Jochum	Johnson	Kremer	Maulsby
May	Metcalf	Miller	Mullins
Neuhauser	Ollie	Osterberg	Paulin
Pellett	Renken	Rosenberg	Royer
Schrader	Shoultz	Stromer	Teaford
Van Camp	Van Maanen	Wise	

Absent or not voting, 7:

Branstad	Hermann	Norrgard	Platt
Stueland	Swearingen	Tyrrell	

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

#### MOTION TO RECONSIDER PREVAILED

Jochum of Dubuque moved to reconsider the vote by which Senate File 511 failed to pass the House on May 10, 1987.

The House stood at ease at 1:36 a.m., until the fall of the gavel.

The House resumed session and consideration of the motion to reconsider Senate File 511 at 2:42 a.m., Speaker Avenson in the chair.

On the motion to reconsider, a non-record roll call was requested.

The ayes were 51, nays 38.

The motion prevailed and the House reconsidered **Senate File 511**, a bill for an act relating to and making appropriations to agencies, boards, commissions, departments and programs of state government relating to elected officials, the executive council, management, revenue and finance, personnel, general services, economic development, agriculture, natural resources, and education, providing effective dates, and making certain provisions retroactive.

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.

Rule 75 was invoked.

On the question "Shall the bill pass?" (S.F. 511)

The ayes were, 52:

Adams	Arnould	Bisignano	Blanshan
Brammer	Cohoon	Connolly	Cooper
Corbett	Corey	De Groot	Dvorsky
Eddie	Fey	Fogarty	Fuller
Groninga	Halvorson, R. A.	Halvorson, R. N.	Hansen, S. D.
Hanson, D. R.	Haverland	Jochum	Knapp
Koenigs	Lageschulte	Lundby	May
McKean	McKinney	Muhlbauer	Parker
Paulin	Pavich	Peters	Petersen, D. F.
Peterson, M. K.	Plasier	Poney	Renaud
Running	Schneklath	Sherzan	Shoning
Siegrist	Skow	Spear	Svoboda
Swartz	Tabor	Wise	Mr. Speaker

The nays were, 40:

Beaman	Beatty	Bennett	Black
Buhr	Carpenter	Chapman	Clark
Connors	Daggett	Diemer	Doderer
Garman	Gruhn	Hammond	Harbor
Harper	Hatch	Hester	Holveck
Hummel	Jay	Johnson	Kremer
Maulsby	Metcalf	Miller	Mullins
Neuhauser	Ollie	Osterberg	Renken
Rosenberg	Royer	Schrader	Shoultz
Stromer	Teaford	Van Camp	Van Maanen

Absent or not voting, 8:

Branstad	Hermann	Norrgard	Pellett
Platt	Stueland	Swearingen	Tyrrell

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

### MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on May 10, 1987, amended and passed the following bill in which the concurrence of the House is asked:

House File 649, a bill for an act relating to exemptions from execution and attachment by revising provisions governing the exemption of insurance policies, proceeds, and benefits, cash, and certain other personal property, and providing other properly related matters.

Also: That the Senate has on May 9, 1987, 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 675, a bill for an act relating to the determination, for purposes of the state sales, services, and use tax, of gross receipts and purchase price when tangible personal property is traded to the retailer as part of the transaction subject to the tax.

Also: That the Senate has on May 10, 1987, adopted the conference committee report and passed Senate File 517, a bill for an act appropriating petroleum overcharge funds.

Also: That the Senate has on May 10, 1987, passed the following bill in which the concurrence of the House is asked:

Senate File 522, a bill for an act relating to juveniles, regarding children in need of services, the detention of juveniles in adult detention facilities, and penalties for violations of certain misdemeanors and ordinances.

JOHN F. DWYER, Secretary

**IMMEDIATE MESSAGE**  
(Senate File 511)

Arnould of Scott asked and received unanimous consent that Senate File 511 be immediately messaged to the Senate.

**ADOPTION OF THE REPORT OF THE  
CONFERENCE COMMITTEE**  
(Senate File 517)

Knapp of Dubuque called up for consideration the report of the conference committee on Senate File 517 and moved the adoption of the conference committee report and the amendments contained therein as follows:

**REPORT OF THE CONFERENCE COMMITTEE  
ON SENATE FILE 517**

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 517, a bill for an act appropriating petroleum overcharge funds, respectfully make the following report:

1. That the Senate recede from its amendment, H-4373, to the House amendment, S-4034, to Senate File 517 as amended, passed and reprinted by the Senate.
2. That the House amendment, S-4034, to Senate File 517 as amended, passed and reprinted by the Senate be amended as follows:

1. Page 7, by striking line 1 and inserting the following:

"Sec. 10. Sections 93.15 and 601K.128, Code 1987, are repealed." "

2. Page 7, line 3, by inserting after the words "relating to" the following: "state agencies receiving petroleum overcharge funds".

ON THE PART OF THE HOUSE:

DON KNAPP, Chair  
RALPH ROSENBERG  
FLORENCE D. BUHR  
MIKE VAN CAMP

ON THE PART OF THE SENATE:

RICHARD VARN, Chair  
LARRY MURPHY  
WILLIAM W. DIELEMAN  
JOHN W. JENSEN

The motion prevailed and the conference committee report 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. 517)

The ayes were, 83:

Adams	Beaman	Beatty	Bennett
Bisignano	Black	Blanshan	Brammer
Buhr	Carpenter	Chapman	Clark
Cohoon	Connolly	Connors	Cooper
Corbett	Corey	Daggett	De Groot
Diemer	Doderer	Dvorsky	Eddie
Fey	Fogarty	Fuller	Garman
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Hansen, S. D.	Hanson, D. R.	Harper	Haverland
Hester	Holveck	Hummel	Jay
Jochum	Johnson	Knapp	Koenigs
Lageschulte	Lundby	May	McKean
McKinney	Metcalf	Miller	Muhlbauer
Mullins	Neuhauser	Ollie	Osterberg
Parker	Paulin	Pavich	Peters
Peterson, M. K.	Plasier	Poncy	Renaud
Rosenberg	Running	Schnekloth	Schrader
Sherzan	Shoning	Shoultz	Siegrist
Skow	Spear	Stromer	Svoboda
Swartz	Tabor	Teaford	Van Camp
Van Maanen	Wise	Mr. Speaker	

The nays were, 5:

Hatch	Kremer	Petersen, D. F.	Renken
Royer			

Absent or not voting, 12:

Arnould	Branstad	Groninga	Harbor
Hermann	Maulsby	Norrgard	Pellett
Platt	Stueland	Swearingen	Tyrrell

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 522**, by committee on appropriations, a bill for an act relating to juveniles, regarding children in need of services, the detention of juveniles in adult detention facilities, and penalties for violations of certain misdemeanors and ordinances.

Read first time and **passed on file**.

### IMMEDIATE MESSAGE (Senate File 517)

Arnould of Scott asked and received unanimous consent that Senate File 517 be immediately messaged to the Senate.

### RULES SUSPENDED

Arnould of Scott asked and received unanimous consent to suspend the rules for the immediate consideration of Senate File 522.

### CONSIDERATION OF BILL Appropriations Calendar

**Senate File 522**, a bill for an act relating to juveniles, regarding children in need of services, the detention of juveniles in adult detention facilities, and penalties for violations of certain misdemeanors and ordinances, was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 522)

The ayes were, 53:

Arnould	Bennett	Bisignano	Blanshan
Brammer	Carpenter	Clark	Cohoon
Connolly	Connors	Corbett	Corey
Diemer	Doderer	Dvorsky	Eddie
Fey	Fuller	Groninga	Halvorson, R. N.
Hansen, S. D.	Holveck	Jochum	Johnson
Knapp	Kremer	Lageschulte	Lundby
May	McKinney	Metcalf	Miller
Ollie	Osterberg	Parker	Paulin
Pavich	Peters	Peterson, M. K.	Poncy
Renaud	Rosenberg	Running	Schneklloth
Sherzan	Shoultz	Skow	Svoboda
Swartz	Tabor	Van Camp	Wise
Mr. Speaker			

The nays were, 35:

Adams	Beaman	Beatty	Black
Buhr	Chapman	Cooper	Daggett
De Groot	Fogarty	Garman	Gruhn
Halvorson, R. A.	Hammond	Hanson, D. R.	Harbor
Harper	Hatch	Haverland	Hester
Hummel	Jay	Koenigs	McKean
Neuhauser	Petersen, D. F.	Plasier	Renken
Schrader	Shoning	Siegrist	Spear
Stromer	Teaford	Van Maanen	

Absent or not voting, 12:

Branstad	Hermann	Maulsby	Muhlbauer
Mullins	Norrgard	Pellet	Platt
Royer	Stueland	Swearingen	Tyrrell

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

#### REMARKS BY THE MINORITY LEADER

Stromer of Hancock offered the following remarks:

Mr. Speaker, Ladies and Gentlemen of the House:

As we drop the final curtain on the first session of the Seventy-second General Assembly, there were a great many firsts achieved by this legislature.

It was the first time since 1979 that the average of the Democrat legislators increased faster than that of the Republicans. It was the first time Bob Arnould wore a suit every day. It was the first time a non-farmer chaired the agriculture committee. It was the first time a legislator, not usually a pastor, asked God's blessing on this body. The first time the Republicans emulated the Democrats' Truman Club. The first time a Speaker was elected to a third consecutive term as Speaker and the first time Speaker Avenson spent more time in the chair presiding than in the back room wheeling and dealing.

Representative Arnould, I would like to congratulate you on completing your first session as majority leader. Speaker Avenson, we continue to have our ongoing philosophical differences, but again I congratulate you on your unique tenure in that position.

Finally, I wish to thank the caucus staffs, the Chief Clerk's staff, the service bureau and fiscal bureau, and all the session-only personnel. A tough job well done!

I wish all of you a good morning, a safe trip home and God's blessings. Thank you.

#### REMARKS BY THE MAJORITY LEADER

Arnould of Scott offered the following remarks:

Mr. Speaker:

I want to thank a few people. Bill and Bob who work so closely with me. Also Cathy and Mark from the Speaker's office. Also, those who work so hard in the "well" — Joe, Liz and Laura — and the backroom staff.

I thank all the House secretaries who work so hard here on the floor; Roseanne, the Pages and the doormen; the caucus staffs, the Computer Department, Journal room, Legislative Service Bureau, Legislative Fiscal Bureau, the third house, fourth estate, and the telephone operators who have been so busy with calls, especially these last few days.

I want to particularly thank the House for the decorum we have had here. The respect and decorum was the best that I have ever seen. It was exceptional and I want to thank all the members.

Also, I want to thank the new members for their patience — those of us who have been here for awhile forget how complex and drawn out it becomes. I congratulate all of you. Starting tomorrow you are veterans. Your status as a “rookie” is over and you will find that out real quick.

Sometimes in this job we have to deal with some very difficult issues — sometimes votes are easy but sometimes they are very, very hard. We have earned the respect of our colleagues even when the emotions run high. That doesn't mean we don't go on next week and next year and work very closely.

A special thanks to Representative Stromer and the olive branch he has offered the vast majority of the time. I thank you for making it possible for me to run the House as smoothly as possible.

Have a safe trip home. I look forward to seeing you throughout the summer and next year as well.

## REMARKS BY THE SPEAKER

Speaker Avenson offered the following remarks:

We all had formal remarks to make but after an evening like this, I think we have decided not to give them — they didn't seem appropriate after what has taken place. We can only hope that nobody is hurt by it — that feelings will heal with a little rest and a little time.

I can tell you that this is the best legislative body I have ever seen put together in one room. I think Representative Harbor and Stromer would say the same thing — that this is the brightest, most courageous group that I have ever had the honor of serving with. The most important thing is that you leave feeling good about your contributions as a whole over the session.

As Bob said — thanks for your patience. I think you all learned that it is a continuing process. I compliment the freshmen legislators on your cooperation and in working within the process and I understand how difficult it is when you arrive here with long-standing beliefs and commitments which makes it very, very difficult.

We thought we had a way of speeding up the appropriations process. I don't think it is working and I think most of you agree. We need to separate the bills and divide out the issues — we will work on that this summer. We do try to do the very best we can. I think every day we do our very best to accomplish that goal.

We had one of the toughest votes we have ever had tonight. It makes it very difficult and I saw acts of courage that I will never forget.

I thank every one of you for your contributions. I thank the staff, the people in the third house which we tend to forget sometimes, and the press. My staff never fails me.

I thank God I am here for another year. I thank God that I have my son here again — the Page who will never go away.

I hope you have a wonderful summer.

Thank you for your cooperation and help.

### CONFERENCE COMMITTEE REPORTS FILED

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

**JOSEPH O'HERN**  
Chief Clerk of the House

House File 395, a bill for an act relating to the taking of animals and subjecting violators to penalties.

Senate File 501, a bill for an act relating to the organization and procedures of state government, by making modifications to the authority for and procedures relating to governmental budget and finance administration, by making modifications in the authority for and procedures relating to state personnel administration, by making modifications to the powers, procedures, and structure of certain state governmental agencies, by making adjustments to the 1986 legislation reorganizing state government, by making other related adjustments and modifications, and by providing an effective date.

Senate File 510, a bill for an act relating to the conducting of classified research at institutions under the state board of regents.

### 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 10, 1987, adopted the conference committee report and passed House File 671, a bill for an act relating to and making appropriations to agencies, boards, commissions, departments, and programs of state government for health and human rights, human services, the judicial branch, the department of justice, the department of corrections, the board of parole, the auditor of state, campaign finance, employment services, inspections and appeals, employment relations, and commerce, and providing effective dates.

Also: That the Senate has on May 9, 1987, adopted the conference committee report but failed to pass Senate File 501, a bill for an act relating to the organization and procedures of state government, by making modifications to the authority for and procedures relating to governmental budget and finance administration, by making modifications in the authority for and procedures relating to state personnel administration, by making modifications to the powers, procedures, and structure of certain state governmental agencies, by making adjustments to the 1986 legislation reorganizing state government, by making other related adjustments and modifications, and by providing an effective date.

Also: That the Senate has on May 10, 1987, adopted the following concurrent resolution in which the concurrence of the House is asked:

Senate Concurrent Resolution 40, a concurrent resolution to provide for adjournment sine die.

JOHN F. DWYER, Secretary

### ADOPTION OF SENATE CONCURRENT RESOLUTION 40

Arnould of Scott asked and received unanimous consent for the immediate consideration of Senate Concurrent Resolution 40 as follows, and moved its adoption:

- 1 SENATE CONCURRENT RESOLUTION 40
- 2 By Committee on Rules and Administration
- 3 A Senate Concurrent Resolution to provide for
- 4 adjournment sine die.
- 5 *Be It Resolved by the Senate, the House Concurring,*
- 6 That when adjournment is had on Sunday, May 10, 1987,
- 7 it be the final adjournment of the 1987 Regular
- 8 Session of the Seventy-second General Assembly.

The motion prevailed and the resolution was adopted.

### MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on May 9, 1987, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 162, a bill for an act to provide for the establishment of the Iowa corporation for public telecommunications to plan, establish and operate educational radio and television facilities and other educational telecommunications systems and services including narrowcast and broadcast systems to serve the educational needs of the state and to provide an effective date.

Also: That the Senate has on May 9, 1987, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 333, a bill for an act relating to the use of telecommunications systems and services for educational instructional purposes and providing an effective date.

Also: That the Senate has on May 9, 1987, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 340, a bill for an act relating to the testing of blood or other bodily specimens of persons committed to an institution under the control of the Iowa department of corrections or a jail under the charge of a sheriff or other person, and providing penalties.

Also: That the Senate has on May 9, 1987, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 396, a bill for an act relating to the creation of a waste management authority within the environmental protection division of the department of natural resources.

Also: That the Senate has on May 9, 1987, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 471, a bill for an act relating to indemnification and limitation on liability of directors and officers and to liability of persons who volunteer services to the state or a municipality or a nonprofit organization.

Also: That the Senate has on May 9, 1987, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 482, a bill for an act relating to the civil process and procedure for awarding interest on civil judgments and decrees, determining whether a sufficient burden of proof has been met for the awarding of punitive damages, and for allowing the consideration for previous payments for medical damages, and providing an effective date.

Also: That the Senate has on May 9, 1987, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 507, a bill for an act relating to the adoption of a benefit ratio unemployment compensation contribution array system and providing for the Act's applicability.

Also: That the Senate has on May 9, 1987, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 509, a bill for an act making an appropriation for the support of the engineering and land surveying examining board and revising certain statutory provisions relating to engineering and land surveying services.

Also: That the Senate has on May 9, 1987, adopted the conference committee report but failed to pass Senate File 510, a bill for an act relating to the conducting of classified research at institutions under the state board of regents.

Also: That the Senate has on May 9, 1987, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 516, a bill for an act relating to the mentally retarded, developmentally disabled, and chronically mentally ill by creating a regional delivery system, and specifying duties, memberships, services, funding, and effective dates.

JOHN F. DWYER, Secretary

### EXPLANATION OF VOTE

I was necessarily absent from the House chamber on May 8, 1987. Had I been present, I would have voted "aye" on House File 631; amendment H-4212A, to amendment H-3687, to Senate File 162 and Senate File 162.

CONNOLLY of Dubuque

## REPORT OF HOUSE RULES AND ADMINISTRATION COMMITTEE

**MR. SPEAKER:** Pursuant to Senate Concurrent Resolution 6, your committee on rules and administration submits the following to be employed in the indicated positions, and at the indicated classification, grades and steps, and the changes in the classification of the indicated officers and employees to be effective on the date indicated:

<u>Position</u>	<u>Name</u>	<u>Grade and Step</u>	<u>Review Date</u>
Assistant Legal Counsel	E. Jane Fowler	26-1 to 26-2	6-26-87
Compositor	C. Elaine Schoonover	20-4 to 20-5	6-26-87

CHAPMAN of Linn, Chair

## CERTIFICATES OF RECOGNITION

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

- 1987-31      Thomas Jefferson High School, Council Bluffs — For students at the Iowa Skilled Olympics, sponsored by the Vocational-Industrial Clubs of Iowa.
- 1987-32      Dr. C. Joseph Giangreco, Council Bluffs — For his illustrious service and dedication to the Iowa School for the Deaf, where he served as superintendent since 1964.

**JOSEPH O'HERN**  
Chief Clerk of the House

## RESOLUTIONS FILED

**HCR 51**, by Arnould and Stromer, a concurrent resolution to provide for adjournment sine die. (Filed May 9, 1987)

Laid over under **Rule 25**.

**HCR 52**, by Schrader, a concurrent resolution urging the creation of an interim study committee relating to classified and restricted access research at the regents' universities. (Filed May 9, 1987)

Laid over under **Rule 25**.

**SCR 43**, by Dieleman, a concurrent resolution to accept a bronze memorial to commemorate the bicentennial of the Constitution of the United States.

Laid over under **Rule 25**.

## AMENDMENTS FILED

The following amendments were filed on May 9, 1987:

H—4357	H.F.	650	Jay of Appanoose
H—4358	H.F.	650	Shoultz of Black Hawk
H—4359	H.F.	650	Jay of Appanoose
H—4362	H.F.	677	Daggett of Adams Muhlbauer of Crawford
H—4369	H.F.	677	Koenigs of Mitchell
H—4378	H.F.	677	Connolly of Dubuque
H—4381	H.F.	677	Jay of Appanoose

The following amendment was filed on May 10, 1987:

H—4383	H.F.	649	Senate Amendment
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On motion by Arnould of Scott, the House was recessed at 3:35 a.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 1987 Regular Session of the Seventy-second General Assembly, will be considered to have **failed**:

By Connors of Polk to House File 39, a bill for an act making changes in the statutes relating to marriage, filed on April 1, 1987. (Bill failed to pass House) placing out of order the motion to reconsider filed by Spear of Lee on April 1, 1987 and the following amendments:

H—3563 filed by Tyrrell of Iowa on April 1, 1987.

H—3587, to amendment H—3563, filed by Tyrrell of Iowa on April 2, 1987.

H—3616 filed by Spear of Lee on April 2, 1987.

H—3652 filed by Spear of Lee on April 6, 1987.

H—3641 filed by Bisignano of Polk on April 3, 1987.

H—3707, to amendment H—3641, filed by Spear of Lee on April 10, 1987.

H—3677, to amendment H—3641, filed by Spear of Lee on April 8, 1987.

H—3651, to amendment H—3641, filed by Spear of Lee on April 6, 1987.

H—3657, to amendment H—3641, filed by Spear of Lee on April 6, 1987.

H—3659, to amendment H—3641, filed by Bisignano of Polk on April 6, 1987.

By Running of Linn to Senate File 201, a bill for an act related to the senate's review and confirmation of gubernatorial appointments, and providing an effective date, filed on April 22, 1987.

By Hummel of Benton to House File 438, a bill for an act relating to the definition of a snowmobile, filed March 27, 1987, placing out of order the motion to reconsider filed by Platt of Muscatine on March 27, 1987.

By Stromer of Hancock to House File 471, a bill for an act to require cities that have established pension systems for police and fire fighters to comply with the applicable provisions of the federal Fair Labor Standards Act as they apply to employees eligible for a pension, filed on March 16, 1987.

#### HOUSE AND SENATE FILES REREFERRED TO COMMITTEE

Under the provisions of House Rule 45, the following House and Senate Files are rereferred to the committees listed:

House File 672	Ways and Means
House File 674	Ways and Means
House File 677	Ways and Means
House File 681	Appropriations
House File 685	Ways and Means
Senate File 38	Natural Resources and Outdoor Recreation
Senate File 49	Education
Senate File 69	Small Business and Commerce (Referred - previously passed on file)
Senate File 370	State Government
Senate File 387	Local Government
Senate File 484	Judiciary and Law Enforcement
Senate File 496	State Government

The House resumed session, Speaker Avenson in the chair.

## 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 10th day of May, 1987: House Files 79, 130, 142, 153, 167, 170, 210, 241, 244, 262, 266, 310, 315, 316, 328, 334, 345, 346, 371, 374, 375, 377, 380, 407, 410, 411, 412, 416, 426, 460, 464, 469, 472, 488, 492, 493, 494, 499, 500, 505, 506, 515, 518, 520, 533, 540, 556, 567, 574, 575, 580, 588, 589, 590, 591, 594, 595, 599, 600, 602, 603, 605, 620, 621, 623, 626, 631, 633, 634, 636, 640, 646, 654, 655, 658, 660, 661, 669, 671, 673, 675, 676, 682 and 684.

JOSEPH O'HERN  
Chief Clerk of the House

Report adopted.

## CERTIFICATES OF RECOGNITION

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

1987-33	Leslie Weiss, Marshalltown — Earning the Girl Scout Gold Award
1987-34	Christine Miller, Marshalltown — Earning the Girl Scout Gold Award
1987-35	Michelle Merris, Marshalltown — Earning the Girl Scout Gold Award
1987-36	The City of Athelston — Celebrating its Centennial anniversary June 7, 1987

JOSEPH O'HERN  
Chief Clerk of the House

## MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on May 6, 1987, 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 469, a bill for an act to regulate the circumstance and procedure under which an employer may request a drug test of an employee or an applicant for employment and providing a penalty.

Also: That the Senate has on May 9, 1987, failed to pass the following bill in which the concurrence of the Senate was asked:

House File 687, a bill for an act relating to the state individual income tax by altering the tax brackets and rates, standard deduction, personal exemptions and credits; disallowing married persons filing separately on combined returns; eliminating the deduction for federal income taxes paid; providing administrative clarifications; and providing effective dates.

Also: That the Senate has on May 5, 1987, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 139, a bill for an act relating to the use of public funds to aid economic development.

Also: That the Senate has on March 25, 1987, passed the following bill in which the concurrence of the House is asked:

Senate File 323, a bill for an act to provide a procedure for parents or guardians to enroll their children in the public schools of contiguous school districts, and to enroll their special education children in programs in public and private agencies, without cost to the parents or guardians and to provide an effective date.

Also: That the Senate has on April 2, 1987, passed the following bill in which the concurrence of the House is asked:

Senate File 356, a bill for an act relating to the exemptions from regulation of a home used to prepare food for a cafe.

JOHN F. DWYER, Secretary

### COMMITTEE TO NOTIFY THE GOVERNOR

Halvorson of Webster moved that a committee of two be appointed to notify the Governor that the House was ready to adjourn in accordance with Senate Concurrent Resolution 40 duly adopted.

The motion prevailed and the Speaker appointed as such committee: Halvorson of Webster and Carpenter of Polk.

### COMMITTEE TO NOTIFY THE SENATE

Connors of Polk moved that a committee of two be appointed to notify the Senate that the House was ready to adjourn in accordance with Senate Concurrent Resolution 40 duly adopted.

The motion prevailed and the Speaker appointed as such committee: Connors of Polk and Metcalf 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

June 2, 1987

The Honorable Donald Avenson  
Speaker of the House  
State Capitol Building

Dear Mr. Speaker:

Members of the 1987 Session of the General Assembly had the opportunity to set Iowa on a new course toward excellence and competitiveness. Some significant progress was made. But some of the challenges were not fully met and Iowa's opportunities will be limited as a result.

In January, I set forth a plan to set our state in a new direction for the future. It was a plan to move our state forward by improving our business climate to encourage growth; increasing our commitment to excellence in education; developing a transportation system to connect our communities with the markets of the Midwest and the world; passing an Iowa tax system that is simple, fair and competitive; and protecting our environment.

Actions were taken to ensure that Iowa will lead the nation in excellence in education. We will protect our groundwater and make our unemployment compensation system more competitive.

Our plan for Excellence in Education was adopted and Iowa will retain its leadership in education as a result. We will be able to attract qualified people into education, reward them for excellent work and establish locally controlled, performance-based pay plans. Our plan makes Iowa a national leader in education reform and our children will be the beneficiaries.

Unfortunately, the General Assembly cut the performance-based pay phase, the most important part of the plan, and targeted it for possible future reductions. That action was shortsighted. Education should be our first, not our last budget priority.

The General Assembly also passed a groundwater protection bill that guards against the greatest environmental threat we face. There may be adjustments in this bill for years to come. It imposes higher fees than necessary. Farmers and consumers will pay those fees. But the goal, to protect our groundwater, must not change.

The General Assembly took a significant step to protect the public when it accepted my recommendation to remove the artificial limit on the number of criminals the state can keep in our prisons. Removing that limit means we can do a better job of avoiding the release of dangerous criminals.

I am disappointed that the General Assembly failed to adopt the Transportation 2000 plan. That plan would give Iowa a more efficient transportation system and serve as an important element in our economic development plan. The failure to act represents a major opportunity missed.

The General Assembly also did not address a solution to the problems facing those Iowans who choose to educate their children in their homes. As a result, more parents could be prosecuted during the next year for acting in accordance with their religious beliefs.

The General Assembly's budget, in effect, exceeds my recommendations by over \$25 million. Budget gimmickry was used in an attempt to mask the real level of spending. The budget hides expenditures for the coming year from taxpayers by allocating some of the spending for next year in this year's budget. It also includes approximately \$10 million of additional annual costs for new programs that were initiated this session. The gimmicks in the budget do not erase the costs to taxpayers. Iowans deserve an accurate accounting in their state budget and an accurate accounting shows excessive spending.

Finally, a glaring omission from the list of this General Assembly's accomplishments is the failure to enact an income tax rate reduction bill. Without such legislation, Iowa would be left with the highest top income tax rate in the country — 13 percent. That rate would cost Iowa jobs, economic development and opportunity. It is simply unacceptable.

However, later this week in an extraordinary session, the General Assembly will have an opportunity to rise above political and individual differences and cut Iowa's tax rates to give Iowans a simple, fair, progressive and competitive tax system. For the good of all Iowans — Republic and Democrat, rural and urban, young and old — we must work together to pass this rate reduction plan. To do so will provide a capstone to this session. A failure to reduce rates to competitive levels would be a reminder of a missed opportunity that will cost Iowa jobs and development for the future.

Very truly yours,  
Terry E. Branstad  
Governor

The communication was received and the committee discharged.

### FINAL ADJOURNMENT

By virtue of Senate Concurrent Resolution 40, duly adopted, the day of May 10, 1987 having arrived, the Speaker of the House of Representatives declared the 1987 Regular Session of the Seventy-second General Assembly adjourned sine die.

**AMENDMENTS FILED**

Amendments filed during the Seventy-second General Assembly, 1987 Session, not otherwise printed in the House Journal:

H-3005

- 1 Amend House Resolution 2 as follows:
- 2 1. Page 33, line 10 by striking the word "house"
- 3 and inserting the word "chamber".

KREMER of Buchanan  
CONNORS of Polk

H-3021

- 1 Amend Senate Concurrent Resolution 3 as adopted
- 2 by the Senate as follows:
- 3 1. Page 7, by striking lines 9 through 11 and
- 4 inserting the following: "officer of the house,
- 5 after consultation with and approval by the majority
- 6 leader, shall appoint three majority party members
- 7 and, after consultation with and approval by the
- 8 minority".

STROMER of Hancock

H-3023

- 1 Amend House File 77 as follows:
- 2 1. Page 2, by striking lines 21 through 23 and
- 3 inserting the following:
- 4 "Sec. 3. This Act applies to all Acts and
- 5 resolutions of the 1987 regular session and subsequent
- 6 sessions of the general assembly."

ROSENBERG of Story

H-3027

- 1 Amend House File 106 as follows:
- 2 1. Page 1, line 5, by inserting after the word
- 3 "results" the words "to be used for groundwater
- 4 research".
- 5 2. Page 1, line 5, by striking the word "may" and
- 6 inserting the word "shall".

HARBOR of Mills

H-3048

- 1 Amend House Resolution 4 as follows:
- 2 1. Page 8, line 4, by inserting after the word
- 3 "report." the following: "The member may be subject
- 4 to a penalty for failure to file a report required by
- 5 these rules if the report is not filed when required.
- 6 The fines shall be assessed according to the following

7 schedule:

- 8 a. If the report is delinquent from one through  
 9 fourteen days, ten dollars for a first time  
 10 delinquency and twenty-five dollars for a repeat  
 11 delinquency.  
 12 b. If the report is delinquent from fifteen  
 13 through thirty days, twenty-five dollars for a first  
 14 time delinquency and fifty dollars for a repeat  
 15 delinquency.  
 16 c. If the report is delinquent from thirty-one  
 17 through forty-five days, fifty dollars for a first  
 18 time delinquency and one hundred dollars for a repeat  
 19 delinquency."

CARPENTER of Polk

H-3051

- 1 Amend Senate File 41 as amended, passed and  
 2 reprinted by the Senate as follows:  
 3 1. Page 1, line 19, by inserting after the word  
 4 "number." the following: "However, if the public  
 5 school district in which a parent or guardian of a  
 6 nonpublic school pupil resides meets the requirements  
 7 of section 285.1, subsections 14 through 16, by using  
 8 subsection 17, paragraphs "a", "b", or "d",  
 9 reimbursement under this section shall not be made to  
 10 that parent or guardian without the approval of the  
 11 department of education."

CLARK of Cerro Gordo

H-3060

- 1 Amend House File 169 to read as follows:  
 2 1. Page 3, by striking lines 4 and 5 and  
 3 inserting the following:  
 4 "NEW SUBSECTION. 8. A city required to adopt a  
 5 housing code under this section shall adopt housing  
 6 code".

METCALF of Polk

H-3061

- 1 Amend House File 133 as follows:  
 2 1. Page 1, line 15, by inserting after the word  
 3 "procedures." the following: "The commission shall  
 4 limit the nonresident wild turkey hunting license to  
 5 residents of those states which require reciprocity in  
 6 order for an Iowan to hunt in that state."  
 7 2. Page 1, line 22, by inserting after the word  
 8 "procedures." the following: "The commission shall  
 9 limit the nonresident deer hunting license to

10 residents of those states which require reciprocity in  
 11 order for an Iowan to hunt in that state."

TYRRELL of Iowa

H-3063

1 Amend House File 169 to read as follows:  
 2 1. Page 1, line 22, by striking the word  
 3 "rental".  
 4 2. Page 3, line 7, by inserting after the figure  
 5 "6." the following: "However, a city which has an  
 6 inspection program in operation and effect shall be  
 7 exempt from this subsection."

VAN CAMP of Scott

H-3064

1 Amend House Joint Resolution 3 as follows:  
 2 1. Page 1, line 34, by inserting after the figure  
 3 "1873;" the following: "Wyoming on March 3, 1978;"

HARBOR of Mills

H-3065

1 Amend House File 169 to read as follows:  
 2 1. Page 1, by striking lines 29 and 30.  
 3 2. Page 3, by striking lines 2 through 7.

METCALF of Polk

H-3069

1 Amend House File 164 as follows:  
 2 1. Page 1, by inserting the following before  
 3 line 1:  
 4 "Section 1. Section 77.4, subsections 2, 3, and  
 5 4, Code 1987, are amended by striking the subsections."  
 6 2. Title page, line 1, by inserting after the  
 7 word "Act" the following: "eliminating the requirement  
 8 that notaries public be bonded and".  
 9 3. Renumber as necessary.

HUMMEL of Benton

H-3080

1 Amend House File 79 as follows:  
 2 1. Page 1, by striking lines 12 and 13 and  
 3 inserting the following: "but not limited to,  
 4 restaurants, all retail stores, offices containing  
 5 three hundred or more square feet of floor space,  
 6 including waiting rooms of three hundred or more  
 7 square feet of floor space, and other commercial  
 8 establishments;"

RENAUD of Polk

H-3081

- 1 Amend House File 279 as follows:
- 2 1. Page 13, by inserting after line 23 the
- 3 following:
- 4 "c. Employing a person who is otherwise employed
- 5 as a public law enforcement or peace officer to
- 6 provide security services for a gambling game
- 7 operation or an excursion gambling boat operation
- 8 under this chapter."

HERMANN of Scott

H-3082

- 1 Amend H-3073 to House File 79 as follows:
- 2 1. Page 1, by striking lines 2 and 3 and
- 3 inserting the following:
- 4 "\_\_\_\_\_. Page 1, by striking lines 12 and 13 and
- 5 inserting the following: "but not limited to,
- 6 restaurants, all retail stores, offices containing
- 7 three hundred or more square feet of floor space,
- 8 including waiting rooms of three hundred or more
- 9 square feet of floor space, lobbies, malls, and other
- 10 commercial establishments;".

RENAUD of Polk

H-3088

- 1 Amend the amendment, H-3075, to Senate Concurrent
- 2 Resolution 4, as passed by the Senate, as follows:
- 3 1. Page 3, by striking lines 19 through 35.

HALVORSON of Clayton  
HARBOR of Mills

H-3092

- 1 Amend Senate Concurrent Resolution 4, as passed by
- 2 the Senate, as follows:
- 3 1. Page 2, line 13, by striking the word "a".
- 4 2. Page 2, by striking line 14 and inserting the
- 5 following: "projects at this time and to finance
- 6 their cost by".
- 7 3. Page 2, by striking lines 16 and 17 and
- 8 inserting the following: "chapter 262A in a total
- 9 amount not to exceed sixty-two million six hundred
- 10 thousand (62,600,000) dollars,".
- 11 4. Page 2, line 18, by striking the word
- 12 "project" and inserting the following: "projects".
- 13 5. Page 3, by striking lines 6 and 7 and insert-
- 14 ing the following: "unless additional bonding is
- 15 authorized, is sixty-two million six hundred thousand
- 16 (62,600,000)".

- 17 6. Page 3, line 17, by striking the word
- 18 "project" and inserting the following: "projects".
- 19 7. Page 3, by striking lines 21 and 22 and
- 20 inserting the following: "to exceed sixty-two million
- 21 six hundred thousand (62,600,000) dollars:".
- 22 8. Page 3, by inserting after line 25 the
- 23 following:
- 24 "Iowa State University
- 25 Molecular biology building
- 26 Cost of issuance of bonds".

MAULSBY of Calhoun

H-3097

- 1 Amend the amendment H-3075 to Senate Concurrent
- 2 Resolution 4, as passed by the Senate, as follows:
- 3 1. By striking page 2, line 37 through page 3,
- 4 line 1, and inserting the following:
- 5 "State University of Iowa
- 6 Laser laboratories . . . . . \$ 25,100,000
- 7 Fire and environmental safety
- 8 projects . . . . . 500,000
- 9 Cost of issuance of bonds
- 10 Iowa State University
- 11 Molecular biology building . . . . . 37,500,000
- 12 Fire and environmental safety
- 13 projects . . . . . 500,000
- 14 Home economics building -
- 15 phase I . . . . . 5,100,000
- 16 Cost of issuance of bonds
- 17 University of Northern Iowa
- 18 Latham hall remodeling . . . . . 3,360,000
- 19 Fire and environmental safety
- 20 projects . . . . . 450,000
- 21 Wright hall remodeling . . . . . 2,415,000
- 22 Library addition . . . . . 5,800,000
- 23 Cost of issuance of bonds;
- 24
- 25 \$ 80,725,000
- 26 and".

HATCH of Polk

H-3099

- 1 Amend House File 188 as follows:
- 2 1. Page 1, line 6, by striking the word "gun" and
- 3 inserting the following: "shotgun".

Committee on Natural Resources and Outdoor Recreation

H—3102

- 1 Amend Senate File 49 as passed by the Senate as  
 2 follows:  
 3 1. Page 1, line 5, by inserting after the word  
 4 "formula" the following: ", the property tax burden  
 5 on the taxpayers of the various school districts  
 6 including the property assessment practices prescribed  
 7 in sections 441.18 through 441.21,".

DAGGETT of Taylor

H—3103

- 1 Amend House File 316 as follows:  
 2 1. Page 2, by striking line 7 and inserting the  
 3 following: "who show proof of age of sixty-five years  
 4 or older or to".

SPEAR of Lee

H—3107

- 1 Amend House File 316 as follows:  
 2 1. Page 2, by striking lines 3 through 12 and  
 3 inserting the following:  
 4 "5. User permits shall be issued without the  
 5 permit fee by the county recorder to individuals who  
 6 present a current medical assistance identification  
 7 card provided by the department of human services or  
 8 to individuals who show proof of age of sixty-five  
 9 years or older or to individuals who declare  
 10 themselves in writing to be current food stamp  
 11 recipients and who sign a release allowing the  
 12 department of human services to confirm or deny their  
 13 eligibility status upon request of the county recorder  
 14 or the commission. Each individual issued a user  
 15 permit under this subsection shall provide the county  
 16 recorder with the individual's address. Only one user  
 17 permit shall be issued under this subsection to a  
 18 household."

VAN CAMP of Scott

H—3113

- 1 Amend Senate File 49 as passed by the Senate as  
 2 follows:  
 3 1. Page 1, line 5, by inserting after the word  
 4 "formula" the following: ", the property tax burden  
 5 on the taxpayers of the various school districts  
 6 including the property assessment practices prescribed  
 7 in sections 441.18 through 441.21,".  
 8 2. Page 1, line 19, by striking the word "of" and  
 9 inserting the word "on".

10 3. Page 1, line 33, by striking the words  
 11 "Sections of this Act" and inserting the following:  
 12 "Those sections".

Committee on Education

H-3114

1 Amend House File 158 as follows:  
 2 1. Page 3, line 10, by inserting after the word  
 3 "facility." the following: "The director may  
 4 designate the appropriate area agency on aging to  
 5 appoint the members of care review committees within  
 6 the area."

RUNNING of Linn

H-3120

1 Amend House File 341 as follows:  
 2 1. Page 3, by inserting after line 6 the  
 3 following:  
 4 "Sec. \_\_\_\_\_. Section 170B.6, Code 1987, is amended  
 5 to read as follows:

6 170B.6 LICENSE FEES.

7 ~~Either the The department or the municipal~~  
 8 ~~corporation shall collect the following annual license~~  
 9 ~~fees: of inspections and appeals shall adopt by rule~~  
 10 ~~annual license fees to be collected. The rule shall~~  
 11 ~~provide for a graduated scale of fees based upon the~~  
 12 ~~number of guest rooms contained in a hotel. In estab-~~  
 13 ~~lishing license fees, the department shall consider~~  
 14 ~~the cost of inspections, and the fees shall be~~  
 15 ~~established in amounts which provide reasonable~~  
 16 ~~compensation for the cost of inspections.~~

- 17 1. For a hotel containing fifteen guest rooms or  
 18 less, twenty dollars.
- 19 2. For a hotel containing more than fifteen but  
 20 less than thirty-one guest rooms, thirty dollars.
- 21 3. For a hotel containing more than thirty but  
 22 less than seventy-six guest rooms, forty dollars.
- 23 4. For a hotel containing more than seventy-five  
 24 but less than one hundred fifty guest rooms, fifty  
 25 dollars.
- 26 5. For a hotel containing one hundred fifty or  
 27 more guest rooms, seventy-five dollars.

28 Fees collected by the department shall be deposited  
 29 in the general fund of the state. Fees collected by a  
 30 municipal corporation shall be retained by it and for  
 31 its use.

32 Sec. \_\_\_\_\_. Section 191A.4, Code 1987, is amended to  
 33 read as follows:  
 34 191A.4 FEES.  
 35 The regulatory authority shall collect a fee of two

36 dollars per vending machine The department of  
 37 inspections and appeals shall adopt by rule annual  
 38 license fees to be collected for a vending machine  
 39 operator's license. The rule shall provide for a  
 40 graduated scale of fees based upon the number of  
 41 vending machines operated at a particular location.  
 42 In establishing license fees, the department shall  
 43 consider the cost of inspections, and the fee shall be  
 44 established in amounts which provide reasonable  
 45 compensation for the cost of the inspection.  
 46 The vending machine operator's license shall not be  
 47 transferable from one person to another, but shall  
 48 require an immediate application and the payment of a  
 49 new fee.  
 50 Fees for a vending machine commissary shall be the

**Page 2**

1 same as those for a food establishment as set forth in  
 2 section 170.5 or for a food service establishment as  
 3 set forth in section 170A.5, whichever is applicable."

BISIGNANO of Polk

## H-3122

1 Amend House File 279 as follows:  
 2 1. Page 10, by striking lines 21 through 23 and  
 3 inserting the following:  
 4 "a. The admission tax revenue received by a city  
 5 shall be used for one or more of the following".  
 6 2. Page 10, by striking lines 30 through 32 and  
 7 inserting the following:  
 8 "b. The admission tax revenue received by a county  
 9 shall be used for one or more of the fol-".

NEUHAUSER of Johnson

## H-3125

1 Amend House File 111 as follows:  
 2 1. Page 1, line 5, by striking the words "at  
 3 least".  
 4 2. Page 1, line 5, by striking the words "and  
 5 one-half".  
 6 3. Page 1, line 5, by inserting after the word  
 7 "day" the following: "computed on a seven-day week."  
 8 4. Page 1, by striking line 6.

Committee on Human Resources

## H-3126

1 Amend House File 188 as follows:  
 2 1. Page 1, line 5, by striking the word "BB" and  
 3 inserting the word "F shot".

DIEMER of Black Hawk

H-3127

1 Amend House File 316 as follows:

2 1. By striking all after the enacting clause and  
3 inserting in lieu thereof the following:

4 "Section 1. Section 111.85, subsections 1 through  
5 4, 6, and 8 through 10, Code 1987, are amended to read  
6 as follows:

7 1. A person shall not park or permit to be parked  
8 a motor vehicle required to be registered under  
9 chapter 321 on state land under the jurisdiction of  
10 the ~~commission~~ department where a user permit is  
11 required by subsection 3, unless the vehicle has a  
12 user permit attached in accordance with this section.

13 2. This section does not apply to the following  
14 vehicles:

15 a. Official government vehicles, or vehicles  
16 operated by state, county, city, and federal employees  
17 and agents while in the performance of official  
18 government business.

19 b. Vehicles operated by family members and guests  
20 of a ~~commission~~ department employee residing at an  
21 area subject to the user permit requirement. The  
22 ~~commission~~ department shall provide for temporary  
23 devices to identify the vehicles of such guests.

24 c. A vehicle moving on highways within or that  
25 cross state land to which this section applies.

26 d. A vehicle transporting employees to or  
27 furnishing services or supplies to the ~~commission~~  
28 department or designated concessionaire.

29 e. A vehicle displaying a handicapped  
30 identification device issued under chapter 601E.

31 3. The requirement of a user permit applies to  
32 developed campgrounds at the Shimek, Yellow River, and  
33 Stephens state forests, and all areas managed by the  
34 state parks, ~~section~~ recreation, and preserves  
35 ~~division~~ of the ~~commission~~ department except those  
36 excluded by rule. However, the requirement of a user  
37 permit shall not apply on any land acquired by gift if  
38 a condition of the gift was the free, public use of  
39 the land.

40 4. The user permit issued by the commission is  
41 valid for either the calendar year in which issued or  
42 for twenty-four hours from the time of purchase. The  
43 fee is ten dollars for the calendar year permit and  
44 two dollars for the daily permit. The following three  
45 forms of user permits shall be issued:

46 a. The calendar year permit shall be sold for a  
47 fee of ten dollars and shall be valid for the calendar  
48 year in which it is issued.

49 b. The daily permit shall be sold for a fee of two  
50 dollars and shall be valid for twenty-four hours from

Page 2

1 the time of purchase.

2 c. The registration plate permit shall be sold for  
3 a fee of one dollar and shall be valid for the current  
4 registration period of the motor vehicle for which it  
5 is purchased.

6 6. User Calendar year and daily user permits shall  
7 be sold by the commission department and county  
8 recorders and may be sold by depositaries designated  
9 by the recorders or the director under section 110.11.  
10 A writing fee may be charged for dispensing the user  
11 permits as provided under section 110.12 for licenses.  
12 Only one writing fee shall be charged when a person  
13 purchases more than one user permit. Duplicate user  
14 permits shall not be issued. The commission may  
15 establish procedures by rule to issue duplicate  
16 permits.

17 8. a. An officer of the commission department who  
18 observes a motor vehicle parked in violation of this  
19 section shall take the vehicle's registration number  
20 and may take other information displayed on the  
21 vehicle which may identify its user and deliver to the  
22 driver or conspicuously affix to the vehicle a notice  
23 of violation in writing on a form provided by the  
24 commission department. A person who receives the  
25 notice or knows that a notice has been affixed to the  
26 motor vehicle owned or controlled by the person may  
27 pay a civil penalty of twenty dollars to the  
28 commission within twenty days. If the civil penalty  
29 is not timely paid, the commission may The department  
30 shall cause a complaint to be filed against the owner  
31 or operator of the motor vehicle before a magistrate  
32 for the violation of this section in the manner  
33 provided in section 804.1. Timely payment of the  
34 civil penalty shall be a bar to any prosecution for  
35 that violation of this section. All civil penalties  
36 collected under this subsection shall be deposited in  
37 the general fund of the state.

38 b. If a citation complaint is issued for a  
39 violation of this section and a plea of guilty is  
40 entered on or before the time and date set for  
41 appearance, the fine shall be thirty dollars and court  
42 costs and the criminal penalty surcharge of section  
43 911.2 shall not be imposed.

44 c. The commission department shall provide to its  
45 officers sets of triplicate notices each identified by  
46 separate serial numbers on each copy of notice. One  
47 copy shall be used as a notice of violation and  
48 delivered to the person charged or affixed to the  
49 vehicle illegally parked, one copy shall be sworn to  
50 by the officer as a complaint and may shall be filed

## Page 3

1 with the clerk of the court of the county if the civil  
2 penalty is not timely paid to the commission and one  
3 copy shall be retained by the commission department  
4 for record purposes.

5 9. The county recorder shall remit to the  
6 commission department all fees from the sale of user  
7 permits within ten days from the end of the month.  
8 The commission department shall remit the fees from  
9 sales of user permits to the treasurer of state who  
10 shall place the money in a state park, forest, and  
11 recreation area facilities improvement trust fund.  
12 Notwithstanding section 453.7, subsection 2, interest  
13 or earnings on investments or time deposits of the  
14 funds in the state park, forest and recreation area  
15 facilities improvement trust fund shall be credited to  
16 that fund. The money in that fund is appropriated to  
17 the commission department solely for renovation,  
18 replacement, and improvement of facilities otherwise  
19 acquired in state parks, forests, and recreation areas  
20 and for reimbursement to the department of  
21 transportation for the additional cost of the stickers  
22 or emblems under section 2 of this Act.  
23 Notwithstanding chapters 96 and 97B, persons employed  
24 by the commission with the money from the trust fund  
25 are not eligible for membership in the Iowa public  
26 employees' retirement system or eligible to receive  
27 unemployment compensation benefits by virtue of this  
28 employment.

29 10. A person who receives a notice of violation  
30 under this section may, in lieu of paying the civil  
31 criminal penalty, produce proof that the person has  
32 acquired a current calendar year permit. The proof  
33 shall be submitted to the commission in the same  
34 manner as the civil penalty clerk of court of the  
35 county.

36 Sec. 2. Section 111.85, Code 1987, is amended by  
37 adding the following new subsection:

38 **NEW SUBSECTION. 11.** A person registering a motor  
39 vehicle under chapter 321 shall purchase a  
40 registration plate user permit for that motor vehicle  
41 unless the person declines to do so at the time of  
42 registration or reregistration. The application form  
43 for registration or reregistration under chapter 321  
44 shall provide the person with the opportunity to  
45 decline the purchase of the registration plate user  
46 permit. If a person purchases the registration plate  
47 user permit, the person shall be issued an emblem or  
48 sticker issued under section 321.166, subsection 7,  
49 which is easily distinguishable from the emblem or  
50 sticker issued to persons who do not purchase the

## Page 4

- 1 permit. The county treasurer shall transmit the funds  
 2 received from the purchase of registration plate user  
 3 permits to the department for deposit under subsection  
 4 9.  
 5 Sec. 3. Section 111.85, subsection 5, Code 1987,  
 6 is amended by striking the subsection.  
 7 Sec. 4. This Act takes effect January 1, 1988."

DVORSKY of Johnson

## H-3131

- 1 Amend House File 304 as follows:  
 2 1. Page 1, by striking lines 22 through 24 and  
 3 inserting the following: "The county compensation  
 4 board shall have the following members who shall be  
 5 residents of the county:".  
 6 2. Page 1, line 33, by striking the word "six".  
 7 3. Page 2, by inserting after line 4 the  
 8 following:  
 9 "3. If two or more elective county offices are  
 10 combined, the elected officer who is assigned the  
 11 powers and duties of the combined offices or the  
 12 officer's designee shall be a member of the county  
 13 compensation board in lieu of the former elective  
 14 officers or their designees. If the membership of the  
 15 county compensation board is reduced by reorganization  
 16 to fewer than three members, the county compensation  
 17 board is abolished in that county and the powers and  
 18 duties of the county compensation board shall be  
 19 carried out by the board of supervisors or its  
 20 successor governing body."

SPEAR of Lee

## H-3132

- 1 Amend the amendment, H-3107, to House File 316 as  
 2 follows:  
 3 1. Page 1, by striking lines 8 and 9 and  
 4 inserting the following: "~~to individuals who show~~  
 5 ~~proof of age of sixty-five years or older or to~~  
 6 individuals who declare".

OSTERBERG of Linn

## H-3133

- 1 Amend House File 316 as follows:  
 2 1. Page 2, by striking lines 3 through 12 and  
 3 inserting the following:  
 4 "5. User permits shall be issued without the  
 5 permit fee by the county recorder to individuals who

6 present a current medical assistance identification  
 7 card provided by the department of human services or  
 8 to individuals who show proof of age of sixty-five  
 9 years or older or to individuals who declare  
 10 themselves in writing to be current food stamp  
 11 recipients and who sign a release allowing the  
 12 department of human services to confirm or deny their  
 13 eligibility status upon request of the county recorder  
 14 or the commission. Each individual issued a user  
 15 permit under this subsection shall provide the county  
 16 recorder with the individual's address. Only one user  
 17 permit shall be issued under this subsection to a  
 18 household."

OSTERBERG of Linn

H-3137

1 Amend the Senate Amendment H-3130 to House File 130  
 2 as passed by the House as follows:  
 3 1. Page 1, line 5, by striking the word  
 4 "mortgages" and inserting the word "mortgagees".  
 5 2. Page 1, line 6, by striking the word  
 6 "mortgages" and inserting the word "mortgagees".

McKINNEY of Dallas

H-3138

1 Amend House File 374 as follows:  
 2 1. By striking page 5, line 14 through page 6,  
 3 line 30.

SWARTZ of Marshall

H-3142

1 Amend House File 269 as follows:  
 2 1. Page 1, line 6, by inserting after the figure  
 3 "1" the following: ", except that if a majority  
 4 approves the levy, it shall be imposed".

Committee on Local Government

H-3151

1 Amend House File 108 as follows:  
 2 1. By striking everything after the enacting  
 3 clause and inserting the following:  
 4 "SECTION 1. NEW SECTION. 410.18A FAIR LABOR  
 5 STANDARDS.  
 6 Cities that have established a pension system under  
 7 this chapter shall comply with the applicable  
 8 provisions of the federal Fair Labor Standards Act as  
 9 they apply to employees eligible for a pension.  
 10 Sec. 2. NEW SECTION. 411.10 FAIR LABOR

## 11 STANDARDS.

- 12 Cities that have established one or both retirement  
 13 systems under this chapter shall comply with the  
 14 applicable provisions of the federal Fair Labor  
 15 Standards Act as they apply to members of systems  
 16 established in this chapter."

Committee on Labor and Industrial Relations

## H-3153

- 1 Amend the amendment, H-3131, to House File 304 as  
 2 follows:  
 3 1. Page 1, by inserting after line 5 the  
 4 following:  
 5 "\_\_\_\_\_. Page 1, line 25, by striking the words "or  
 6 a designee".  
 7 \_\_\_\_\_. Page 1, line 26, by striking the words "or a  
 8 designee".  
 9 \_\_\_\_\_. Page 1, line 27, by striking the words "or a  
 10 designee".  
 11 \_\_\_\_\_. Page 1, line 28, by striking the words "or a  
 12 designee".  
 13 \_\_\_\_\_. Page 1, line 29, by striking the words "or a  
 14 designee".  
 15 \_\_\_\_\_. Page 1, line 30, by striking the words "or  
 16 other person".  
 17 \_\_\_\_\_. Page 1, line 32, by striking the words "A  
 18 representative" and inserting the following: "Two  
 19 representatives".  
 20 2. By renumbering as necessary.

GARMAN of Story

## H-3154

- 1 Amend House File 365 as follows:  
 2 1. Page 1, line 3, by inserting after the word  
 3 "that" the following: "not more than".  
 4 2. Page 1, lines 5 and 6, by striking the words  
 5 "or agencies of the board's choosing".

Committee on Local Government

## H-3159

- 1 Amend House File 304 as follows:  
 2 1. Page 1, line 25, by striking the words "or a  
 3 designee".  
 4 2. Page 1, line 26, by striking the words "or a  
 5 designee".  
 6 3. Page 1, line 27, by striking the words "or a  
 7 designee".  
 8 4. Page 1, line 28, by striking the words "or a  
 9 designee".

10 5. Page 1, line 29, by striking the words "or a  
11 designee".

12 6. Page 1, line 30, by striking the words "or  
13 other person".

GARMAN of Story

H—3162

1 Amend House File 428 as follows:

2 1. Page 1, line 10, by inserting after the word  
3 "a" the following: "simple".

4 2. By striking page 1, line 35 through page 2,  
5 line 8, and inserting the following:

6 "In January 1972 the The governor shall appoint  
7 five eligible electors of each judicial election  
8 district to the district judicial nominating  
9 commission. Appointments shall be to staggered terms  
10 of six years each and shall be made in the month of  
11 January for terms commencing February 1, 1972 of even-  
12 numbered years. The governor shall appoint two such  
13 commissioners to serve until January 31, 1974, two to  
14 serve until January 31, 1976, and one to serve until  
15 January 31, 1978. In the month of January when each  
16 of those terms expires and every six years thereafter  
17 the governor shall appoint district judicial  
18 nominating commissioners for six-year terms. No more  
19 than a".

20 3. Page 2, line 8, by inserting after the word  
21 "a" the following: "simple".

22 4. Page 2, by striking lines 15 through 25 and  
23 inserting the following:

24 "In January 1972 the The resident members of the  
25 bar of each judicial election district shall elect  
26 five eligible electors of the district to the district  
27 judicial nominating commission for terms commencing  
28 February 1, 1972. One of such commissioners shall  
29 serve until January 31, 1974, two until January 31,  
30 1976, and two until January 31, 1978, as determined by  
31 lot by such commissioners. In the month of January  
32 when each of those terms expires and every six years  
33 thereafter such members of the bar of the respective  
34 judicial election districts shall elect district  
35 nominating commissioners for six-year terms.  
36 Commissioners shall be elected to staggered terms of  
37 six years each. The elections shall be held in the  
38 month of January for terms commencing February 1 of  
39 even-numbered years."

40 5. Page 4, by striking lines 2 through 11 and  
41 inserting the following: "shall arrange for the  
42 publication of cause to be mailed to each member of  
43 the bar whose name appears on the certified list  
44 prepared pursuant to section 46.8 for the district or

45 districts affected, a notice stating the existence of  
 46 the vacancy, the requirements for eligibility, and the  
 47 manner in which the vacancy will be filled in those  
 48 publications which the clerk of the supreme court  
 49 deems likely to give reasonable notice to the eligible  
 50 voting members of the bar of the district in which the

Page 2

1 vacancy occurs. The election of a district judicial  
 2 nominating commissioner or the close of nominations  
 3 for a state judicial nominating commissioner shall not  
 4 occur until thirty days after the publication mailing  
 5 of the notice."  
 6 6. Page 4, by inserting after line 11, the  
 7 following:  
 8 "Sec. \_\_\_\_\_. NEW SECTION. 46.9A NOTICE PRECEDING  
 9 NOMINATION OF ELECTIVE NOMINATING COMMISSIONERS.  
 10 At least sixty days prior to the expiration of the  
 11 term of an elective state or district judicial  
 12 nominating commissioner, the clerk of the supreme  
 13 court shall cause to be mailed to each member of the  
 14 bar whose name appears on the certified list prepared  
 15 pursuant to section 46.8 for the district or districts  
 16 affected, a notice stating the date the term of office  
 17 will expire, the requirements for eligibility to the  
 18 office for the succeeding term, and the procedure for  
 19 filing nominating petitions, including the last date  
 20 for filing.  
 21 Sec. \_\_\_\_\_. Notwithstanding the requirements of this  
 22 Act, no member appointed or elected prior to the  
 23 effective date of this Act shall be removed solely for  
 24 purposes of meeting gender requirements."

BLANSHAN of Greene  
 DODERER of Johnson

H-3163

1 Amend House File 412 as follows:  
 2 1. Page 1, by inserting after line 4, the  
 3 following:  
 4 "Sec. \_\_\_\_\_. Section 232.68, subsection 6, paragraph  
 5 c, Code 1987, is amended to read as follows:  
 6 c. An employee or agent of any public or private  
 7 facility providing care for a child, including an  
 8 institution, hospital, health care facility, group  
 9 home, ~~mental health center~~, residential treatment  
 10 center, shelter care facility, detention center, or  
 11 child care facility."  
 12 2. By renumbering as necessary.

BUHR of Polk

H-3168

- 1 Amend House File 427 as follows:  
2 1. Page 1, lines 10 and 11, by striking the words  
3 "the computer support bureau".  
4 2. Page 1, lines 27 and 28, by striking the words  
5 "the computer support bureau".

DODERER of Johnson  
BLANSHAN of Greene

H-3170

- 1 Amend House File 183 as follows:  
2 1. Page 1, line 34, by striking the words "Direct  
3 that the" and inserting the following: "Provide that  
4 a".  
5 2. Page 2, line 1, by striking the word "are" and  
6 inserting the following: "may be".

NEUHAUSER of Johnson

H-3171

- 1 Amend House File 395 as follows:  
2 1. Page 20, by inserting after line 18 the  
3 following:  
4 "Sec. \_\_\_\_\_. NEW SECTION. 109.124 MARKING OF TRAP  
5 SITES.  
6 A person shall not place within the right-of-way of  
7 a public road a trap, stake, flag, marker, or other  
8 device to be used for trapping furbearing animals, or  
9 to mark or otherwise claim a site for trapping  
10 furbearing animals, except during the open season."  
11 2. Page 21, by inserting after line 35 the  
12 following:  
13 "Sec. \_\_\_\_\_. Section 805.8, subsection 5, paragraph  
14 b, Code 1987, is amended to read as follows:  
15 b. For violations of sections 109.54, 109.80,  
16 first paragraph, 109.82, 109.91, 109.122, 109.123,  
17 109.124, and 110.19, the scheduled fine is twenty  
18 dollars."  
19 3. By renumbering sections to conform to this  
20 amendment.

TYRRELL of Iowa

H-3174

- 1 Amend House File 359 as follows:  
2 1. Page 2, line 26, by inserting after the word  
3 "hospitals" the following: "pharmacists, medical  
4 patients".  
5 2. Page 2, line 35, by inserting after the word  
6 "nitroglycerin" the following: "except as provided in

- 7 section 101A.10".
- 8 3. Page 3, by inserting after line 6, the
- 9 following:
- 10 "Sec. 6. This Act takes effect January 1, 1988."
- 11 4. Title page, line 2, by inserting after the
- 12 word "penalty" the following: ", and providing an
- 13 effective date".

Committee on Judiciary and Law Enforcement

H-3175

- 1 Amend amendment H-3160 to House File 402 as
- 2 follows:
- 3 1. Page 1, line 14, by inserting after the word
- 4 "person" the following: "unless a collective
- 5 bargaining agreement provides otherwise".

CONNORS of Polk

H-3177

- 1 Amend House File 341 as follows:
- 2 1. Page 1, by striking lines 23 through 26.
- 3 2. Page 3, by striking lines 2 through 6.

BISIGNANO of Polk

H-3180

- 1 Amend House File 466 as follows:
- 2 1. Page 1, line 30 by inserting after the word
- 3 "order" the following: "which shall include but not
- 4 be limited to".

DODERER of Johnson

H-3181

- 1 Amend House File 438 as follows:
- 2 1. Page 1, line 6, by striking the word "that"
- 3 and inserting the word "which".

Committee on Natural Resources and Outdoor Recreation

H-3182

- 1 Amend House File 341 as follows:
- 2 1. Page 1, by striking lines 23 through 26 and
- 3 inserting the following: "~~The fees paid by a food~~
- 4 ~~establishment to the department shall be reduced by~~
- 5 ~~fifty percent of the amount of any fees paid to the~~
- 6 ~~department by it for a food service establishment~~
- 7 ~~license for the same premises."~~
- 8 2. Page 3, by striking lines 2 through 6 and
- 9 inserting the following:
- 10 "The license fees paid by a food service

11 establishment to the department shall be reduced by  
12 fifty percent of the amount of any license fees paid  
13 to the department by the food service establishment  
14 for a food establishment license for the same  
15 premises.”

BISIGNANO of Polk

H-3185

1 Amend House File 264 as follows:

2 1. Page 2, by striking lines 6 through 8 and  
3 inserting the following:  
4 “Sec. 2. Entities authorized and operating  
5 pursuant to the surplus requirements of chapter 520  
6 prior to the effective date of this Act shall annually  
7 increase the entity’s required reserves by a minimum  
8 of ten percent of the previous year’s required  
9 reserves until the entity attains the reserve level  
10 required under section 520.9.

11 The commissioner may waive an increase required  
12 under this section for an entity for good cause shown.  
13 If the commissioner exercises this authority, a  
14 written report expressing the reasons for the waiver  
15 shall be issued by the commissioner and kept on file  
16 by the division.”

NEUHAUSER of Johnson  
HUMMEL of Benton

H-3186

1 Amend House File 319 as follows:

2 1. By striking everything after the enacting  
3 clause and inserting the following:  
4 “Section 1. NEW SECTION. 11.31 SEMINARS FOR  
5 TOWNSHIP OFFICERS.

6 The auditor of state shall conduct seminars for  
7 township officers to inform them of their powers and  
8 duties, recent changes in township laws, the conduct  
9 of their official business and financial affairs, and  
10 other matters considered appropriate by the auditor of  
11 state. A seminar shall be conducted at least  
12 biennially in each congressional district of the  
13 state. The auditor of state may contract with other  
14 public or private agencies to conduct the seminars for  
15 townships officers. A township officer may attend a  
16 seminar being conducted outside the congressional  
17 district in which the officer resides.

18 The cost of the township seminars shall be paid  
19 from registration fees. The township officers shall  
20 be reimbursed for registration fees, travel, and other  
21 necessary expenses associated with attending a  
22 township seminar from township funds.

23 Sec. 2. NEW SECTION. 8.7 UNIFORM TOWNSHIP BUDGET  
 24 FORMS.

25 The department shall prepare and distribute to each  
 26 county auditor uniform township budget forms for use  
 27 of the township officers in preparing an annual budget  
 28 for the township.

29 Sec. 3. Section 331.322, subsection 14, Code 1987,  
 30 is amended to read as follows:

31 14. Establish and pay the compensation of the  
 32 township trustees and township clerk, as provided in  
 33 sections 359.46 and 359.47.

34 Sec. 4. Section 359.20, Code 1987, is amended by  
 35 adding the following unnumbered paragraph:

36 NEW UNNUMBERED PARAGRAPH. The township clerk shall  
 37 submit to the county auditor annually before March 15  
 38 the budget adopted by the board of trustees for the  
 39 next fiscal year. The budget shall be submitted on  
 40 forms provided by the county auditor from the  
 41 department of management.

42 Sec. 5. Section 359.23, Code 1987, is amended to  
 43 read as follows:

44 359.23 RECEIPTS AND EXPENDITURES — AUDIT.

45 Each township clerk shall prepare, on or before  
 46 September 30 of each year, a statement in writing,  
 47 showing all receipts of money and disbursements and  
 48 balance on hand for each township fund in the clerk's  
 49 office for the preceding fiscal year, which shall be  
 50 certified as correct by the trustees of the township.

Page 2

1 Each township clerk shall send a copy of this written  
 2 statement to the county auditor and the auditor of  
 3 state no later than seven days after the statement is  
 4 certified by the trustees.

5 If the combined balances of the township funds  
 6 exceed thirty percent of the total budget for the  
 7 township for the succeeding fiscal year or the total  
 8 budget of a township exceeds five thousand dollars for  
 9 a fiscal year, the board of trustees shall provide for  
 10 an audit of financial records of the township for that  
 11 fiscal year. The audit shall be paid from township  
 12 funds.

13 Sec. 6. Section 359.46, subsection 1, unnumbered  
 14 paragraph 1, Code 1987, is amended to read as follows:

15 A township trustee while engaged in official  
 16 business shall be compensated at an hourly rate  
 17 established by the county board of supervisors.  
 18 However, the county board of supervisors may establish  
 19 a minimum daily pay rate for the time spent by a  
 20 township trustee attending a scheduled meeting of  
 21 township trustees. The compensation shall be paid by

22 the county from township funds except:

23 Sec. 7. Section 359.46, subsection 1, paragraph b,  
24 Code 1987, is amended to read as follows:

25 b. When the trustee is acting as a fence viewer or  
26 in a case where provision is made for payment from a  
27 source other than the general fund of the county  
28 township funds.

29 Sec. 8. Section 359.46, subsection 2, Code 1987,  
30 is amended to read as follows:

31 2. In cases where their fees or compensation are  
32 not paid by the county township, the trustees shall be  
33 paid by the party requiring their services. The  
34 trustees shall attach to the report of their  
35 proceedings a statement specifying their services,  
36 directing who shall pay the fees or compensation, and  
37 specifying the amount to be paid by each party. A  
38 party who makes advance payment for the services of  
39 the trustees may take legal action to recover the  
40 amount of the payment from the party who is directed  
41 to pay by the trustees unless the party entitled to  
42 recovery under this subsection is paid within ten days  
43 after a demand for reimbursement is made.

44 Sec. 9. Section 359.47, Code 1987, is amended to  
45 read as follows:

46 359.47 COMPENSATION OF TOWNSHIP CLERK.

47 A township clerk while engaged in official business  
48 shall be compensated at the same rate as the pay rate  
49 of a township trustee of the same township. The  
50 compensation shall be paid from township funds."

**Page 3**

1 2. Title page, by striking lines 1 through 3 and  
2 inserting the following: "An Act relating to township  
3 government, by providing budgeting and auditing  
4 procedures, reporting of receipts and expenditures,  
5 township seminars, uniform budgeting forms, and  
6 payment of compensation and expenses of township  
7 officers."

Committee on Local Government

H-3188

1 Amend House File 466 as follows:

2 1. By striking page 1, line 6 through page 2,  
3 line 10.

4 2. Page 3, by striking lines 8 through 12 and  
5 inserting the following: "preliminary determination  
6 whether there is probable cause to believe that an  
7 order or consent agreement existed and that the person  
8 taken into custody has violated its terms. The  
9 magistrate's decision shall be".

10 3. Page 3, by striking lines 14 through 16 and  
 11 inserting the following: "If the magistrate finds  
 12 probable cause, the magistrate shall order".

13 4. Page 3, by striking lines 28 through 31.  
 14 5. Page 4, line 1 by striking the words "exhibits  
 15 signs of" and inserting the words "has suffered a".

16 6. Page 4, line 2 by striking the word "were" and  
 17 inserting the word "was".

18 7. Page 4, by striking lines 4 and 5 and  
 19 inserting the following: "weapon has been used or  
 20 displayed in connection with an act of domestic abuse,  
 21 the peace officer shall arrest".

22 8. Page 4, by inserting after line 6 the  
 23 following:

24 "Sec. \_\_\_\_\_ NEW SECTION. 236.14 INITIAL APPEARANCE  
 25 REQUIRED – CONTACT TO BE PROHIBITED.

26 1. Notwithstanding chapters 804 and 805, a person  
 27 taken into custody pursuant to section 236.11 or  
 28 arrested pursuant to section 236.12 may be released on  
 29 bail or otherwise only after an initial appearance  
 30 before a magistrate as provided in chapter 804 and the  
 31 rules of criminal procedure or section 236.11,  
 32 whichever is applicable.

33 2. When a person arrested for a domestic abuse  
 34 assault, or taken into custody for contempt  
 35 proceedings pursuant to section 236.11, is brought  
 36 before a magistrate and the magistrate finds cause to  
 37 believe that domestic abuse or a violation of an order  
 38 or consent agreement has occurred and that the  
 39 presence of the alleged abuser in the victim's  
 40 residence poses a threat to the victim's safety, the  
 41 magistrate shall enter an order requiring the alleged  
 42 abuser to vacate the victim's residence and to have no  
 43 contact with the victim at the victim's residence,  
 44 place of employment or business, or school and to  
 45 refrain from harassing the victim or the victim's  
 46 relatives in addition to any other conditions of  
 47 release determined and imposed by the magistrate under  
 48 section 811.2.

49 The court order shall contain the court's  
 50 directives restricting the defendant from having

**Page 2**

1 contact with the victim or the victim's relatives.

2 The clerk of the court or other person designated  
 3 by the court shall provide a copy of this order to the  
 4 victim pursuant to chapter 910A. The order has force  
 5 and effect until it is modified or terminated by  
 6 subsequent court action in the contempt proceeding or  
 7 the criminal or juvenile court action and is  
 8 reviewable in the manner prescribed in section 811.2.

9 Violation of this no-contact order is punishable by  
10 summary contempt proceedings.”

11 9. Page 6, by inserting after line 5 the  
12 following:

13 “Sec. \_\_\_\_\_. NEW SECTION. 708.2A DOMESTIC ABUSE  
14 ASSAULT – PENALTIES ENHANCED.

15 Unless the person is guilty of a greater offense  
16 under section 708.2 or any other provision, a person  
17 who commits an assault that is domestic abuse as  
18 defined in section 236.2 commits:

19 1. A simple misdemeanor if the offense is the  
20 person’s first act of domestic abuse.

21 2. A serious misdemeanor if the person was  
22 previously convicted of a prior domestic abuse assault  
23 within the two years prior to the date of the instant  
24 offense.

25 3. An aggravated misdemeanor if the person was  
26 previously convicted of two or more prior domestic  
27 abuse assaults within the two years prior to the date  
28 of the instant offense and shall be committed for a  
29 minimum term of thirty days in a county jail facility  
30 notwithstanding sections 901.5 and 907.3.”

31 10. Renumber sections and correct internal  
32 references as necessary in accordance with this  
33 amendment.

BRAMMER of Linn

H–3190

1 Amend House File 429 as follows:

2 1. Page 2, by striking lines 16 through 19.

PAULIN of Plymouth  
VAN CAMP of Scott

H–3193

1 Amend House File 288 as follows:

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

4 “Sec. \_\_\_\_\_. Section 905.2, Code 1987, is amended to  
5 read as follows:

6 905.2 DISTRICT DEPARTMENTS ESTABLISHED.

7 There is established in each judicial district in  
8 this state a public agency to be known as the  
9 “..... judicial district department of  
10 correctional services.” However, the eighth judicial

11 district department of correctional services shall  
12 serve the eighth judicial district and the ninth  
13 judicial district. Each district department shall  
14 furnish or contract for those services necessary to  
15 provide a community-based correctional program which  
16 meets the needs of that judicial district. The

17 district department is under the direction of a board  
 18 of directors, selected as provided in section 905.3,  
 19 and shall be administered by a director employed by  
 20 the board. A district department is a state agency  
 21 for purposes of chapter 25A."

22 2. Renumber sections and correct internal  
 23 references as necessary in accordance with this  
 24 amendment.

SPEAR of Lee

H-3194

1 Amend Senate File 298 as amended, passed, and  
 2 reprinted by the Senate as follows:

3 1. Page 1, by inserting after line 21 the  
 4 following:

5 "Sec. 3. Section 123.26, Code 1987, is amended to  
 6 read as follows:

7 123.26 RESTRICTIONS ON SALES — SEALS — LABELING.

8 Alcoholic liquor shall not be sold by the division  
 9 to a class "E" liquor control licensee except in a  
 10 sealed container with identifying markers as  
 11 prescribed by the administrator and affixed on the  
 12 premises of a state warehouse in the manner prescribed  
 13 by the administrator, and no such container shall be  
 14 opened upon the premises of a state warehouse. The  
 15 division shall cooperate with the department of  
 16 natural resources so that only one identifying marker  
 17 or mark is needed to satisfy the requirements of this  
 18 section and section 455C.5, subsection 1. Possession  
 19 of alcoholic liquors which do not carry the prescribed  
 20 identifying markers is a violation of this chapter  
 21 except as provided in section 123.22."

22 2. Page 2, line 18, by inserting after the word  
 23 "division" the words "within one year of the date that  
 24 the class "E" liquor control licensee begins  
 25 operating".

26 3. Page 2, line 32, by inserting before the word  
 27 "liquor" the following: "retail".

28 4. Page 2, line 32, by inserting before the word  
 29 "wine" the following: "retail".

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

32 "Sec. \_\_\_\_\_. Section 455C.1, subsection 5, Code  
 33 1987, is amended to read as follows:

34 5. "Distributor" means any person who engages in  
 35 the sale of beverages in beverage containers to a  
 36 dealer in this state, including any manufacturer who  
 37 engages in such sales. The alcoholic beverages  
 38 division of the department of commerce is not a  
 39 distributor for the purpose of this chapter."

40 6. Page 6, line 5, by striking the words and

41 figures "Sections 123.26 and 455C.11, Code 1987, are"  
 42 and inserting the following: "Section 455C.11, Code  
 43 1987, is".

44 7. Page 6, line 11, by striking the words "and  
 45 "B"".

46 8. Page 6, by inserting after line 13 the  
 47 following:

48 "Sec. \_\_\_\_\_. There is appropriated for the fiscal  
 49 year commencing July 1, 1987 and ending June 30, 1988,  
 50 from the beer and liquor control fund to the Iowa

**Page 2**

1 department of public health a sum equal to the  
 2 difference between the funds collected from the  
 3 deposit required on beverage containers containing  
 4 alcoholic liquor and the funds dispersed in the  
 5 payment of the refund value on such containers. The  
 6 Iowa department of public health shall use the  
 7 appropriated funds only for the care, maintenance, and  
 8 treatment of alcoholics under chapter 125.

9 Notwithstanding sections 8.33 and 123.53, those funds  
 10 collected in the beer and liquor control fund for the  
 11 fiscal year beginning July 1, 1986 and ending June 30,  
 12 1987 which represent the difference between the funds  
 13 collected from the deposit on beverage containers  
 14 containing alcoholic liquor and the funds dispersed in  
 15 payment of the refund value on such containers shall  
 16 not revert to the general fund or be used for a  
 17 purpose other than that provided in this section."

18 9. Title page, line 6, by inserting after the  
 19 word "percent," the following: "by allowing  
 20 identifying markers to be affixed on containers of  
 21 alcoholic liquor in the manner prescribed by the  
 22 division,".

23 10. Title page, line 10, by striking the words:  
 24 "and "B"".

25 11. Title page, line 11, by inserting after the  
 26 word "depleted," the following: "by providing an  
 27 appropriation to the department of health for the  
 28 treatment of alcoholics from funds collected by the  
 29 division for the deposit on containers of alcoholic  
 30 liquor which are not disbursed in the payment of the  
 31 refund,".

32 12. By renumbering as necessary.

Committee on State Government

H-3199

1 Amend House File 276 as follows:

2 1. Page 1, by inserting after line 19 the  
 3 following:

4 "Sec. \_\_\_\_\_, Section 728.2, Code 1987, is amended to  
 5 read as follows:  
 6 728.2 DISSEMINATION AND EXHIBITION OF OBSCENE  
 7 MATERIAL TO MINORS.  
 8 Any person, ~~other than the parent or guardian of~~  
 9 ~~the minor~~, who knowingly disseminates or exhibits  
 10 obscene material to a minor, including the exhibition  
 11 of obscene material so that it can be observed by a  
 12 minor on or off the premises where it is displayed, is  
 13 guilty of a public offense and shall upon conviction  
 14 be guilty of a serious misdemeanor."

CONNORS of Polk

H—3200

1 Amend House File 441 as follows:  
 2 1. Page 1, by inserting after line 22 the  
 3 following:  
 4 "Sec. \_\_\_\_\_, Section 728.2, Code 1987, is amended to  
 5 read as follows:  
 6 728.2 DISSEMINATION AND EXHIBITION OF OBSCENE  
 7 MATERIAL TO MINORS.  
 8 Any person, ~~other than the parent or guardian of~~  
 9 ~~the minor~~, who knowingly disseminates or exhibits  
 10 obscene material to a minor, including the exhibition  
 11 of obscene material so that it can be observed by a  
 12 minor on or off the premises where it is displayed, is  
 13 guilty of a public offense and shall upon conviction  
 14 be guilty of a serious misdemeanor."

CONNORS of Polk

H—3204

1 Amend Senate File 17 as amended, passed, and  
 2 reprinted by the Senate as follows:  
 3 1. Page 1, line 4, by striking the words "a  
 4 domestic" and inserting the following: "a domestic  
 5 an".

BLACK of Jasper

H—3207

1 Amend House File 499 as follows:  
 2 1. Page 17, by striking lines 10 through 16.

DAGGETT of Adams

H—3211

1 Amend House File 366 as follows:  
 2 1. Page 1, by inserting after line 10 the  
 3 following:  
 4 "A person who performs services for a county

5 conservation board on a temporary basis by grooming  
 6 snowmobile trails constructed or maintained with funds  
 7 appropriated under section 321G.7 and who does not  
 8 receive compensation, is not personally liable for a  
 9 claim based upon an act or omission of the person  
 10 except for acts or omissions which involve intentional  
 11 misconduct or gross negligence. The state of Iowa is  
 12 exclusively liable, according to and under chapter  
 13 25A, for any liability for trails constructed and  
 14 maintained with funds derived under section 321G.7."

Committee on Natural Resources and Outdoor Recreation

H-3220

1 Amend House File 543 as follows:  
 2 1. Page 1, by striking lines 12 through 17 and  
 3 inserting the following: "remand the same them within  
 4 sixty days from the date that the appeal is heard. In  
 5 order".

ROYER of Page  
 COOPER of Lucas

H-3225

1 Amend House File 422 as follows:  
 2 1. Page 1, by striking lines 1 through 15 and  
 3 inserting the following:  
 4 "Section 1. Section 20.9, unnumbered paragraph 2,  
 5 Code 1987, is amended to read as follows:  
 6 Nothing in this This section shall does not  
 7 diminish the authority and power of the department of  
 8 personnel, board of regents' merit system, Iowa public  
 9 broadcasting board's merit system, or any civil  
 10 service commission established by constitutional  
 11 provision, statute, charter or special act to recruit  
 12 employees, prepare, conduct and grade examinations,  
 13 rate candidates in order of their relative scores for  
 14 certification for appointment or promotion or for  
 15 other matters of classification, reclassification or  
 16 appeal rights in the classified service of the public  
 17 employer served. Further, with respect to employees  
 18 covered by civil service, this section does not  
 19 prohibit a public employer or public employee  
 20 organization from negotiating in regard to a mandatory  
 21 subject of collective bargaining and entering into a  
 22 collective bargaining agreement which contains terms  
 23 providing for benefits or rights for employees which  
 24 are mandatory subjects of bargaining and which are not  
 25 less than the benefits and rights otherwise provided  
 26 for by law."

Committee on Labor and Industrial Relations

H-3235

- 1 Amend House File 499 as follows:  
 2 1. By striking page 14, line 26, through page 37,  
 3 line 22.  
 4 2. Page 37, by striking line 23 and inserting the  
 5 following:  
 6 "Sec. \_\_\_\_\_. This Act, being".

MAULSBY of Calhoun

H-3236

- 1 Amend House File 499 as follows:  
 2 1. Page 32, by striking lines 20 through 25 and  
 3 inserting the following: "budget year and shall  
 4 reduce the district's budget enrollment calculated  
 5 under paragraphs "a" and "b" by one-half that  
 6 difference."

METCALF of Polk

H-3237

- 1 Amend House File 499 as follows:  
 2 1. Page 5, line 23, by inserting after the word  
 3 "enrollment." the following: "For the fiscal year  
 4 beginning July 1, 1988 and each succeeding fiscal  
 5 year, phase II moneys shall only be allocated to  
 6 school districts that have a ratio of at least  
 7 seventeen pupils in certified enrollment for each  
 8 full-time equivalent teacher."  
 9 2. Page 5, line 24, by striking the word  
 10 "thereafter" and inserting the following: "after the  
 11 fiscal year beginning July 1, 1988".  
 12 3. Page 5, line 25, by inserting after the words  
 13 "correspond to" the following: "districts qualifying  
 14 for the phase II money,".  
 15 4. Page 5, line 26, by striking the word "state"  
 16 and inserting the following: "state,".  
 17 5. Page 8, line 26, by inserting after the word  
 18 "year." the following: "For the fiscal year beginning  
 19 July 1, 1988 and each succeeding fiscal year, phase  
 20 III moneys shall only be allocated to school districts  
 21 that have a ratio of at least seventeen pupils in  
 22 certified enrollment for each full-time equivalent  
 23 teacher."  
 24 6. Page 9, line 7, by inserting after the words  
 25 "correspond to" the following: "school districts  
 26 qualifying for the phase III money,".

METCALF of Polk

H-3238

- 1 Amend Senate File 298, as amended, passed, and re-
- 2 printed by the Senate as follows:
- 3 1. Page 2, by striking lines 27 through 30 and
- 4 inserting the following: "other liquor control
- 5 licensees. A class "E" license shall not be issued to
- 6 premises at which gasoline is sold. A".
- 7 2. Title page, lines 12 and 13, by striking the
- 8 words "further restricting" and inserting the words
- 9 "striking the restriction on".
- 10 3. Title page, line 14, by striking the words "or
- 11 near".

RENAUD of Polk

H-3241

- 1 Amend Senate File 298 as amended, passed, and
- 2 reprinted by the Senate as follows:
- 3 1. Page 1, line 14, by striking the words "up to
- 4 sixty fifty" and inserting the following: "up to a
- 5 minimum of fifty-five percent and a maximum of sixty".
- 6 2. Page 1, by striking lines 20 and 21 and
- 7 inserting the following: "liquor does not fall below
- 8 the minimum or exceed the maximum markup plus the
- 9 wholesale price paid by the division and the sixty
- 10 percent markup."
- 11 3. Title page, line 4, by striking the words
- 12 "lowering the maximum" and inserting the words
- 13 "allowing the".
- 14 4. Title page, line 5, by inserting after the
- 15 word "licensees" the words "to vary".
- 16 5. Title page, line 6, by striking the word
- 17 "fifty" and inserting the word "fifty-five".

HALVORSON of Webster

H-3244

- 1 Amend House File 566 as follows:
- 2 1. Page 1, line 19, by striking the word
- 3 "fourteen" and inserting the following: "fourteen
- 4 fifteen".

SPEAR of Lee

H-3245

- 1 Amend Senate File 298 as amended, passed and
- 2 reprinted by the Senate as follows:
- 3 1. Page 1, by striking lines 11 through 21.
- 4 2. Title page, lines 4 through 6, by striking the
- 5 words "by lowering the maximum markup on liquor sold
- 6 by the division to class "E" licensees from sixty to

- 7 fifty percent.”.  
8 3. By renumbering as necessary.

HALVORSON of Webster

H—3249

- 1 Amend House File 499 as follows:  
2 1. By striking page 25, line 30 through page 28,  
3 line 3.

McKEAN of Jones  
GARMAN of Story  
HESTER of Pottawattamie

H—3253

- 1 Amend House File 512 as follows:  
2 1. Page 1, line 4, by striking the word  
3 “recreation” and inserting the following:  
4 “recreational lake”.  
5 2. Page 1, by striking lines 13 and 14 and  
6 inserting the following: “to, real and personal  
7 property, water, buildings, structures, or  
8 improvements including dams or other structures  
9 permitted or exempt from regulation under chapter  
10 455B, and equipment useful and suitable for  
11 recreation”.  
12 3. Page 1, by striking line 29 and inserting the  
13 following: “recreational lake district as set forth  
14 in this chapter. The land to be included in a  
15 district must be contiguous to the recreational lake  
16 or to other residential, commercial, or agricultural  
17 property which is contiguous to the recreational  
18 lake.”  
19 4. Page 2, by striking lines 14 through 17, and  
20 inserting the following: “Notice of hearing shall be  
21 given by publication as provided in section 331.305.”  
22 5. Page 3, line 27, by striking the words “fifty-  
23 four cents” and inserting the following: “four  
24 dollars”.  
25 6. Page 5, by striking lines 4 through 6 and  
26 inserting the following: “section 357E.8. The  
27 trustees may construct, reconstruct, repair, maintain,  
28 or operate a dam or other recreational facilities or  
29 structures to create or maintain an artificial or  
30 natural lake or impoundment and, for this purpose, may  
31 purchase material, employ personnel, and perform all  
32 other acts necessary to properly maintain and operate  
33 the district. The trustees are allowed”.  
34 7. Page 5, line 13, by striking the word “ten”  
35 and inserting the following: “twenty”.  
36 8. Page 5, by striking lines 28 through 31 and  
37 inserting the following: “dissolution of a district,

- 38 in an amount necessary to pay all outstanding  
 39 obligations of the district as they become due, until  
 40 all outstanding obligations of the district are paid.”  
 41 9. Page 5, line 34, by striking the words  
 42 “unincorporated area” and inserting the following:  
 43 “area immediately”.  
 44 10. Title page, line 1, by striking the word  
 45 “recreation” and inserting the following:  
 46 “recreational lake”.

Committee on Local Government

H—3267

- 1 Amend House File 592 as follows:  
 2 1. Page 4, by inserting after line 25 the  
 3 following:  
 4 “Sec. \_\_\_\_\_. NEW SECTION. 540.5 NONPROFIT  
 5 ORGANIZATIONS.  
 6 A nonprofit corporation organized or authorized  
 7 under chapter 504 or 504A, including the directors,  
 8 officers, employees, or members of the nonprofit  
 9 corporation, is not liable for debts or obligations  
 10 that arise when the corporation serves as an  
 11 intermediary between persons contracting for a loan,  
 12 including but not limited to, an agricultural loan.  
 13 However, this section does not reduce a debt or  
 14 obligation created by a corporation that contracts as  
 15 a principal, surety, or guarantor of a loan.”

STUELAND of Clinton

H—3278

- 1 Amend House File 467 as follows:  
 2 1. Page 5, line 6, by striking the word “shall”  
 3 and inserting the following: “may”.

SCHNEKLOTH of Scott

H—3280

- 1 Amend House File 499 as follows:  
 2 1. Page 8, line 26, by striking the words “one  
 3 hundred ninety” and inserting the following: “two  
 4 hundred”.  
 5 2. Page 8, line 29, by striking the words “one  
 6 hundred ninety” and inserting the following: “two  
 7 hundred”.

CORBETT of Linn  
 HARBOR of Mills  
 PLASIER of Sioux

H-3283

- 1 Amend House File 587 as follows:  
 2 1. Page 1, line 14, by inserting after the word  
 3 "meeting" the following: "each year".

SPEAR of Lee

H-3286

- 1 Amend the Committee amendment, H-3225, to House  
 2 File 422 as follows:  
 3 1. Page 1, by striking lines 6 through 26 and in-  
 4 serting the following:  
 5 "~~Nothing in this This section shall does not~~  
 6 ~~diminish the authority and power of the department of~~  
 7 ~~personnel, board of regents' merit system, or Iowa~~  
 8 ~~public broadcasting board's merit system, or any civil~~  
 9 ~~service commission established by constitutional~~  
 10 ~~provision, statute, charter or special act to recruit~~  
 11 ~~employees, prepare, conduct and grade examinations,~~  
 12 ~~rate candidates in order of their relative scores for~~  
 13 ~~certification for appointment or promotion or for~~  
 14 ~~other matters of classification, reclassification or~~  
 15 ~~appeal rights in the classified service of the public~~  
 16 ~~employer served.~~  
 17 Sec. 2. Section 20.9, Code 1987, is amended by  
 18 adding the following new unnumbered paragraph:  
 19 NEW UNNUMBERED PARAGRAPH. Except as otherwise pro-  
 20 vided in this paragraph, this section does not  
 21 diminish the authority of any civil service commission  
 22 established by constitutional provision, statute,  
 23 charter or special act to recruit employees, prepare,  
 24 conduct and grade examinations, rate candidates in  
 25 order of their relative scores for certification for  
 26 appointment or promotion or for other matters of  
 27 classification, reclassification or appeals rights in  
 28 the classified service of the public employer served.  
 29 A city employee who is covered by a collective  
 30 bargaining agreement under this chapter is not  
 31 entitled to civil service protection under chapter 400  
 32 and the civil service commission has no authority with  
 33 respect to that employee.  
 34 Sec. 3. Section 400.6, Code 1987, is amended by  
 35 adding the following new subsection:  
 36 NEW SUBSECTION. 8. Employees covered by a  
 37 collective bargaining agreement.  
 38 Sec. 4. Section 411.2, Code 1987, is amended by  
 39 adding the following new unnumbered paragraph:  
 40 NEW UNNUMBERED PARAGRAPH. A person is not  
 41 ineligible for membership in a retirement or pension  
 42 system under this chapter solely because civil service  
 43 coverage under chapter 400 is inapplicable on the

44 ground that the person is covered by a collective  
 45 bargaining agreement.  
 46 Sec. 5. APPLICABILITY. This Act applies to  
 47 coverage under collective bargaining agreements  
 48 entered into on or after the effective date of this  
 49 Act."  
 50 2. Title page, by striking lines 1 and 2 and

**Page 2**

1 inserting the following: "An Act relating to the  
 2 civil service status of city employees covered by  
 3 collective bargaining agreements."

HERMANN of Scott

H-3291

1 Amend House File 499 as follows:  
 2 1. Page 1, by inserting after line 34 the  
 3 following:  
 4 "However, a teacher employed by an area education  
 5 agency is not a teacher for the purposes of phase III  
 6 under division IV of this chapter except as provided  
 7 in section 294A.16."  
 8 2. By striking page 8, line 15, through page 14,  
 9 line 5.  
 10 "Sec. \_\_\_\_\_. NEW SECTION. 294A.13 PHASE III  
 11 PROGRAM.  
 12 For the school year beginning July 1, 1987, and  
 13 succeeding school years, each school district that  
 14 meets the requirements of this section in the state is  
 15 eligible to receive moneys for the implementation  
 16 under phase III of a performance-based pay plan or  
 17 supplemental pay plan, or a combination of the two.  
 18 In order to be eligible to receive phase III moneys,  
 19 the board of directors of a school district shall  
 20 submit evidence to the department of education that  
 21 the contracts offered to its teachers for a year  
 22 require that the teacher complete at least one hundred  
 23 ninety working days during that year. Working days  
 24 added to the contract in excess of the number of  
 25 working days required for teachers during the school  
 26 year commencing July 1, 1986, to meet the one hundred  
 27 ninety day requirement shall not require the teacher  
 28 to teach students additional days. Moneys  
 29 appropriated for phase III may be used to reimburse  
 30 teachers for additional contract days required under  
 31 this section.  
 32 Sec. \_\_\_\_\_. NEW SECTION. 294A.14 PHASE III  
 33 PAYMENTS.  
 34 Annually, the payments for an approved plan for a  
 35 school district are equal to the product of a

36 district's certified enrollment and one hundred three  
37 dollars and sixty-nine cents. However, the department  
38 of education shall adjust the amount for each student  
39 enrolled to correspond to changes in the certified  
40 enrollment and the moneys available for phase III,  
41 when the moneys available are either more or less than  
42 the moneys appropriated for phase III in section  
43 294A.3.

44 If a school district has discontinued grades under  
45 section 282.7, subsection 1, or students attend school  
46 in another school district, under an agreement with  
47 the board of the other school district, the board of  
48 directors of the district of residence shall transmit  
49 the phase III moneys allocated to the district for  
50 those students based upon the full-time equivalent

**Page 2**

1 attendance of those students to the board of the  
2 school district of attendance of the students.

3 A plan shall be developed using the procedure  
4 specified under section 294A.15. The plan shall  
5 provide for the establishment of a performance-based  
6 pay plan, a supplemental pay plan, or a combination of  
7 the two pay plans and shall include a budget for the  
8 cost of implementing the plan. In addition to the  
9 costs of providing additional salary for teachers and  
10 the amount required to pay the employers' share of the  
11 federal social security and Iowa public employees'  
12 retirement system payments on the additional salary,  
13 the budget may include costs associated with providing  
14 specialized or general training. Moneys received  
15 under phase III shall not be used to employ additional  
16 employees of a school district. However, all teachers  
17 employed are eligible to receive additional salary  
18 under an approved plan.

19 For the purpose of this section, a performance-  
20 based pay plan shall provide for salary increases for  
21 teachers who demonstrate superior performance in  
22 completing assigned duties. The plan shall include  
23 the method used to determine superior performance of a  
24 teacher which may include assessments of specific  
25 teaching behavior, assessments of student performance,  
26 assessments of other characteristics associated with  
27 effective teaching, or a combination of these  
28 criteria.

29 A performance-based pay plan may provide for  
30 additional salary for individual teachers or for  
31 additional salary for all teachers assigned to an  
32 attendance center. If the plan provides additional  
33 salary for all teachers assigned to an attendance  
34 center, the receipt of additional salary by those

35 teachers shall be determined on the basis of whether  
 36 that attendance center meets specific objectives  
 37 adopted for that attendance center. The objectives  
 38 may include, but are not limited to, decreasing the  
 39 dropout rate, increasing the attendance rate, or  
 40 accelerating the achievement growth of students  
 41 enrolled in that attendance center.

42 If a performance-based pay plan provides additional  
 43 salary for individual teachers:

44 1. The plan may provide for salary moneys in  
 45 addition to the existing salary schedule of the school  
 46 district and may require the participation by the  
 47 teacher in specialized training requirements.

48 2. The plan may provide for salary moneys by  
 49 replacing the existing salary schedule or as an option  
 50 to the existing salary schedule and may include

Page 3

1 specialized training requirements, general training  
 2 requirements, and experience requirements.

3 For the purpose of this section, a supplemental pay  
 4 plan shall provide for the payment of additional  
 5 salary to teachers who participate in either  
 6 additional instructional work assignments or  
 7 specialized training during the regular school day or  
 8 during an extended school day, school week, or school  
 9 year.

10 Additional instructional work assignments may  
 11 include but are not limited to general curriculum  
 12 planning and development, vertical articulation of  
 13 curriculum, horizontal curriculum coordination,  
 14 development of educational measurement practices for  
 15 the school district, development of plans for  
 16 assisting beginning teachers during their first year  
 17 of teaching, attendance at summer staff development  
 18 programs, development of staff development programs  
 19 for other teachers to be presented during the school  
 20 year, and other plans locally determined in the manner  
 21 specified in section 294A.15 and approved by the  
 22 department of education under section 294A.16 that are  
 23 of equal importance or more appropriately meet the  
 24 educational needs of the school district.

25 Sec. \_\_\_\_\_. NEW SECTION. 294A.15 DEVELOPMENT OF  
 26 PLAN.

27 The board of directors of a school district  
 28 desiring to receive moneys under phase III shall  
 29 appoint a committee consisting of representatives of  
 30 school administrators, teachers, parents, students,  
 31 and other individuals interested in the public schools  
 32 of the school district to develop a proposal. If the  
 33 school district is organized under chapter 20 for

34 collective bargaining purposes, the board shall  
35 provide that one of the teacher members of the  
36 committee is an individual selected by the certified  
37 bargaining representative for certificated employees  
38 of the district. The proposal developed by the  
39 committee shall be submitted to the board of directors  
40 of the school district prior to its submission to the  
41 department of education. For the school year  
42 beginning July 1, 1987, if the school district is  
43 organized for collective bargaining purposes under  
44 chapter 20, the portions of the proposed plan that are  
45 within the scope of negotiations specified in section  
46 20.9 require the mutual agreement by January 1, 1988,  
47 of both the board of directors of the school district  
48 and the certified bargaining representative for the  
49 certificated employees. In succeeding years, if the  
50 school district is organized for collective bargaining

**Page 4**

1 purposes, the portions of the proposed plan that are  
2 within the scope of the negotiations specified in  
3 section 20.9 are subject to chapter 20.

4 Nothing in this chapter shall be construed to  
5 expand or restrict the scope of negotiations in  
6 section 20.9.

7 Sec. \_\_\_\_\_. NEW SECTION. 294A.16 SUBMISSION OF  
8 PLAN.

9 A plan shall be submitted by the board of directors  
10 of a school district to the department of education  
11 not later than July 1 of a school year for that school  
12 year. Amendments to multiple year plans may be  
13 submitted annually.

14 If a school district uses teachers under a contract  
15 between the district and the area education agency in  
16 which the district is located, the school district  
17 shall make provision for those teachers under phase  
18 III.

19 The department of education shall review each plan  
20 and notify the department of management of the names  
21 of school districts with approved plans.

22 However, for the school year beginning July 1,  
23 1987, a board of directors may submit a proposed plan  
24 not later than January 1, 1988, and the department of  
25 education shall notify the department of revenue and  
26 finance not later than February 1, 1988. Moneys  
27 allocated to a school district for an approved phase  
28 III plan for a school year but not expended during  
29 that school year shall revert to the general fund of  
30 the state.

31 Sec. \_\_\_\_\_. NEW SECTION. 294A.17 REPORT.

32 Each school district receiving moneys for phase III

33 during a school year shall file a report with the  
 34 department of education by July 1 of the next  
 35 following school year. The report shall describe the  
 36 plan, its implementation, and the expenditures made  
 37 under the plan including the salary increases paid to  
 38 each eligible employee. The report may include any  
 39 proposed amendments to the plan for the next following  
 40 school year.

41 Sec. \_\_\_\_\_. NEW SECTION. 294A.18 REVERSION OF  
 42 MONEYS.

43 Any portion of moneys appropriated to the  
 44 educational excellence trust fund for phase III for a  
 45 fiscal year not expended by school districts during  
 46 that fiscal year revert to the general fund of the  
 47 state as provided in section 8.33."

48 3. By numbering and renumbering sections and  
 49 correcting internal references as necessary.

CONNOLLY of Dubuque

H-3294

1 Amend House File 467 as follows:

2 1. Page 1, line 13, by inserting after the word  
 3 "routing," the following: "Categorizing" means the  
 4 process of reviewing and grouping of requested  
 5 electronic funds transfer transactions according to  
 6 the source or nature of the requested transaction.  
 7 "Separating" means the process of interpreting and  
 8 segregating requested electronic funds transfer  
 9 transactions, or portions of such transactions, to  
 10 provide for processing of information relating to such  
 11 requested transactions or portions of such  
 12 transactions. "Routing" means the process of  
 13 interpreting and transmitting requested electronic  
 14 funds transfer transactions to a destination selected  
 15 at the time of interpretation and transmission from  
 16 two or more alternative destinations."

SCHNEKLOTH of Scott

H-3299

1 Amend House File 499 as follows:

2 1. Page 30, by inserting after line 33 the  
 3 following:  
 4 "Sec. \_\_\_\_\_. Section 297.22, Code 1987, is amended  
 5 by adding the following new unnumbered paragraph after  
 6 unnumbered paragraph 1:  
 7 NEW UNNUMBERED PARAGRAPH. The board of directors  
 8 of a school district shall give preference to a real  
 9 estate agency domiciled in this state when contracting  
 10 for the services of a real estate salesperson or  
 11 broker for the purpose of selling real estate owned by

12 the school district. A school district may contract  
 13 with a real estate agency domiciled in this state even  
 14 though its bid for comparable services is up to five  
 15 percent above the bid of a real estate agency not  
 16 domiciled in this state."  
 17 2. By renumbering as necessary.

PAVICH of Pottawattamie

H-3311

1 Amend House File 499 as follows:

2 1. Page 16, by inserting after line 22 the  
 3 following:

4 "Sec. \_\_\_\_\_. Section 76.1, Code 1987, is amended to  
 5 read as follows:

6 76.1 MANDATORY RETIREMENT.

7 Hereafter issues of bonds of every kind and  
 8 character by counties, cities, and school corporations  
 9 shall be consecutively numbered. The annual levy, or  
 10 annual levy and income surtax, shall be sufficient to  
 11 pay the interest and approximately ~~such~~ that portion  
 12 of the principal of the bonds as will retire them in a  
 13 period not exceeding twenty years from date of issue.  
 14 Each issue of bonds shall be scheduled to mature  
 15 serially in the same order as numbered.

16 Sec. \_\_\_\_\_. Section 76.2, unnumbered paragraphs 1  
 17 and 2, Code 1987, are amended to read as follows:

18 The governing authority of these political  
 19 subdivisions before issuing bonds shall, by  
 20 resolution, provide for the assessment of an annual  
 21 levy upon all the taxable property in the political  
 22 subdivision, or the assessment of an annual levy and  
 23 imposition of an income surtax, sufficient to pay the  
 24 interest and principal of the bonds within a period  
 25 named not exceeding twenty years. A certified copy of  
 26 this resolution shall be filed with the county auditor  
 27 or the auditors of the counties in which the political  
 28 subdivision is located; and the filing ~~shall make~~  
 29 makes it a duty of the auditors to enter annually this  
 30 levy for collection from the taxable property within  
 31 the boundaries of the political subdivision until  
 32 funds are realized to pay the bonds in full. For  
 33 school districts using section 76.20, a copy of the  
 34 resolution also shall be filed with the director of  
 35 revenue and finance who is directed to impose a surtax  
 36 on the state income tax of individuals residing within  
 37 the boundaries of the school district until funds are  
 38 realized to pay the bonds in full. The levy shall  
 39 continue to be made against property that is severed  
 40 from the political subdivision after the filing of the  
 41 resolution until funds are realized to pay the bonds  
 42 in full.

43 If the resolution is filed prior to April 1 the  
44 annual levy shall begin with the tax levy for  
45 collection commencing July 1 of that year. If the  
46 resolution is filed after April 1, the annual levy  
47 shall begin with the tax levy for collection in the  
48 next succeeding fiscal year. However, the governing  
49 authority of a political subdivision may adjust a levy  
50 of taxes made under this section for the purpose of

Page 2

1 adjusting the annual levies and collections for  
2 property severed from the political subdivision,  
3 subject to the approval of the state comptroller.  
4 If the resolution includes the imposition of an  
5 income surtax and it is filed prior to April 1, the  
6 imposition of the surtax shall begin retroactive to  
7 January 1 of that calendar year.  
8 Sec. \_\_\_\_\_. Section 76.3, Code 1987, is amended to  
9 read as follows:

10 76.3 TAX LIMITATIONS.

11 Tax limitations in any a law or proposition for the  
12 issuance of bonds or obligations, including any a law  
13 or proposition for the issuance of bonds or  
14 obligations in anticipation of levies or collections  
15 of taxes or both, shall be based on the latest  
16 equalized actual valuation then existing and shall  
17 only restrict the amount of bonds or obligations which  
18 may be issued. For the sole purpose of computing the  
19 amount of bonds which may be issued as a result of the  
20 application of a tax limitation, all interest on the  
21 bonds or obligations in excess of that accruing in the  
22 first twelve months may be excluded from the first  
23 annual levy of taxes, so that the need for including  
24 more than one year's interest in the first annual levy  
25 of taxes to pay the bonds or obligations and interest  
26 does not operate to further restrict the amount of  
27 bonds or obligations which may be issued, and in  
28 certifying the annual levies to the county auditor or  
29 auditors the first annual levy of taxes shall be  
30 sufficient to pay all the principal of and interest on  
31 the bonds or obligations becoming due prior to the  
32 next succeeding annual levy and the full amount of the  
33 first annual levy shall be entered for collection by  
34 the auditor or auditors, as provided in this chapter.  
35 However, if a school district has approved the  
36 imposition of an income surtax to pay a portion of the  
37 principal and interest on the bonds or obligations,  
38 this section applies only for the portion of the  
39 principal and interest to be paid from the annual levy  
40 of property taxes.

41 Sec. \_\_\_\_\_. Section 76.4, Code 1987, is amended to

42 read as follows:

43 76.4 PERMISSIVE APPLICATION OF FUNDS.

44 ~~Whenever~~ If the governing authority of such a  
 45 political subdivision ~~shall have~~ has on hand funds  
 46 derived from any other a source other than taxation  
 47 which may be appropriated to the payment either of  
 48 interest or principal, or both principal and interest  
 49 of ~~such~~ such bonds, ~~such~~ the funds may be ~~so~~ appropriated  
 50 and used and the levy for the payment of the bonds and

Page 3

1 surtax rate for the income tax, if voted,

2 correspondingly reduced.

3 Sec. \_\_\_\_\_. Section 76.7, Code 1987, is amended to  
 4 read as follows:

5 76.7 PARTICULAR BONDS AFFECTED – PAYMENT.

6 Counties, cities and school corporations may at any  
 7 time ~~or times~~ extend or renew any legal indebtedness  
 8 or any part ~~thereof~~ of the indebtedness they ~~may~~ have  
 9 represented by bonds or certificates where ~~such~~ the  
 10 indebtedness is payable from a limited annual tax or  
 11 from a voted annual tax or income surtax, and may by  
 12 resolution fund or refund the ~~same~~ legal indebtedness  
 13 and issue bonds ~~therefor~~ running not more than twenty  
 14 years to be known as funding or refunding bonds, and  
 15 make provision for the payment of the principal and  
 16 interest ~~thereof~~ from the proceeds of an annual tax or  
 17 annual tax and income surtax for the period covered by  
 18 such the bonds similar to the tax authorized by law or  
 19 by the electors for the payment of the indebtedness ~~so~~  
 20 extended or renewed.

21 Sec. \_\_\_\_\_. NEW SECTION. 76.20 PAYMENTS OF SCHOOL  
 22 DISTRICT BONDS.

23 If the board of directors of a school district  
 24 calls an election on the issuance of general  
 25 obligation bonds under section 296.3, the board may  
 26 vote by resolution to include as a separate  
 27 proposition at the same election, a proposition to pay  
 28 the principal and interest of the bonds, sixty-five  
 29 percent by pledging the proceeds of a property tax  
 30 levy and thirty-five percent by pledging the proceeds  
 31 of an income surtax. If the board does not adopt a  
 32 resolution to include the proposition on the ballot, a  
 33 petition signed by eligible electors equal in number  
 34 to twenty percent of the voters at the last preceding  
 35 school election may be filed with the board directing  
 36 that the proposition be placed on the ballot as a  
 37 separate proposition from the vote on the issuance of  
 38 the bonds. Notice of the separate proposition shall  
 39 be given by the county commissioner of elections by  
 40 publication in accordance with section 49.53. The

41 notice shall identify the bonds for which the property  
 42 tax and income surtax proceeds would be pledged to pay  
 43 the principal and interest and the number of years  
 44 that the income surtax and the property tax levy shall  
 45 be imposed.

46 The separate proposition shall state the question  
 47 of whether the board of directors is authorized to pay  
 48 the principal and interest of the bonds sixty-five  
 49 percent by pledging the proceeds of a property tax  
 50 levy and thirty-five percent by pledging the proceeds

Page 4

1 of an income surtax. The proposition carries if  
 2 approved by a majority of those voting on it.  
 3 Sec. \_\_\_\_\_. NEW SECTION. 76.21 AMOUNT REQUIRED.

4 Except as otherwise provided in section 76.24, the  
 5 board of directors shall estimate and certify to the  
 6 board of supervisors of the proper county for the  
 7 schoolhouse fund, the amount required from property  
 8 tax revenues to pay sixty-five percent of the amount  
 9 of the principal and interest due on the bonds. The  
 10 board of directors shall estimate and certify to the  
 11 director of revenue and finance for the schoolhouse  
 12 fund, the amount required from the income surtax to  
 13 pay thirty-five percent of the amount of the principal  
 14 and interest due on the bonds.

15 Annually the director of revenue and finance shall  
 16 establish the rate of the income surtax based upon an  
 17 average of the income tax collections in the school  
 18 district for the three preceding years.

19 Sec. \_\_\_\_\_. NEW SECTION. 76.22 INCOME SURTAX.

20 The income surtax shall be imposed on the state  
 21 individual income tax for each calendar year, or for a  
 22 taxpayer's fiscal year ending during the second half  
 23 of that calendar year or the first half of the  
 24 succeeding calendar year, and shall be imposed on all  
 25 individuals residing in the school district on the  
 26 last day of the applicable tax year. As used in this  
 27 section, "state individual income tax" means the tax  
 28 computed under section 422.5, less the deductions  
 29 allowed in sections 422.10, 422.11, and 422.12.

30 Sections 442.16, 442.17, 442.19, and 442.20 apply  
 31 to the income surtax established in this section. The  
 32 director of revenue and finance shall deposit all  
 33 moneys received as income surtax to the credit of each  
 34 district from which the moneys are received, in an  
 35 "income surtax fund" which is established in the  
 36 office of the treasurer of state.

37 Annually, after crediting to the department of  
 38 revenue and finance a reasonable amount for costs of  
 39 administration, the treasurer of state shall remit to

40 the school districts which have imposed an income  
 41 surtax their share of the balance in the income surtax  
 42 fund. The proceeds of the tax shall be pledged for  
 43 the payment of thirty-five percent of the principal  
 44 and interest on the bonds specified on the ballot  
 45 proposition. The costs of administration shall be  
 46 determined by the department of revenue and finance,  
 47 and shall be based on a share of the total cost of  
 48 administering the department, in the same proportion  
 49 as the amount of income surtax collected is to the  
 50 amount of state income taxes collected.

**Page 5**

1 Sec. \_\_\_\_\_. NEW SECTION. 76.23 TAX FORMS.

2 The department of revenue and finance shall supply  
 3 appropriate forms, or provide space on the regular  
 4 state income tax forms, for reporting school district  
 5 income tax liability, and shall administer the income  
 6 surtax as nearly as possible in conjunction with the  
 7 administration of the state income tax law, for  
 8 purposes of economy and efficiency. The department of  
 9 revenue and finance shall adopt rules to carry out the  
 10 income surtax under sections 76.20 through 76.24.

11 Sec. \_\_\_\_\_. NEW SECTION. 76.24 INCOME SURTAX  
 12 ACCOUNT.

13 Notwithstanding section 76.21, the first year in  
 14 which the income surtax is collected after the  
 15 issuance of bonds, the percent of income surtax  
 16 imposed shall be double the percent calculated under  
 17 section 76.21. The excess collected above the amount  
 18 necessary to pay principal and interest on the bonds  
 19 shall be placed in a separate income surtax account in  
 20 the schoolhouse fund to be used to supplement the  
 21 principal and interest payments during years in which  
 22 the amount of income surtax collected is insufficient  
 23 to make the required payments.

24 In any year that the amount of income surtax  
 25 collected plus the amount in the separate account are  
 26 insufficient, the board of directors shall pay the  
 27 remaining amount due from moneys in the general fund  
 28 of the school district and the board of directors  
 29 shall repay the amount borrowed when funds are  
 30 available in the separate account.

31 For the last year in which principal and interest  
 32 are due, an income surtax shall not be imposed and the  
 33 amount of the property tax levy shall be adjusted so  
 34 that the proceeds from the property tax levy plus the  
 35 amount contained in the income surtax account of the  
 36 school district are sufficient to pay off the bonds."

37 2. Page 31, by inserting after line 23 the  
 38 following:

39 "Sec. \_\_\_\_\_. Section 298.18, Code 1985, is amended  
 40 by adding the following new unnumbered paragraph:  
 41 NEW UNNUMBERED PARAGRAPH. The limits specified in  
 42 this section apply if only a property tax levy is  
 43 utilized to repay lawful bonded indebtedness. If a  
 44 school district has adopted a proposition in which  
 45 repayment of bonds is to be collected sixty-five  
 46 percent from the proceeds of a property tax levy and  
 47 thirty-five percent from the proceeds of an income  
 48 surtax, the limits on the property tax levy prescribed  
 49 in this section shall be one dollar and thirty-five  
 50 cents and two dollars and three cents respectively."

**Page 6**

- 1 3. Title page, line 14, by inserting after the
- 2 word "conditions;" the following: "permissive use of
- 3 income surtax for payment of bond issues;".
- 4 4. By numbering and renumbering sections as
- 5 necessary.

MAULSBY of Calhoun  
 LAGESCHULTE of Bremer  
 COREY of Louisa

**H—3313**

- 1 Amend House File 606 as follows:
- 2 1. Page 9, by striking lines 12 through 24.
- 3 2. By striking page 11, line 16 through page 12,
- 4 line 18.
- 5 3. By striking page 12, line 35 through page 13,
- 6 line 30.
- 7 4. Page 13, by striking lines 31 and 32 and
- 8 inserting the following:
- 9 "Sec. 121. Section 455B.309, Code 1987, is
- 10 repealed."

SCHNEKLOTH of Scott  
 ROYER of Page

**H—3316**

- 1 Amend House File 484 as follows:
- 2 1. Page 1, lines 17 through 19, by striking the
- 3 words ", except that it does not include botanical or
- 4 zoological specimens loaned to a museum for scientific
- 5 research purposes".

Committee on State Government

**H—3318**

- 1 Amend House File 467 as follows:
- 2 1. Page 5, line 7, by striking the word
- 3 "licensed" and inserting the following: "approved".

- 4 2. Page 5, line 10, by striking the word  
 5 "licensed" and inserting the following: "approved".  
 6 3. Page 5, line 12, by inserting after the word  
 7 "authorize" the following: "or reject".  
 8 4. Page 5, line 15, by striking the word  
 9 "licensed" and inserting the following: "approved".

PARKER of Jasper

H—3322

- 1 Amend the amendment, H—3312, to House File 499 as  
 2 follows:  
 3 1. Page 5, by striking line 36 and inserting the  
 4 following: "For each of the budget years beginning  
 5 July 1, 1988, July 1, 1989, and July 1, 1990, the".  
 6 2. Page 6, line 6, by striking the word "The" and  
 7 inserting the following: "For the budget year  
 8 beginning July 1, 1988, the".  
 9 3. Page 6, line 10, by inserting after the word  
 10 "year." the following: "For the budget year beginning  
 11 July 1, 1989, the budget reduction amount is sixty-six  
 12 and two-thirds percent of the difference between one  
 13 hundred twenty percent of the state average cost per  
 14 pupil and the average cost per pupil in the district  
 15 for the budget year. For the budget year beginning  
 16 July 1, 1990, the budget reduction amount is the  
 17 difference between one hundred twenty percent of the  
 18 state average cost per pupil and the average cost per  
 19 pupil in the district for the budget year."  
 20 4. Page 6, by striking lines 11 through 31.

OLLIE of Clinton  
 CARPENTER of Polk

H—3332

- 1 Amend amendment, H—3290 to House File 499 as  
 2 follows:  
 3 1. Page 1, by striking lines 15 and 16 and  
 4 inserting the following: "area of the next regular  
 5 school election. A request for the question to be  
 6 submitted to the electors of the area at the next  
 7 regular school election may be submitted by a petition  
 8 signed by eligible electors who are, or would be if  
 9 registered, entitled to vote on the question, equal or  
 10 greater in number to twenty percent of those who voted  
 11 in the last regular school election in the area.""  
 12 2. Page 1, by striking lines 29 through 31 and  
 13 inserting the following: "shall be submitted to the  
 14 electors of the area at the next regular school  
 15 election. A request for the question to be submitted  
 16 to the electors of the area at the next regular school  
 17 election may be submitted by a petition signed by

18 eligible electors who are, or would be if registered,  
19 entitled to vote on the question, equal or greater in  
20 number to twenty percent of those who voted in the  
21 last regular school election in the area.” ”

Haverland of Polk  
De Groot of Lyon  
Miller of Cherokee

H-3333

1 Amend House File 472 as follows:

2 1. Page 1, by inserting after line 30 the fol-  
3 lowing:

4 “Sec. \_\_\_\_\_. The state transportation commission may  
5 authorize the temporary transfer of funds between the  
6 department's share of the RISE fund under section  
7 315.4 to the primary road fund in an amount not to  
8 exceed twenty-five million dollars. Transferred funds  
9 shall be repaid within ninety days to the fund from  
10 which they came upon receipt of federal highway trust  
11 fund reimbursements and not later than July 1, 1988.  
12 However, the commission shall not authorize the  
13 transfer of any RISE funds already allocated for  
14 expenditure on a specific RISE project prior to July  
15 1, 1988.

16 Sec. \_\_\_\_\_.

17 1. The state transportation commission may issue  
18 anticipatory certificates in an amount not to exceed  
19 fifty million dollars prior to July 1, 1987. If by  
20 July 1, 1987, the state has not received the full  
21 allotment of the appropriate federal highway trust  
22 funds, the state transportation commission may issue  
23 additional anticipatory certificates. However, the  
24 commission shall not issue more than one hundred fifty  
25 million dollars in anticipatory certificates. The  
26 certificates shall be retired at the time or times  
27 determined by the commission but not later than July  
28 1, 1988.

29 2. The certificates shall be authorized by a  
30 resolution adopted by the commission which shall  
31 specify:

32 a. The primary road funds, specifying the year or  
33 years, from which the certificates are payable.

34 b. The amount of certificates authorized.

35 c. The denomination, and place of payment, which  
36 may be at any bank within or without the state, of  
37 each certificate.

38 d. The rate of interest which each certificate  
39 shall bear which shall not exceed that permitted by  
40 chapter 74A, and the date or dates interest is  
41 payable.

42 e. The authorization for the chairperson of the

- 43 commission and the treasurer of state to sign and  
 44 countersign the certificates.  
 45 3. Each certificate shall specify on its face the  
 46 following information:  
 47 a. The annual accruing primary road funds, naming  
 48 the year from which the certificate is payable.  
 49 b. The date the certificate is payable.  
 50 c. That the certificate is payable solely from

**Page 2**

- 1 accruing primary road funds.  
 2 4. The state transportation commission is  
 3 authorized to pledge all or any portion of the primary  
 4 road fund toward the payment of the certificates and  
 5 amounts in the primary road fund are appropriated, to  
 6 the extent necessary, for payment of principal and  
 7 interest on the certificates. The certificates shall  
 8 be payable solely from the primary road fund and under  
 9 no circumstance shall any certificate be or become or  
 10 be construed to constitute a debt of or a charge  
 11 against the state within the purview of any  
 12 constitutional or statutory limitation or provision.  
 13 5. Each of the certificates shall be executed by  
 14 the manual or facsimile signature of the chairperson  
 15 of the commission and the treasurer of state.  
 16 6. Interest on the certificates shall be exempt  
 17 from state income taxation.  
 18 7. The treasurer of state shall be responsible for  
 19 the sale of the certificates. In lieu of selling the  
 20 certificates, the treasurer of state may apply the  
 21 certificates at face value plus interest in payment of  
 22 any warrants duly authorized and issued for primary  
 23 road work.  
 24 8. The treasurer of state, or the treasurer's  
 25 designee, shall, if appropriate, enter on a record the  
 26 name and address of all persons to whom the  
 27 certificates are issued, with a particular designation  
 28 of the certificate delivered to each person.  
 29 9. Any subsequent holder of a certificate may  
 30 present the certificate to the treasurer of state, or  
 31 the treasurer's designee, who shall enter the  
 32 subsequent holder's name and address in place of the  
 33 name and address of the previous holder.  
 34 Sec. \_\_\_\_\_. This Act, being deemed of immediate  
 35 importance, takes effect upon enactment."  
 36 2. Title page, lines 1 through 3, by striking the  
 37 words "to authorize the funding of state park and  
 38 institutional road projects and county conservation  
 39 parkway projects from RISE funds" and inserting the  
 40 following: "relating to the financing of road  
 41 projects by authorizing the funding of state park and

42 institutional road projects and county conservation  
 43 parkway projects from RISE funds, by permitting the  
 44 borrowing of RISE funds and the issuance of  
 45 anticipatory certificates and providing an effective  
 46 date".  
 47 3. Renumber sections and correct internal  
 48 references as necessary in accordance with this  
 49 amendment.

CONNOLLY of Dubuque

H-3336

1 Amend House File 608 as follows:  
 2 1. By striking page 3, line 21 through page 4,  
 3 line 21.

RUNNING of Linn  
 HANSON of Delaware  
 BUHR of Polk  
 VAN CAMP of Scott  
 HALVORSON of Webster  
 BLANSHAN of Greene

H-3339

1 Amend House File 608 as follows:  
 2 1. Page 11, by inserting after line 30 the  
 3 following:  
 4 "Sec. \_\_\_\_\_. Section 56.14, Code 1987, is amended to  
 5 read as follows:  
 6 56.14 POLITICAL ADVERTISEMENTS.  
 7 A person who causes the publication or distribution  
 8 of published material after July 1, 1984, designed to  
 9 promote or defeat the nomination or election of a  
 10 candidate for public office or the passage of a  
 11 constitutional amendment or public measure shall  
 12 include conspicuously on the published material the  
 13 identity and address of the person responsible for the  
 14 material. If the person responsible is an  
 15 organization, the name of one officer of the  
 16 organization shall appear on the material. However,  
 17 if the organization is a committee which has filed a  
 18 statement of organization under this chapter, only the  
 19 name of the committee is required to be included on  
 20 the published material. In addition to the  
 21 identification requirement, material subject to this  
 22 section designed to promote the nomination or election  
 23 of a candidate shall state whether or not the  
 24 candidate is seeking reelection. This section does  
 25 not apply to the editorials or news articles of a  
 26 newspaper or magazine which are not political  
 27 advertisements. For the purpose of this  
 28 section, "published material" means any newspaper,

29 magazine, shopper, outdoor advertising facility,  
 30 poster, yard sign including hand lettered signs,  
 31 direct mailing, brochure, or any other form of printed  
 32 general public political advertising, however, the  
 33 identification need not be conspicuous on posters and  
 34 yard signs including hand lettered signs. This  
 35 section does not apply to bumper stickers, pins,  
 36 buttons, pens, matchbooks and similar small items upon  
 37 which the inclusion of the disclaimer would be  
 38 impracticable or to published material which is  
 39 subject to federal regulations regarding a disclaimer  
 40 requirement."

SCHNEKLOTH of Scott

H-3343

1 Amend House File 594 as follows:  
 2 1. Page 18, line 30, by striking the words "this  
 3 section" and inserting the following: "subsection 1".  
 4 2. Page 18, by inserting after line 35 the  
 5 following:  
 6 "3. If the cost of the prescription or any part of  
 7 it will be paid by expenditure of public funds  
 8 authorized under chapter 249A, the pharmacist shall  
 9 exercise professional judgment by selecting a drug  
 10 product with the same generic name and demonstrated  
 11 bioavailability as the one prescribed for dispensing  
 12 and sale unless the prescriber specifically indicates  
 13 that no drug product selection shall be made."  
 14 3. By renumbering as necessary.

BEATTY of Warren

H-3347

1 Amend House File 611 as follows:  
 2 1. By striking everything after the enacting  
 3 clause and inserting the following:  
 4 "Section 1. NEW SECTION. 28A.1 CITE.  
 5 This chapter may be referred to and cited as the  
 6 "Iowa Municipal Bond Bank Act".  
 7 Sec. 2. NEW SECTION. 28A.2 DECLARATION OF  
 8 POLICY.  
 9 It is declared to be in the public interest and to  
 10 be the policy of the state to foster and promote by  
 11 all reasonable means the provision of adequate markets  
 12 and facilities for borrowing money by political  
 13 subdivisions of the state for the financing of their  
 14 public improvements and other governmental purposes  
 15 from proceeds of bonds or notes issued by the  
 16 political subdivisions, and to assist the political  
 17 subdivisions in fulfilling their needs for such  
 18 purposes by creation of indebtedness and to the extent

19 possible to encourage continued investor interest in  
20 the bonds or notes of the political subdivisions as  
21 sound and preferred securities for investment. It is  
22 in the public interest and it is the policy of the  
23 state to encourage its political subdivisions to  
24 continue their independent undertakings of public  
25 improvements and new governmental purposes and the  
26 financing thereof and to assist them by making funds  
27 available at reduced interest costs for orderly  
28 financing of the public improvements and other  
29 municipal purposes, particularly for those political  
30 subdivisions not otherwise readily able to borrow for  
31 such purposes at reasonable rates of interest. It is  
32 further declared that credit and municipal bond market  
33 conditions require the creation of a public  
34 instrumentality to have full powers to borrow money  
35 and to issue its bonds and notes to make funds  
36 available through the facilities of the  
37 instrumentality at reduced rates and on more favorable  
38 terms for borrowing by the political subdivisions  
39 through the purchase by the instrumentality of the  
40 bonds or notes of the political subdivisions in fully  
41 marketable form and by granting broad powers to the  
42 instrumentality to accomplish and to carry out the  
43 stated policies of the state which are in the public  
44 interest of the state and of its taxpayers and  
45 residents.

46 **Sec. 3. NEW SECTION. 28A.3 DEFINITIONS.**

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

49 1. "Bank" means the Iowa municipal bond bank  
50 established in section 28A.4.

**Page 2**

1 2. "Bond" means a bond issued by the bank pursuant  
2 to this chapter.

3 3. "Note" means a bond anticipation note issued by  
4 the bank pursuant to this chapter.

5 4. "Municipal bonds" means a bond or note issued  
6 by a political subdivision which is payable from taxes  
7 or from rates, charges, assessments, or other  
8 revenues.

9 5. "Political subdivision" means a city, county,  
10 or school district of this state, or other entity of  
11 this state having power to levy taxes or provide for  
12 rates, charges, or assessments.

13 **Sec. 4. NEW SECTION. 28A.4 ESTABLISHMENT OF THE**  
14 **BOND BANK.**

15 1. The Iowa municipal bond bank is established and  
16 constituted a public instrumentality and agency of the  
17 state exercising public and essential governmental

18 functions. The bank is established to provide  
19 financing at reduced rates for political subdivisions  
20 of the state. The powers of the bank are vested in  
21 and exercised by a board of directors consisting of  
22 six members with five members appointed by the  
23 governor subject to confirmation by the senate. The  
24 treasurer of state or the treasurer's designee is an  
25 ex officio nonvoting member. No more than three  
26 appointed members shall belong to the same political  
27 party. As far as possible the governor shall include  
28 within the membership at least two persons who have  
29 backgrounds in public finance.

30 2. The appointed members of the board shall be  
31 appointed by the governor for terms of six years  
32 except that, of the first appointments, two members  
33 shall be appointed for terms of two years and one  
34 member shall be appointed for a term of four years. A  
35 person appointed to fill a vacancy shall serve only  
36 for the unexpired portion of the term. A member is  
37 eligible for reappointment. An appointed member of  
38 the board may be removed from office by the governor  
39 for misfeasance, malfeasance or willful neglect of  
40 duty or other just cause, after notice and hearing,  
41 unless the notice and hearing is expressly waived in  
42 writing.

43 3. Three voting members of the board constitute a  
44 quorum and the affirmative vote of a majority of the  
45 voting members is necessary for any substantive action  
46 taken by the board. The majority shall not include  
47 any member who has a conflict of interest and a  
48 statement by a member that the member has a conflict  
49 of interest is conclusive for this purpose. A vacancy  
50 in the membership does not impair the right of a

**Page 3**

1 quorum to exercise all rights and perform all duties  
2 of the board.

3 4. The appointed members of the board are entitled  
4 to receive forty dollars per diem for each day spent  
5 in performance of duties as members, and shall be  
6 reimbursed for all actual and necessary expenses  
7 incurred in the performance of duties as members.

8 5. The appointed members of the board and the  
9 executive director shall give bond as required for  
10 public officers in chapter 64.

11 6. Meetings of the board shall be held at the call  
12 of the chairperson or whenever two members so request.

13 7. The appointed members shall elect a chairperson  
14 and vice chairperson annually, and other officers as  
15 they determine, but the executive director shall serve  
16 as secretary to the board.

17 8. The net earnings of the bank, beyond that  
 18 necessary for retirement of its notes, bonds or other  
 19 obligations or to implement the public purposes and  
 20 programs authorized, shall not inure to the benefit of  
 21 any person other than the state. Upon termination of  
 22 the existence of the bank, title to all property owned  
 23 by the bank including any net earnings shall vest in  
 24 the state.

25 Sec. 5. NEW SECTION. 28A.5 LOANS OF MONEY –  
 26 STATE NOT LIABLE.

27 1. The bank is authorized and empowered to lend  
 28 money to political subdivisions through the purchase  
 29 by the bank of municipal bonds of political  
 30 subdivisions in fully marketable form. The bank is  
 31 authorized to issue its bonds and notes payable solely  
 32 from the revenues or funds available to the bank, and  
 33 to otherwise assist political subdivisions as provided  
 34 in this chapter.

35 2. Bonds and notes of the bank are not a debt,  
 36 obligation, or liability of the state and do not  
 37 create or constitute an indebtedness, liability, or  
 38 obligation of the state or constitute a pledge of the  
 39 faith and credit of the state but all bonds and notes,  
 40 unless funded or refunded by bonds or notes of the  
 41 bank, shall be payable solely from revenues or funds  
 42 pledged or available for their payment as authorized  
 43 in this chapter. Each bond and note shall contain on  
 44 its face a statement to the effect that the bank is  
 45 obligated to pay the bank the principal and the  
 46 interest only from revenues or funds of the bank, that  
 47 the state is not obligated to pay any principal or  
 48 interest, and that the faith and credit or the taxing  
 49 power of the state is not pledged to the payment of  
 50 the principal of or the interest on such bonds or

Page 4

1 notes.

2 3. All expenses incurred in carrying out this  
 3 chapter shall be payable solely from revenues or funds  
 4 provided or to be provided under this chapter and  
 5 nothing in this chapter shall be construed to  
 6 authorize the bank to incur any indebtedness or  
 7 liability on behalf of or payable by the state.

8 Sec. 6. NEW SECTION. 28A.6 GENERAL POWERS.

9 The bank has all of the general powers needed to  
 10 carry out its purposes and duties and exercise  
 11 specific powers, including but not limited to:

12 1. Sue and be sued.

13 2. Have and alter an official seal.

14 3. Make and enforce bylaws, rules, and regulations  
 15 for the conduct of its affairs and business and for

- 16 use of its services and facilities.
- 17 4. Maintain an office at such place or places  
18 within the state as it may determine.
- 19 5. Acquire, hold, use, and dispose of its income,  
20 revenues, funds, and moneys.
- 21 6. Acquire, rent, lease, hold, use, and dispose of  
22 other personal property for its purposes.
- 23 7. Borrow money and issue its negotiable bonds or  
24 notes, provide for and secure the payment thereof,  
25 provide for the rights of the holders thereof, and  
26 purchase, hold, and dispose of any of its bonds or  
27 notes.
- 28 8. Fix and revise from time to time and charge and  
29 collect fees and charges for the use of its services  
30 or facilities.
- 31 9. Accept gifts or grants of property, funds,  
32 moneys, materials, labor, supplies, or services from  
33 the United States of America or the state or any other  
34 state or agencies or departments thereof, or from any  
35 political subdivision or any person, firm, or  
36 corporation, and carry out the terms or provisions or  
37 make agreements with respect to any such gifts or  
38 grants, and do any and all things necessary, useful,  
39 desirable, or convenient in connection with procuring,  
40 acceptance, or disposition of such gifts or grants.
- 41 10. Do and perform any acts and things authorized  
42 by this chapter under, through, or by means of its  
43 officers, agents, or employees or by contracts with  
44 any person, firm, or corporation.
- 45 11. Make, enter into, and enforce all contracts or  
46 agreements necessary, convenient, or desirable for the  
47 purposes of the bank or pertaining to any loan to a  
48 political subdivision or any purchase or sale of  
49 municipal bonds or other investments or to the  
50 performance of its duties and execution or carrying

**Page 5**

- 1 out of any of its powers under this chapter.
- 2 12. Purchase or hold municipal bonds at prices and  
3 in the manner as the bank deems advisable and sell  
4 municipal bonds acquired or held by it at such prices  
5 without relation to cost and in such manner as the  
6 bank shall deem advisable.
- 7 13. Invest any funds or moneys of the bank not  
8 then required for loan to political subdivisions and  
9 for the purpose of municipal bonds, in the same manner  
10 as permitted for investment of funds belonging to the  
11 state or held in the treasury, except as otherwise  
12 permitted or provided by this chapter.
- 13 14. Fix and prescribe any form of application or  
14 procedure to be required of a political subdivision

15 for the purpose of any loan or the purchase of its  
 16 municipal bonds, and to fix the terms and conditions  
 17 of any such loan or purchase and to enter into  
 18 agreements with political subdivisions with respect to  
 19 any such loan or purchase.

20 15. Do all acts and things necessary, convenient,  
 21 or desirable to carry out the powers expressly granted  
 22 or necessarily implied in this chapter.

23 16. Provide advice and technical information,  
 24 conduct research, and promote financing of securities  
 25 of political subdivisions.

26 Sec. 7. NEW SECTION. 28A.7 EXECUTIVE DIRECTOR —  
 27 RESPONSIBILITIES.

28 1. The governor, subject to confirmation by the  
 29 senate, shall appoint an executive director of the  
 30 bank, who shall serve at the pleasure of the governor.  
 31 The executive director shall be selected primarily for  
 32 administrative ability and knowledge in the field,  
 33 without regard to political affiliation. The  
 34 executive director shall not, directly or indirectly,  
 35 exert influence to induce any other officers or  
 36 employees of the state to adopt a political view, or  
 37 to favor a political candidate for office.

38 2. The executive director shall advise the board  
 39 of directors of the bank on matters relating to  
 40 bonding and public finance, carry out all directives  
 41 from the board, and hire and supervise the bank's  
 42 staff pursuant to its directions and under the  
 43 provisions of chapter 19A.

44 3. The executive director, as secretary of the  
 45 board of directors, shall keep a record of the  
 46 proceedings of the board and shall be custodian of all  
 47 books, documents, and papers filed with the board or  
 48 bank and of its minute book and seal. The executive  
 49 director shall have authority to cause to be made  
 50 copies of all minutes and other records and documents

**Page 6**

1 of the bank and to give certificates under the seal of  
 2 the bank to the effect that the copies are true copies  
 3 and all persons dealing with the bank may rely upon  
 4 these certificates.

5 Sec. 8. NEW SECTION. 28A.8 BONDS AND NOTES.

6 1. The bank may issue its negotiable bonds and  
 7 notes in principal amounts as, in the opinion of the  
 8 bank, are necessary to provide sufficient funds for  
 9 achievement of its corporate purposes, the payment of  
 10 interest on its bonds and notes, the establishment of  
 11 reserves to secure its bonds and notes, and all other  
 12 expenditures of the bank incident to and necessary or  
 13 convenient to carry out its purposes and powers. The

14 bonds and notes shall be deemed to be investment  
 15 securities and negotiable instruments within the  
 16 meaning of and for all purposes of the uniform  
 17 commercial code.

18 2. Bonds and notes issued by the bank are payable  
 19 solely and only out of the moneys, assets, or revenues  
 20 of the bank, and as provided in the agreement with  
 21 bondholders or noteholders pledging any particular  
 22 moneys, assets or revenues. Bonds or notes are not an  
 23 obligation of this state or any political subdivision  
 24 of this state other than the bank within the meaning  
 25 of any constitutional or statutory debt limitations,  
 26 but are special obligations of the bank payable solely  
 27 and only from the sources provided in this chapter,  
 28 and the bank may not pledge the credit or taxing power  
 29 of this state or any political subdivision of this  
 30 state other than the bank, or make its debts payable  
 31 out of any moneys except those of the bank.

32 3. Bonds and notes must be authorized by a  
 33 resolution of the board of directors of the bank.  
 34 However, a resolution authorizing the issuance of  
 35 bonds or notes may delegate to an officer of the bank  
 36 the power to negotiate and fix the details of an issue  
 37 of bonds or notes by an appropriate certificate of the  
 38 authorized officer.

39 4. Bonds shall:

40 a. State the date and series of the issue, be  
 41 consecutively numbered, and state on their face that  
 42 they are payable both as to principal and interest  
 43 solely out of the assets of the bank and do not  
 44 constitute an indebtedness of this state or any  
 45 political subdivision of this state other than the  
 46 authority within the meaning of any constitutional or  
 47 statutory debt limit.

48 b. Be either registered, registered as to  
 49 principal only, or in coupon form, issued in  
 50 denominations as the bank prescribes, fully negotiable

**Page 7**

1 instruments under the laws of this state, signed on  
 2 behalf of the bank with the manual or facsimile  
 3 signature of the chairperson or vice chairperson of  
 4 the board of directors, attested by the manual or  
 5 facsimile signature of the secretary, have impressed  
 6 or imprinted thereon the seal of the bank or a  
 7 facsimile of it, and the coupons attached shall be  
 8 signed with the facsimile signature of the chairperson  
 9 or vice chairperson of the board of directors, be  
 10 payable as to interest at rates and at times as the  
 11 bank determines, be payable as to principal at times  
 12 over a period not to exceed fifty years from the date

13 of issuance, at places, and with reserved rights of  
14 prior redemption, as the bank prescribes, be sold at  
15 prices, at public or private sale, and in a manner as  
16 the bank prescribes, and the bank may pay all  
17 expenses, premiums, and commissions which it deems  
18 necessary or advantageous in connection with the  
19 issuance and sale, and be issued under and subject to  
20 the terms, conditions and covenants providing for the  
21 payment of the principal, redemption premiums, if any,  
22 interest and other terms, conditions, covenants and  
23 protective provisions safeguarding payment, not  
24 inconsistent with this chapter, as are found to be  
25 necessary by the bank for the most advantageous sale,  
26 which may include, but are not limited to, covenants  
27 with the holders of the bonds as to:

28 (1) Pledging or creating a lien, to the extent  
29 provided by the resolution, on moneys or property of  
30 the bank or moneys held in trust or otherwise by  
31 others to secure the payment of the bonds.

32 (2) Providing for the custody, collection,  
33 securing, investment and payment of any moneys of or  
34 due to the bank.

35 (3) The setting aside of reserves or sinking funds  
36 and the regulation or disposition of them.

37 (4) Limitations on the purpose to which the  
38 proceeds of sale of an issue of bonds then or  
39 thereafter to be issued may be applied.

40 (5) Limitations on the issuance of additional  
41 bonds and on the refunding of outstanding or other  
42 bonds.

43 (6) The procedure by which the terms of a contract  
44 with the holders of bonds may be amended or abrogated,  
45 the amount of bonds the holders of which must consent  
46 thereto and the manner in which consent may be given.

47 (7) The creation of special funds into which  
48 moneys of the bank may be deposited.

49 (8) Vesting in a trustee properties, rights,  
50 powers and duties in trust as the bank determines,

**Page 8**

1 which may include the rights, powers, and duties of  
2 the trustee appointed for the holders of any issue of  
3 bonds pursuant to section 28A.10, in which event the  
4 provisions of that section authorizing appointment of  
5 a trustee by the holders of bonds shall not apply, or  
6 limiting or abrogating the right of the holders of  
7 bonds to appoint a trustee under that section, or  
8 limiting the rights, duties and powers of the trustee.

9 (9) Defining the acts or omissions which  
10 constitute a default in the obligations and duties of  
11 the bank and providing for the rights and remedies of

12 the holders of bonds in the event of a default.  
13 However, rights and remedies shall be consistent with  
14 the laws of this state and other provisions of this  
15 chapter.

16 (10) Any other matters which affect the security  
17 and protection of the bonds and the rights of the  
18 holders.

19 5. The bank may issue its bonds for the purpose of  
20 refunding any bonds or notes of the bank then  
21 outstanding, including the payment of any redemption  
22 premiums thereon and any interest accrued or to accrue  
23 to the date of redemption of the outstanding bonds or  
24 notes. Until the proceeds of bonds issued for the  
25 purpose of refunding outstanding bonds or notes are  
26 applied to the purchase or retirement of outstanding  
27 bonds or notes or the redemption of outstanding bonds  
28 or notes, the proceeds may be placed in escrow and be  
29 invested and reinvested in accordance with the  
30 provisions of this chapter. The interest, income and  
31 profits earned or realized on an investment may also  
32 be applied to the payment of the outstanding bonds or  
33 notes to be refunded by purchase, retirement or  
34 redemption. After the terms of the escrow have been  
35 fully satisfied and carried out, any balance of  
36 proceeds and interest earned or realized on the  
37 investments may be returned to the bank for use by it  
38 in any lawful manner. All refunding bonds shall be  
39 issued and secured and subject to the provisions of  
40 this chapter in the same manner and to the same extent  
41 as other bonds issued pursuant to this chapter.

42 6. The bank may issue negotiable bond anticipation  
43 notes and may renew them from time to time but the  
44 maximum maturity of the notes, including renewals,  
45 shall not exceed ten years from the date of issue of  
46 the original notes. Notes are payable from any  
47 available moneys of the bank not otherwise pledged, or  
48 from the proceeds of the sale of bonds of the bank in  
49 anticipation of which the notes were issued. Notes  
50 may be issued for any corporate purpose of the bank.

**Page 9**

1 Notes shall be issued in the same manner as bonds, and  
2 notes and the resolution authorizing them may contain  
3 any provisions, conditions or limitations, not  
4 inconsistent with the provisions of this subsection,  
5 which the bonds or a bond resolution of the bank may  
6 contain. Notes may be sold at public or private sale.  
7 In case of default on its notes or violation of any  
8 obligations of the bank to the noteholders, the  
9 noteholders shall have all the remedies provided in  
10 this chapter for bondholders. Notes shall be as fully

11 negotiable as bonds of the bank.

12 7. A copy of each pledge agreement by or to the  
 13 bank, including without limitation each bond  
 14 resolution, indenture of trust or similar agreement,  
 15 or any revisions or supplements to it shall be filed  
 16 with the secretary of state and no further filing or  
 17 other action under sections 554.9101 to 554.9507,  
 18 article 9 of the uniform commercial code, or any other  
 19 law of the state shall be required to perfect the  
 20 security interest in the collateral or any additions  
 21 to it or substitutions for it, and the lien and trust  
 22 so created shall be binding from and after the time  
 23 made against all parties having claims of any kind in  
 24 tort, contract, or otherwise against the pledgor.

25 8. Neither the members of the board of directors  
 26 of the bank nor any person executing its bonds, notes  
 27 or other obligations shall be liable personally on the  
 28 bonds, notes, or other obligations or be subject to  
 29 any personal liability or accountability by reason of  
 30 the issuance of the bank's bonds or notes.

31 Sec. 9. NEW SECTION. 28A.9 RESERVE FUNDS AND  
 32 APPROPRIATIONS.

33 1. The bank may create and establish one or more  
 34 special funds, to be known as "bond reserve funds",  
 35 and shall pay into each bond reserve fund any moneys  
 36 appropriated and made available by the state for the  
 37 purpose of the fund, any proceeds of sale of notes or  
 38 bonds to the extent provided in the resolutions of the  
 39 board of directors of the bank authorizing their  
 40 issuance, and any other moneys which may be available  
 41 to the bank for the purpose of the fund from any other  
 42 sources. All moneys held in a bond reserve fund,  
 43 except as otherwise provided in this chapter, shall be  
 44 used as required solely for the payment of the  
 45 principal of bonds secured in whole or in part by the  
 46 fund or of the sinking fund payments with respect to  
 47 the bonds, the purchase or redemption of the bonds,  
 48 the payment of interest on the bonds or the payments  
 49 of any redemption premium required to be paid when the  
 50 bonds are redeemed prior to maturity.

Page 10

1 2. Moneys in a bond reserve fund shall not be  
 2 withdrawn from it at any time in an amount that will  
 3 reduce the amount of the fund to less than the bond  
 4 reserve fund requirement established for the fund, as  
 5 provided in this section, except for the purpose of  
 6 making, with respect to bonds secured in whole or in  
 7 part by the fund, payment when due of principal,  
 8 interest, redemption premiums and the sinking fund  
 9 payments with respect to the bonds for the payment of

10 which other moneys of the bank are not available. Any  
11 income or interest earned by, or incremental to, a  
12 bond reserve fund due to the investment of it may be  
13 transferred by the bank to other funds or accounts of  
14 the bank to the extent the transfer does not reduce  
15 the amount of that bond reserve fund below the bond  
16 reserve fund requirement for it.

17 3. The bank shall not at any time issue bonds,  
18 secured in whole or in part by a bond reserve fund if,  
19 upon the issuance of the bonds, the amount in the bond  
20 reserve fund will be less than the bond reserve fund  
21 requirement for the fund, unless the bank at the time  
22 of issuance of the bonds deposits in the fund from the  
23 proceeds of the bonds issued or from other sources an  
24 amount which, together with the amount then in the  
25 fund will not be less than the bond reserve fund  
26 requirement for the fund. For the purposes of this  
27 section, the term "bond reserve fund requirement"  
28 means, as of any particular date of computation, an  
29 amount of money, as provided in the resolutions of the  
30 board of directors of the bank authorizing the bonds  
31 with respect to which the fund is established, equal  
32 to not more than ten percent of the outstanding  
33 principal amount of bonds of the bank secured in whole  
34 or in part by the fund.

35 4. To assure the continued operation and solvency  
36 of the bank for the carrying out of its corporate  
37 purposes, provision is made in subsection 1 for the  
38 accumulation in each bond reserve fund of an amount  
39 equal to the bond reserve fund requirement for the  
40 fund. In order further to assure maintenance of the  
41 bond reserve funds, the chairperson of the board of  
42 directors of the bank shall, on or before July first  
43 of each calendar year, make and deliver to the  
44 governor the chairperson's certificate stating the  
45 sum, if any, required to restore each bond reserve  
46 fund to the bond reserve fund requirement for that  
47 fund. Within thirty days after the beginning of the  
48 session of the general assembly next following the  
49 delivery of the certificate, the governor may submit  
50 to both houses printed copies of a budget including

**Page 11.**

1 the sum, if any, required to restore each bond reserve  
2 fund to the bond reserve fund requirement for that  
3 fund. Any sums appropriated by the general assembly  
4 and paid to the bank pursuant to this section shall be  
5 deposited by the bank in the applicable bond reserve  
6 fund.

7 5. All amounts paid over to the bank by the state  
8 pursuant to the provisions of this section shall

9 constitute and be accounted for as advances by the  
10 state to the bank and, subject to the rights of the  
11 holders of any bonds or notes of the bank theretofore  
12 or thereafter issued, shall be repaid to the state  
13 without interest from all available operating revenues  
14 of the bank in excess of amounts required for the  
15 payment of bonds, notes or obligations of the bank,  
16 the bond reserve fund and operating expenses.

17 6. The bank shall cause to be delivered to the  
18 legislative fiscal committee within ninety days of the  
19 close of its fiscal year its annual report certified  
20 by an independent certified public accountant, who may  
21 be the accountant or a member of the firm of  
22 accountants who regularly audits the books and  
23 accounts of the bank, selected by the bank. In the  
24 event that the principal amount of any bonds or notes  
25 deposited in a bond reserve fund is withdrawn for  
26 payment of principal or interest thereby reducing the  
27 amount of that fund to less than the bond reserve fund  
28 requirement, the bank shall immediately notify the  
29 general assembly of this event and shall thereafter  
30 take steps to restore such bond reserve to the bond  
31 reserve fund requirement for that fund from any  
32 amounts available, other than principal of a bond  
33 issue, which are not pledged to the payment of other  
34 bonds or notes.

35 Sec. 10. NEW SECTION. 28A.10 REMEDIES OF  
36 BONDHOLDERS AND NOTEHOLDERS.

37 1. If the bank defaults in the payment of  
38 principal or interest on an issue of bonds or notes  
39 after they become due, whether at maturity or upon  
40 call for redemption, and the default continues for a  
41 period of thirty days, or if the bank fails or refuses  
42 to comply with the provisions of this chapter, or  
43 defaults in an agreement made with the holders of an  
44 issue of bonds or notes, the holders of twenty-five  
45 percent in aggregate principal amount of bonds or  
46 notes of the issue then outstanding, by instrument  
47 filed in the office of the clerk of the county in  
48 which the principal office of the bank is located, and  
49 proved or acknowledged in the same manner as a deed to  
50 be recorded, may appoint a trustee to represent the

**Page 12**

1 holders of the bonds or notes for the purposes  
2 provided in this section.

3 2. The bank or any trustee appointed under the  
4 indenture under which the bonds are issued may, and  
5 upon written request of the holders of twenty-five  
6 percent in aggregate principal amount of the issue of  
7 bonds or notes then outstanding shall:

- 8 a. Enforce all rights of the bondholders or  
 9 noteholders, including the right to require the bank  
 10 to carry out its agreements with the holders and to  
 11 perform its duties under this chapter.  
 12 b. Bring suit upon the bonds or notes.  
 13 c. By action require the bank to account as if it  
 14 were the trustee of an express trust for the holders.  
 15 d. By action enjoin any acts or things which are  
 16 unlawful or in violation of the rights of the holders.  
 17 e. Declare all the bonds or notes due and payable  
 18 and if all defaults are made good then with the  
 19 consent of the holders of twenty-five percent of the  
 20 aggregate principal amount of the issue of bonds or  
 21 notes then outstanding, annul the declaration and its  
 22 consequences.

23 The bondholders or noteholders, to the extent  
 24 provided in the resolution by which the bonds or notes  
 25 were issued or in their agreement with the bank, may  
 26 enforce any of the remedies in paragraphs "a" to "e"  
 27 or the remedies provided in those agreements for and  
 28 on their own behalf.

29 3. The trustee shall also have and possess all  
 30 powers necessary or appropriate for the exercise of  
 31 functions specifically set forth or incident to the  
 32 general representation of bondholders or noteholders  
 33 in the enforcement and protection of their rights.

34 4. Before declaring the principal of bonds or  
 35 notes due and payable, the trustee shall first give  
 36 thirty days' notice in writing to the governor, to the  
 37 bank, and to the attorney general of the state.

38 5. The district court has jurisdiction of any  
 39 action by the trustee on behalf of bondholders or  
 40 noteholders. The venue of the action shall be in the  
 41 county in which the principal office of the bank is  
 42 located.

43 Sec. 11. NEW SECTION. 28A.11 BONDS AND NOTES AS  
 44 LEGAL INVESTMENTS.

45 Bonds and notes of the bank are securities in which  
 46 public officers, state departments and agencies,  
 47 political subdivisions, insurance companies, and other  
 48 persons carrying on an insurance business, banks,  
 49 trust companies, savings and loan associations,  
 50 investment companies and other persons carrying on a

**Page 13**

1 banking business, administrators, executors,  
 2 guardians, conservators, trustees and other  
 3 fiduciaries, and other persons authorized to invest in  
 4 bonds or other obligations of this state, may properly  
 5 and legally invest funds including capital in their  
 6 control or belonging to them. The bonds and notes are

7 also securities which may be deposited with and may be  
8 received by public officers, state departments and  
9 agencies, and political subdivisions, for any purpose  
10 for which the deposit of bonds or other obligations of  
11 this state is authorized.

12 Sec. 12. NEW SECTION. 28A.12 MONEYS OF THE BANK.

13 1. Moneys of the bank from whatever source  
14 derived, except as otherwise provided in this chapter,  
15 shall be paid to the bank and shall be deposited in a  
16 financial institution designated by the bank. The  
17 moneys shall be withdrawn on the order of the person  
18 authorized by the bank. Deposits shall, if required  
19 by the bank, be secured in the manner determined by  
20 the bank. The auditor of state and the auditor's  
21 legally authorized representatives may periodically  
22 examine the accounts and books of the bank, including  
23 its receipts, disbursements, contracts, leases,  
24 sinking funds, investments, and any other records and  
25 papers relating to its financial standing, and the  
26 bank shall not be required to pay a fee for the  
27 examination.

28 2. The bank may contract with holders of its bonds  
29 or notes as to the custody, collection, security,  
30 investment, and payment of moneys of the bank, of  
31 moneys held in trust or otherwise for the payment of  
32 bonds or notes, and to carry out the contract. Moneys  
33 held in trust or otherwise for the payment of bonds or  
34 notes or in any way to secure bonds or notes and  
35 deposits of the moneys may be secured in the same  
36 manner as moneys of the bank, and banks and trust  
37 companies may give security for the deposits.

38 3. Subject to the provisions of any contract with  
39 bondholders or noteholders and to the approval of the  
40 director of revenue and finance, the bank shall  
41 prescribe a system of accounts.

42 4. The bank shall submit to the governor, the  
43 auditor of state, and the director of revenue and  
44 finance, within thirty days of its receipt by the  
45 bank, a copy of the report of every external  
46 examination of the books and accounts of the bank  
47 other than copies of the reports of examinations made  
48 by the auditor of state.

49 Sec. 13. NEW SECTION. 28A.13 LIMITATION OF  
50 LIABILITY.

**Page 14**

1 Neither the members of the board of directors of  
2 the bank, nor persons acting in its behalf, while  
3 acting within the scope of their employment or agency,  
4 are subject to personal liability resulting from  
5 carrying out the powers and duties given in this

6 chapter.

7 Sec. 14. NEW SECTION. 28A.14 ASSISTANCE BY STATE  
8 OFFICERS, AGENCIES, AND DEPARTMENTS.

9 State officers and state departments and agencies  
10 may render services to the bank within their  
11 respective functions as requested by the bank.

12 Sec. 15. NEW SECTION. 28A.15 LIBERAL  
13 INTERPRETATION.

14 This chapter, being necessary for the welfare of  
15 this state and its inhabitants, shall be liberally  
16 construed to effect its purposes.

17 Sec. 16. NEW SECTION. 28A.16 INSURANCE OR  
18 GUARANTEE.

19 The bank is authorized to obtain from a department  
20 or agency of the United States or from a  
21 nongovernmental insurer insurance or guarantee as to,  
22 or of, or for, the payment or repayment of, interest  
23 or principal, or both, or any part thereof, on bonds  
24 or notes issued by the bank, or on municipal bonds of  
25 political subdivisions purchased or held by the bank,  
26 pursuant to this chapter; and notwithstanding any  
27 other provisions of this chapter, to enter into any  
28 agreement or contract with respect to such insurance  
29 or guarantee except to the extent that the same would  
30 in any way impair or interfere with the ability of the  
31 bank to perform and fulfill the terms of any agreement  
32 made with the holders of the bonds or notes of the  
33 bank.

34 Sec. 17. NEW SECTION. 28A.17 ADDITIONAL POWERS.

35 In order to carry out the purposes and provisions  
36 of this chapter, the bank, in addition to any powers  
37 granted to it elsewhere in this chapter, shall have  
38 the following powers:

39 1. In connection with a loan to a political subdi-  
40 vision, to consider the need, desirability, or  
41 eligibility of such loan, the ability of the political  
42 subdivision to secure borrowed money from other  
43 sources, and the costs thereof, and the particular  
44 public improvement or purpose to be financed by the  
45 municipal bonds to be purchased by the bank.

46 2. To charge for its costs and services in review  
47 or consideration of a proposed loan to a political  
48 subdivision or purchase of municipal bonds of the  
49 political subdivision, and to charge whether or not  
50 the loan is made or the municipal bonds are purchased.

**Page 15**

1 3. To fix and establish the terms and provisions  
2 with respect to a purchase of municipal bonds by the  
3 bank, including date and maturities of bonds,  
4 provision as to redemption or payment prior to  
5 maturity, and all other matters which in connection

6 therewith are necessary, desirable, or advisable in  
7 the judgment of the bank.

8 4. To the extent permitted under its contracts  
9 with the holders of bonds or notes of the bank, to  
10 consent to any modification with respect to rate of  
11 interest, time, and payment of an installment of  
12 principal or interest, security, or other term or bond  
13 or note, contract or agreement of any kind to which  
14 the bank is a party.

15 Sec. 18. NEW SECTION. 28A.18 LIMITATIONS NOT  
16 APPLICABLE — CONTRACTS OF POLITICAL SUBDIVISIONS —  
17 TERMS OF BONDS.

18 Notwithstanding any other provisions of law ap-  
19 plicable to or constituting a limitation on the  
20 maximum rate of interest per annum payable on bonds or  
21 notes, or as to annual interest cost to maturity of  
22 money borrowed or received upon issuance on bonds or  
23 notes, every political subdivision is authorized to  
24 contract to pay interest on, or an interest cost per  
25 annum for, money borrowed from the bank and evidenced  
26 by its municipal bonds purchased by the bank as set by  
27 the bank. A political subdivision is authorized to  
28 contract with the bank with respect to a loan or pur-  
29 chase and the contract shall contain the terms and  
30 conditions of the loan or purchase. A political  
31 subdivision is authorized to pay fees and charges  
32 required to be paid to the bank for its services.  
33 Notwithstanding any other provisions of law applicable  
34 to or constituting a limitation on the sale of bonds  
35 or notes, a political subdivision may sell bonds or  
36 notes to the bank in any denomination and the bonds or  
37 notes may be fully registered, registrable as to  
38 principal or in bearer form, may bear interest at rate  
39 or rates all in accordance with this section, may be  
40 evidenced in the manner and may contain other  
41 provisions not inconsistent herewith, and may be sold  
42 to the bank without advertisement at a price of par  
43 and accrued interest, all as shall be provided in re-  
44 spect of the foregoing or other matters in the  
45 proceedings of the governing body of the political  
46 subdivision pursuant to which the bonds or notes are  
47 authorized to be issued. The governing body of the  
48 political subdivision may provide for the exchange of  
49 coupon bonds for fully registered bonds and of fully  
50 registered bonds for coupon bonds and for the exchange

**Page 16**

1 of bonds after issuance for bonds of larger or smaller  
2 denominations, all in the manner as may be provided in  
3 the proceedings authorizing their issuance, provided  
4 the bonds in changed form or denominations shall be

5 exchanged for the surrendered bonds in the same  
6 aggregate principal amounts and in the manner that no  
7 overlapping interest is paid, and the bonds in changed  
8 form or denominations shall bear interest at the same  
9 rate or rates and shall mature on the same date or  
10 dates as the bonds for which they are exchanged.  
11 Where an exchange is made under this section, the  
12 bonds surrendered by the holders at the time of the  
13 exchange shall be cancelled. The exchange shall be  
14 made only at the request of the holders of the bonds  
15 to be surrendered. The political subdivision may  
16 require all expenses incurred in connection with the  
17 exchange to be paid by the holders. In case any of  
18 the officers whose signatures appear on the bonds or  
19 coupons shall cease to be officers before the delivery  
20 of the bonds, the signatures shall be valid or  
21 sufficient for all purposes, the same as if they had  
22 remained in office.

23 Sec. 19. NEW SECTION. 28A.19 WAIVER OF DEFENSES  
24 - RIGHTS OF HOLDERS.

25 Upon the sale and issuance of municipal bonds to  
26 the bank by a political subdivision, the political  
27 subdivision shall be held and be deemed to have agreed  
28 that in the event of the failure of the political  
29 subdivision to pay the interest on or the principal of  
30 any of such municipal bonds owned or held by the bank  
31 as and when due and payable, the political subdivision  
32 shall have waived all defenses to the nonpayment, and  
33 upon the nonpayment and demand upon the political  
34 subdivision for payment, if funds are not available in  
35 its treasury to pay the same, the governing body of  
36 the political subdivision shall assess a tax upon the  
37 assessment roll of the political subdivision,  
38 sufficient to pay the same with twelve percent  
39 interest thereon, and cause the same to be collected  
40 within sixty days, and further, notwithstanding the  
41 provisions of any other law, including any law  
42 pursuant to which such municipal bonds were issued by  
43 the political subdivision, the bank upon the  
44 nonpayment shall constitute a holder or owner of the  
45 municipal bonds as being in default, and that  
46 notwithstanding the provisions of any other law as to  
47 time or duration of default or percentage of holders  
48 or owners of bonds entitled to exercise rights of the  
49 holders or owners of bonds in default, or to invoke  
50 any remedies or powers thereof or of any trustee in

**Page 17**

1 connection therewith or of any board, body, agency, or  
2 commission of the state having jurisdiction in the  
3 matter or circumstance, the bank may avail itself of

4 all other remedies, rights, and provisions of law  
5 applicable in the circumstance, and that the failure  
6 to exercise or exert any rights or remedies within any  
7 time or period provided by law shall not be raised as  
8 a defense by the political subdivision, and that all  
9 of the bonds of the issue of bonds of the political  
10 subdivision as to which there has been a nonpayment,  
11 shall for all of the purposes of this section be held  
12 and be deemed to have become due and payable and to be  
13 unpaid. The bank is authorized to carry out the  
14 provisions of this section and to exercise all of the  
15 rights and remedies and provisions of law herein  
16 provided or referred to.

17 Sec. 20. NEW SECTION. 28A.20 EFFECTUATION OF  
18 PURPOSES.

19 In order to effectively carry out its purpose under  
20 this chapter of making loans to political  
21 subdivisions, by purchase of the municipal bonds of  
22 the political subdivisions, and by receipt of its  
23 income from service charges and from payments of  
24 interest on and the maturing principal of municipal  
25 bonds purchased and held by it, and in order to  
26 produce revenues or income to the bank sufficient at  
27 all times to meet its costs and expenses of operation  
28 under this chapter and to pay the principal of and  
29 interest on its outstanding bonds and notes when due,  
30 the bank shall at all times, and to the greatest  
31 extent possible, plan to issue its bonds and notes and  
32 lend money to political subdivisions by the purchase  
33 of municipal bonds of the political subdivision so  
34 that the intention and purpose is achieved without in  
35 any manner or respect jeopardizing any rights of the  
36 holders of bonds or notes of the bank or affecting  
37 other matters provided for in or pursuant to this  
38 chapter.

39 Sec. 21. NEW SECTION. 28A.21 FORM OF  
40 INVESTMENTS.

41 Municipal bonds or other investments of moneys of  
42 the bank permitted or provided for under the chapter  
43 shall at all times be purchased and held in fully  
44 marketable form, subject to provision for any  
45 registration in the name of the bank. Municipal bonds  
46 at any time purchased, held, or owned by the bank  
47 shall upon delivery to the bank be accompanied by all  
48 documentation customary in the municipal bond market,  
49 including approving bond opinion, certification, and  
50 guarantee as to signatures, and certification as to

**Page 18**

1 absence of litigation, and other documentation as  
2 shall from time to time be required in the municipal

3 bond market.

4 Sec. 22. NEW SECTION. 28A.22 AUTHORIZATION  
5 CONCLUSIVELY APPROVED.

6 After issuance, the bonds or notes of the bank  
7 shall be conclusively presumed to be fully authorized  
8 and issued by all the laws of this state, and a person  
9 or political subdivision shall be stopped from  
10 questioning their authorization, sale, issuance,  
11 execution, or delivery by the bank."

12 2. Title page, by striking lines 1 and 2 and  
13 inserting the following: "An Act relating to the  
14 establishment of the Iowa municipal bond bank."

SCHNEKLOTH of Scott

H-3357

1 Amend House File 631 as follows:

2 1. Page 2, line 34, by inserting after the word  
3 "characteristics." the following: "Actions taken to  
4 implement this idealistic goal shall be practical in  
5 nature and shall take into account economic and social  
6 ramifications, as well as recognize the role of  
7 agriculture in the state's economy."

KOENIGS of Mitchell  
SKOW of Guthrie  
BLACK of Jasper

H-3364

1 Amend House File 631 as follows:

2 1. Page 8, by striking lines 1 through 7.  
3 2. Page 8, line 8, by striking the figure "(3)"  
4 and inserting the following: "(2)".  
5 3. Page 10, line 14, by inserting after the word  
6 "section." the following: "A county program shall be  
7 funded through appropriation of funds from the county  
8 budget."  
9 4. By striking page 10, line 23 through page 11,  
10 line 16.

BENNETT of Ida

H-3366

1 Amend House File 631 as follows:

2 1. By striking page 47, line 25 through page 55,  
3 line 5.  
4 2. By renumbering as necessary.

SHERZAN of Polk  
PLATT of Muscatine

H-3369

- 1 Amend House File 384 as follows:
- 2 1. Page 1, by inserting before line 1 the
- 3 following:
- 4 "Section 1. Section 657A.1, subsection 1, Code
- 5 1987, is amended to read as follows:
- 6 1. "Abandoned" or "abandonment" means that a
- 7 building has remained vacant and has been in violation
- 8 of the housing code of the a city with a population in
- 9 excess of one hundred thousand in which the property
- 10 is located for a period of six consecutive months."
- 11 2. By renumbering sections as necessary.
- 12 3. Title page, line 2, by inserting after the
- 13 word "abatement" the following: "in certain cities".

SKOW of Guthrie

H-3371

- 1 Amend House File 631 as follows:
- 2 1. Page 44, line 24, by striking the words "one
- 3 dollar until" and inserting the following: "fifty
- 4 cents through".
- 5 2. Page 44, line 25, by inserting after the
- 6 figure "1995." the following: "Not more than sixty-
- 7 two cents per ton of the fees collected shall be
- 8 expended for purposes other than those established in
- 9 section 455E.11, subsection 2, paragraph "a",
- 10 subparagraphs (3) and (6)."

CARPENTER of Polk  
 SHOULTZ of Black Hawk  
 ROSENBERG of Story  
 HALVORSON of Clayton

H-3375

- 1 Amend House File 631 as follows:
- 2 1. Page 9, by striking lines 13 through 25.
- 3 2. By striking page 11, line 17 through page 12,
- 4 line 19.
- 5 3. Page 13, by striking lines 1 through line 28.
- 6 4. Page 13, by striking lines 32 and 33, and
- 7 inserting the following:
- 8 "Sec. 121. Section 455B.309, Code 1987, is
- 9 repealed."
- 10 5. By renumbering as necessary.

SCHNEKLOTH of Scott  
 STUELAND of Clinton  
 SVOBODA of Tama

H-3376

1 Amend House File 566 as follows:

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

4 "Sec. \_\_\_\_\_. Section 321.189, subsection 2,  
5 paragraph a, Code 1987, is amended to read as follows:

6 a. The department may issue a motorized bicycle  
7 license to a person fourteen years of age or older who  
8 has passed a vision test and a written examination on  
9 the rules of the road and motor bicycle safety. After  
10 January 1, 1982, persons under the age of sixteen  
11 applying for a motorized bicycle license shall also be  
12 required to successfully complete a motorized bicycle  
13 education course approved and established by the  
14 department of education or successfully complete an  
15 approved motorized bicycle education course at a  
16 private or commercial driver education school licensed  
17 by the department. An actual demonstration of ability  
18 to exercise ordinary and reasonable control in the  
19 operation of a motorized bicycle shall be a  
20 requirement for successful course completion. A  
21 public school district shall charge a student a fee  
22 which shall not exceed the actual cost of instruction.  
23 A motorized bicycle license entitles the licensee to  
24 operate a motorized bicycle upon the highway while  
25 having the license in the licensee's immediate  
26 possession. The license is valid for a period of two  
27 years, subject to termination or cancellation as  
28 provided in this section."

29 2. Renumber sections and correct internal  
30 references as necessary in accordance with this  
31 amendment.

CORBETT of Linn

H-3378

1 Amend the amendment, H-3292, to House File 499 as  
2 follows:

3 1. Page 3, line 29, by inserting after the word  
4 "levy" the following: ", except as otherwise  
5 provided,".

6 2. Page 3, line 31, by inserting after the word  
7 "surtax" the following: ", not to exceed a surtax  
8 rate of ten percent".

9 3. Page 3, line 49, by inserting after the word  
10 "levy" the following: ", except as otherwise  
11 provided,".

12 4. Page 4, line 1, by inserting after the word  
13 "surtax" the following: ", not to exceed a surtax  
14 rate of ten percent".

15 5. Page 4, by striking lines 3 through 14.

- 16 6. Page 4, line 21, by inserting after the word  
 17 "bonds" the following: ", except as otherwise  
 18 provided".
- 19 7. Page 4, line 26, by inserting after the word  
 20 "bonds" the following: ", not to exceed a surtax rate  
 21 of ten percent".
- 22 8. Page 5, line 7, by inserting after the word  
 23 "proposition" the following: ", except that a lesser  
 24 percent may be paid based upon a maximum ten percent  
 25 income surtax".
- 26 9. Page 5, line 29, by inserting after the figure  
 27 "76.21" the following: ", not to exceed a surtax rate  
 28 of twenty percent".
- 29 10. Page 6, line 8, by inserting after the word  
 30 "levy" the following: ", except as otherwise  
 31 provided,".
- 32 11. Page 6, line 9, by inserting after the word  
 33 "surtax" the following: ", not to exceed a surtax  
 34 rate of ten percent".
- 35 12. Page 6, line 12, by inserting after the word  
 36 "respectively," the following: "However, if an income  
 37 surtax is ten percent and it does not raise fifty  
 38 percent of the amount required to pay the lawful  
 39 bonded indebtedness, the property tax limits in this  
 40 section shall be increased accordingly."

STROMER of Hancock

H-3380

- 1 Amend House File 631 as follows:
- 2 1. Page 9, line 17, by inserting after the word  
 3 "source." the following: "Standards or limitations  
 4 adopted under this section shall be consistent with  
 5 the requirements of the federal Clean Air Act."
- 6 2. Page 11, line 25, by inserting after the word  
 7 "source." the following: "The effluent standards or  
 8 pretreatment standards adopted under this section  
 9 shall be consistent with section 301, 306, or 307 of  
 10 the federal Water Pollution Control Act."
- 11 3. Page 13, by inserting after line 14 the  
 12 following:  
 13 "The rules shall be consistent with standards  
 14 adopted by the United States environmental protection  
 15 agency; however, the commission is prohibited from  
 16 adopting underground tank standards covering matters  
 17 not addressed by the regulations promulgated by the  
 18 United States environmental protection agency."
- 19 4. Page 13, by inserting after line 28 the  
 20 following:  
 21 "The rules shall be consistent with standards  
 22 adopted by the United States environmental protection  
 23 agency; however, the commission is prohibited from

24 adopting underground tank standards covering matters  
 25 not addressed by the regulations promulgated by the  
 26 United States environmental protection agency."

VAN MAANEN of Mahaska  
 PLATT of Muscatine  
 VAN CAMP of Scott  
 HERMANN of Scott

H-3383

1 Amend House File 631 as follows:  
 2 1. Page 48, line 30, by inserting after the word  
 3 "bleach." the following: "Before designating a  
 4 product as a household hazardous material the  
 5 department shall establish that the product  
 6 contributes significantly to groundwater contamination  
 7 in this state."

PLATT of Muscatine  
 SHERZAN of Polk

H-3385

1 Amend House File 631 as follows:  
 2 1. By striking page 47, line 26 through page 48,  
 3 line 30.  
 4 2. Page 49, by striking lines 2 through 35.  
 5 3. Page 50, by striking lines 14 through 20 and  
 6 inserting the following:  
 7 "The commission shall adopt rules which designate  
 8 the type and amount of information to be included in  
 9 the consumer information booklets and bulletins."  
 10 4. By striking page 50, line 22 through page 51,  
 11 line 19 and inserting the following:  
 12 "The department shall designate products which are  
 13 household hazardous materials and, based upon the  
 14 designations and in consultation with distributors,  
 15 wholesalers, and retailer associations, develop a  
 16 household hazardous product list for the use of  
 17 distributors, wholesalers, and retailers in  
 18 identifying the products."  
 19 5. By striking page 53, line 11 through page 55,  
 20 line 5.  
 21 6. Renumber sections and correct internal  
 22 references as necessary in accordance with this  
 23 amendment.

SHERZAN of Polk  
 PLATT of Muscatine

H-3386

1 Amend House File 631 as follows:  
 2 1. Page 20, line 2, by inserting after the word

3 "another" the following: "or a person employed by a  
 4 farmer not solely as a pesticide applicator, who  
 5 applies pesticides as an incidental part of the  
 6 person's general duties".

7 2. Page 21, by inserting after line 35, the  
 8 following:

9 "A person employed by a farmer, who applies  
 10 pesticides as an incidental part of the person's  
 11 general duties, shall be subject to the certification  
 12 requirements of a private applicator."

JOHNSON of Winneshiek  
 ROSENBERG of Story  
 BENNETT of Ida  
 SCHRADER of Marion  
 PELLETT of Cass  
 VAN CAMP of Scott  
 HESTER of Pottawattamie

MULLINS of Kossuth  
 PLASIER of Sioux  
 OSTERBERG of Linn  
 MCKEAN of Jones  
 EDDIE of Buena Vista  
 GRUHN of Dickinson  
 DE GROOT of Lyon  
 GARMAN of Story

H-3387

- 1 Amend House File 631 as follows:  
 2 1. Page 26, by striking lines 23 through 30.  
 3 2. By renumbering as necessary.

DE GROOT of Lyon

H-3392

- 1 Amend House File 631 as follows:  
 2 1. Page 7, by striking lines 33 through 35.  
 3 2. By striking page 27, line 29 through page 29,  
 4 line 1.  
 5 3. By renumbering as necessary.

KOENIGS of Mitchell  
 COOPER of Lucas  
 FOGARTY of Palo Alto  
 SKOW of Guthrie  
 GRUHN of Dickinson  
 MUHLBAUER of Crawford

H-3393

- 1 Amend House File 631 as follows:  
 2 1. Page 4, by striking lines 9 through 12 and  
 3 inserting the following: "purpose. However,  
 4 liability shall not be imposed upon an agricultural  
 5 producer for the costs of passive or active cleanup,  
 6 or for any damages associated with or resulting from  
 7 the detection in groundwater of any quantity of  
 8 pesticide in any case where the application was in  
 9 compliance with label instructions. There shall be a  
 10 rebuttable presumption that the application was in

11 compliance with label directions. Nothing in this  
 12 chapter shall be construed as creating a private cause  
 13 of action for damages or equitable relief in any  
 14 person."

KOENIGS of Mitchell  
 COOPER of Lucas  
 FOGARTY of Palo Alto  
 SKOW of Guthrie  
 MUHLBAUER of Crawford  
 GRUHN of Dickinson  
 FULLER of Hardin

H—3394

1 Amend House File 631 as follows:  
 2 1. Page 49, line 7, by striking the words "the  
 3 label shall be" and inserting the following: "a  
 4 reduced size label may be".  
 5 2. Page 49, line 8, by inserting after the word  
 6 "information" the following: "if a display area label  
 7 of regular size is displayed within two feet."

PAULIN of Plymouth

H—3395

1 Amend House File 631 as follows:  
 2 1. Page 48, by striking lines 12 through 14.  
 3 2. Page 49, by striking lines 9 through 14.  
 4 3. Page 49, line 23, by inserting after the word  
 5 "with" the following: "manufacturers".  
 6 4. Page 49, line 24, by striking the words "case  
 7 labels and".  
 8 5. Page 49, by striking line 32.

PAULIN of Plymouth

H—3396

1 Amend House File 631 as follows:  
 2 1. Page 49, line 25, by inserting after the  
 3 figure "455F.3." the following: "The department shall  
 4 furnish labels in reasonable amounts to sales tax  
 5 permittees at no charge."

PAULIN of Plymouth

H—3397

1 Amend House File 631 as follows:  
 2 1. By striking page 47, line 32 through page 48,  
 3 line 1, and inserting the following:  
 4 "3. "Manufacturer" means a person who manufactures  
 5 or produces a household hazardous material for resale  
 6 in this state."

- 7 2. Page 48, by striking lines 2 and 3, and  
 8 inserting the following:  
 9 "4. "Wholesaler" or "distributor" means a person  
 10 other than a manufacturer or manufacturer's agent who  
 11 engages in the business of selling or".  
 12 3. Page 49, line 15, by inserting after the word  
 13 "with" the following: "manufacturers,".

PAULIN of Plymouth

H-3398

- 1 Amend House File 631 as follows:  
 2 1. Page 50, lines 16 and 17, by striking the  
 3 words "distributors, wholesalers, and".

PAULIN of Plymouth

H-3400

- 1 Amend House File 631 as follows:  
 2 1. Page 23, line 14, by striking the words  
 3 "~~twenty five~~ fifty" and inserting the following:  
 4 "twenty-five".  
 5 2. Page 44, line 24, by striking the words "one  
 6 dollar" and inserting the following: "fifty cents".

SVOBODA of Tama

H-3401

- 1 Amend House File 631 as follows:  
 2 1. Page 2, line 32, by striking the word  
 3 "precontaminated" and inserting the following:  
 4 "potable".

PAULIN of Plymouth

H-3402

- 1 Amend House File 631 as follows:  
 2 1. Page 49, line 4, by inserting after the word  
 3 "commission" the following: "and furnished by the  
 4 commission".  
 5 2. Page 49, by striking line 18 and inserting the  
 6 following: "display area of".  
 7 3. Page 49, line 19, by inserting after the word  
 8 "materials." the following: "The product list  
 9 developed shall be provided upon request at no charge  
 10 to manufacturers, distributors, wholesalers, and  
 11 retailers in reasonable quantities."

PAULIN of Plymouth

H-3404

- 1 Amend House File 631 as follows:

- 2 1. Page 50, by striking line 4 and inserting the  
 3 following: "booklet, developed and furnished in  
 4 reasonable quantities by the department, in  
 5 cooperation with manufacturers,".  
 6 2. Page 50, line 25, by inserting after the word  
 7 "with" the following: "manufacturers,".

PAULIN of Plymouth

H-3406

- 1 Amend House File 631 as follows:  
 2 1. Page 51, line 1, by striking the word "The"  
 3 and inserting the following: "A four percent".  
 4 2. Page 51, line 2, by inserting after the word  
 5 "retailer." the following: "The retailer may retain  
 6 one percent of the tax assessed."

PAULIN of Plymouth

H-3408

- 1 Amend House File 631 as follows:  
 2 1. Page 23, line 26, by inserting before the word  
 3 "one" the following: "one-quarter of".

KOENIGS of Mitchell  
 SKOW of Guthrie  
 FOGARTY of Palo Alto  
 MUHLBAUER of Crawford  
 COOPER of Lucas  
 GRUHN of Dickinson  
 FULLER of Hardin

H-3411

- 1 Amend House File 631 as follows:  
 2 1. By striking page 18, line 32 through page 19,  
 3 line 1 and inserting the following: "subsection 1, a  
 4 groundwater protection fee shall be imposed upon  
 5 nitrogen-based fertilizer. The fee shall be based  
 6 upon the percentage of actual nitrogen contained in  
 7 the product. An eighty-two percent nitrogen solution  
 8 shall be taxed at a rate of fifty cents per ton.  
 9 Other nitrogen-based product formulations shall be  
 10 taxed on the percentage of actual nitrogen contained  
 11 in the formulations with the eighty-two percent  
 12 nitrogen solution serving as the base. The fee shall  
 13 be paid by each licensee registering to sell  
 14 fertilizer to the secretary of agriculture. The  
 15 fees".

KOENIGS of Mitchell  
 COOPER of Lucas  
 SKOW of Guthrie  
 FOGARTY of Palo Alto  
 GRUHN of Dickinson  
 MUHLBAUER of Crawford  
 FULLER of Hardin

H-3413

- 1 Amend House File 631 as follows:  
 2 1. Page 5, by striking lines 12 and 13.  
 3 2. By renumbering as necessary.

TABOR of Jackson

H-3414

- 1 Amend House File 616 as follows:  
 2 1. Page 3, by inserting after line 7 the  
 3 following:  
 4 "Sec. \_\_\_\_\_. Section 278.1, Code 1987, is amended by  
 5 adding the following new subsection:  
 6 NEW SUBSECTION. 11. Vote on the use of unexpended  
 7 moneys in the schoolhouse fund accumulated under a tax  
 8 imposed under section 297.5 prior to July 1, 1987;  
 9 sales tax refunds from a previous construction under  
 10 section 422.45, subsection 7; and from sales of real  
 11 estate under sections 279.41 and 297.22."  
 12 2. Page 4, by inserting after line 9 the  
 13 following:  
 14 "Sec. \_\_\_\_\_. Section 279.42, Code 1987, is amended  
 15 to read as follows:  
 16 279.42 GIFTS TO SCHOOLS.  
 17 The board of directors of any a school district  
 18 which receives funds through gifts, devises, and  
 19 bequests may utilize the same them, unless limited by  
 20 the terms of the grant, in the general or schoolhouse  
 21 fund expenditures. Funds through gifts, devises, and  
 22 bequests placed in the schoolhouse fund may without a  
 23 vote of the electorate be used for the purchase of  
 24 school sites or the erection or repair of school  
 25 buildings, or both, as ordered by the board of  
 26 directors."

DAGGETT of Adams

H-3415

- 1 Amend House File 631 as follows:  
 2 1. Page 52, by inserting after line 31 the  
 3 following:  
 4 "Sec. \_\_\_\_\_. The department of natural resources  
 5 shall request a pamphlet from the college of home  
 6 economics at Iowa State University of those products  
 7 which may be substituted for commonly purchased  
 8 household hazardous materials and shall disseminate  
 9 this pamphlet to all recipients of any form of public  
 10 assistance at the time of application for assistance,  
 11 and shall, in three consecutive monthly mailings  
 12 disseminate the information to all persons receiving  
 13 any form of public assistance prior to implementation

- 14 of this section.”  
 15 2. By renumbering as necessary.

LUNDBY of Linn

H—3417

- 1 Amend House File 631 as follows:  
 2 1. Page 1, by striking lines 20 through 34 and  
 3 inserting the following:  
 4 “6. “Contaminant” means any substance which is  
 5 detected in the groundwater of the state at a  
 6 concentration which is determined, pursuant to this  
 7 chapter, to cause unreasonable, adverse effects to a  
 8 person or the environment.  
 9 7. “Federal number” means a maximum contaminant  
 10 level, national primary drinking water regulation,  
 11 interim final drinking water regulation, health  
 12 advisory, suggested no adverse response level or  
 13 groundwater residue guidance level as established by  
 14 the United States environmental protection agency.  
 15 8. “Cleanup” means mitigation by treatment,  
 16 management practices, or facility modification of  
 17 potential contaminants in groundwater.  
 18 9. “Standard” means the numerical value expressing  
 19 the concentration of substance in water adopted by the  
 20 methodology specified in section 455B.491.”  
 21 2. Page 3, line 18, by striking the words “either  
 22 passive or active”.  
 23 3. Page 3, line 19, by striking the words “In  
 24 both cases, the” and inserting the following: “The”.  
 25 4. Page 5, by striking lines 12 and 13.  
 26 5. By renumbering as necessary.

TABOR of Jackson

H—3424

- 1 Amend House File 566 as follows:  
 2 1. Page 1, line 22, by striking the figure “9”  
 3 and inserting the following: “9 10”.

GRUHN of Dickinson

H—3426

- 1 Amend House File 616 as follows:  
 2 1. Page 1, line 31, by striking the word “both”  
 3 and inserting the following: “both”.  
 4 2. Page 1, line 32, by striking the words “and  
 5 the proposition to” and inserting the following: “and  
 6 the proposition to”.  
 7 3. Page 1, line 33, by striking the words “if  
 8 the” and inserting the following: “increase the  
 9 capital projects and equipment levy beyond fifty cents”

10 per thousand dollars of assessed valuation if the”.

11 4. Page 1, by striking line 34 and inserting the  
12 following: “petition included a provision for a vote  
13 to levy increase the”.

14 5. Page 1, line 35, by inserting after the word  
15 “~~tax~~” the following: “capital projects and equipment  
16 levy beyond fifty cents per thousand dollars of  
17 assessed valuation”.

18 6. Page 3, line 4, by striking the words  
19 “authorization of” and inserting the following:  
20 “authorization of”.

21 7. Page 3, line 5, by striking the word “or” and  
22 inserting the following: “to increase the capital  
23 projects and equipment levy beyond fifty cents per  
24 thousand dollars of assessed valuation or”.

25 8. Page 7, line 3, by inserting after the word  
26 “levy” the following: “either in the amount approved  
27 by the board or in the amount approved by the board  
28 plus the amount approved by the electors”.

29 9. Page 7, line 27, by inserting after the word  
30 “levy” the following: “either in the amount approved  
31 by the board or in the amount approved by the board  
32 plus the amount approved by the electors”.

33 10. Page 7, lines 33 and 34, by striking the  
34 words “one dollar and eight” and inserting the  
35 following: “fifty”.

36 11. Page 7, line 35, by inserting after the word  
37 “district.” the following: “In addition, the electors  
38 of the school district at a regular election may  
39 authorize the board to increase the levy of the  
40 capital projects and equipment levy by an additional  
41 fifty-eight cents per thousand dollars of assessed  
42 valuation. Section 278.2 applies to the submission of  
43 the proposition to the voters.”

DAGGETT of Adams

H-3428

1 Amend amendment, H-3380, to House File 631 as  
2 follows:

3 1. Page 1, line 15, by inserting after the word  
4 “is” the following: “not”.

5 2. Page 1, line 23, by inserting after the word  
6 “is” the following: “not”.

VAN CAMP of Scott

H-3430

1 Amend House File 631 as follows:

2 1. Page 2, by striking lines 28 through 34, and  
3 inserting the following:

4 “Sec. \_\_\_\_\_. NEW SECTION. 455E.4 GROUNDWATER

## 5 PROTECTION GOAL.

6 It is the goal of the state to protect, preserve,  
 7 and manage the groundwater of the state, as a natural  
 8 and public resource. The state recognizes the  
 9 essential and pervasive role of groundwater in the  
 10 social and economic well-being of the people of Iowa,  
 11 and its vital importance to the general health,  
 12 safety, and welfare. It is further recognized as  
 13 consistent with this goal that the groundwater  
 14 resources of the state be utilized for beneficial and  
 15 legitimate purposes, that unreasonable waste and  
 16 degradation of the resources be prohibited, and that  
 17 the underground water resource be managed to allow for  
 18 the maximum benefit of the people of the state of  
 19 Iowa."

TABOR of Jackson

H-3431

1 Amend House File 631 as follows:

2 1. Page 37, by striking lines 7 through 11 and  
 3 inserting the following:

4 "NEW SUBSECTION. 17. "Public sanitary disposal  
 5 project" means a sanitary disposal project that  
 6 receives solid waste from two or more sources of  
 7 generation such as residential solid waste or  
 8 industrial, commercial, mining, or farming wastes.

9 NEW SUBSECTION. 18. "Private sanitary disposal  
 10 project" means a sanitary disposal project on land  
 11 owned or leased by a public or private agency that  
 12 receives only its own waste."

13 2. Page 38, line 23, by inserting after the word  
 14 "for" the word "public".

15 3. Page 39, line 7, by inserting after the word  
 16 "a" the word "public".

17 4. Page 41, line 15, by inserting after the word  
 18 "a" the word "public".

19 5. Page 43, by striking lines 3 and 4 and  
 20 inserting the following:

21 "2. The department shall maintain an inventory of  
 22 public or private sanitary disposal projects located  
 23 on land owned or leased by a".

24 6. Page 43, by striking lines 12 and 13 and  
 25 inserting the following:

26 "4. Upon determination by the department that a  
 27 public or private sanitary disposal project is no  
 28 longer a hazard to the public health".

29 7. Page 43, line 18, by striking the words  
 30 "disposal sites and dump sites" and inserting the  
 31 following: "public or private sanitary disposal  
 32 projects".

33 8. Renumber as necessary.

PETERSEN of Muscatine

H-3433

- 1 Amend House File 577 as follows:
- 2 1. Page 2, by inserting after line 26 the
- 3 following:
- 4 "Sec. 4. Section 321E.14, unnumbered paragraph 3,
- 5 Code 1987, is amended to read as follows:
- 6 The annual fee for an all-system permit is ~~two~~ one
- 7 hundred ~~fifty twenty~~ dollars which shall be deposited
- 8 in the road use tax fund."

KOENIGS of Mitchell

H-3440

- 1 Amend House File 631 as follows:
- 2 1. Page 48, by striking lines 12 through 14.
- 3 2. Page 49, by striking lines 9 through 14.
- 4 3. Page 49, line 23, by inserting after the word
- 5 "with" the following: "manufacturers,".
- 6 4. Page 49, line 24, by striking the words "case
- 7 labels and".
- 8 5. Page 49, by striking line 32.
- 9 6. Page 50, lines 16 and 17, by striking the
- 10 words "distributors, wholesalers, and".

PAULIN of Plymouth

H-3451

- 1 Amend House File 631 as follows:
- 2 1. by striking page 32, line 29 through page 33,
- 3 line 19, and inserting the following: "To solve a
- 4 variety of pressing problems, the state shall cede
- 5 Iowa senate district 8 to the state of Minnesota."

RENAUD of Polk  
 MILLER of Cherokee  
 RENKEN of Grundy  
 DE GROOT of Lyon  
 PETERSEN of Muscatine

PAULIN of Plymouth  
 RUNNING of Linn  
 MAULSBY of Calhoun  
 SHONING of Woodbury  
 JAY of Appanoose  
 SIEGRIST of Pottawattamie  
 HALVORSON of Clayton

H-3452

- 1 Amend House File 467 as follows:
- 2 1. Page 6, by inserting after line 25 the
- 3 following:
- 4 "Sec. \_\_\_\_\_. Section 527.9, Code 1987, is amended by
- 5 adding the following new subsection:
- 6 **NEW SUBSECTION. 5. a.** There is created the Iowa
- 7 central routing unit board of governors consisting of
- 8 seven members appointed by the governor, subject to
- 9 senate confirmation. Members shall serve staggered

- 10 four-year terms. Board members shall be compensated  
 11 by the payment of per diem as provided in section  
 12 7E.6, and shall be reimbursed for reasonable expenses  
 13 incurred in the performance of board duties. The  
 14 governor shall appoint members as follows:
- 15 (1) One member from a list of candidates submitted  
 16 by the Iowa bankers association.
- 17 (2) One member from a list of candidates submitted  
 18 by the Iowa credit union league.
- 19 (3) One member from a list of candidates submitted  
 20 by the Iowa savings and loan association.
- 21 (4) Four members appointed from the public at  
 22 large. The governor shall appoint the chairperson  
 23 from among the four members appointed from the public  
 24 at large.
- 25 b. The board shall:
- 26 (1) Establish a fee schedule for participating  
 27 members of the central routing unit to make the Iowa  
 28 central routing unit board of governors self-funding.
- 29 (2) Oversee the operation of any central routing  
 30 unit authorized by the administrator to operate in  
 31 this state to assure that the public is properly  
 32 served by the central routing unit.
- 33 c. Effective July 1, 1987, a person owning or  
 34 operating a central routing unit authorized under this  
 35 section is subject to the oversight authority of the  
 36 Iowa central routing unit board of governors. Actions  
 37 of a central routing unit's board of directors or  
 38 other governing body are subject to the approval of  
 39 the board of governors."
- 40 2. By renumbering as necessary.

SCHNEKLOTH of Scott

H—3455

- 1 Amend House File 609 as follows:
- 2 1. Page 2, by striking lines 26 and 27 and  
 3 inserting the following: "any other fund, except that  
 4 eighty thousand dollars of the".
- 5 2. Page 3, by striking lines 30 and 31 and  
 6 inserting the following: "any other fund, except that  
 7 forty thousand dollars of the appropriation".
- 8 3. Page 4, by striking lines 34 and 35 and  
 9 inserting the following: "any other fund, except that  
 10 forty thousand dollars of the appropriation".
- 11 4. Page 6, by striking lines 3 and 4 and  
 12 inserting the following: "any other fund, except that  
 13 seventy thousand dollars of the".

VAN CAMP of Scott

H-3462

1 Amend Senate File 359 as passed by the Senate as  
 2 follows:  
 3 1. Page 1, by inserting after line 14 the  
 4 following:  
 5 "Sec. \_\_\_\_\_. Section 321.1, subsection 69, Code  
 6 1987, is amended to read as follows:  
 7 69. "Tandem axle" means any two or more  
 8 consecutive axles whose centers are more than forty  
 9 inches but not more than ~~eighty-four~~ ninety-six inches  
 10 apart."

KOENIGS of Mitchell

H-3463

1 Amend House File 420 as follows:  
 2 1. Page 4, line 2, by striking the word "judges"  
 3 and inserting the words "chief judge".  
 4 2. Page 13, line 34, by striking the figure  
 5 "13D.6" and inserting the figure "13D.3".

SPEAR of Lee

H-3464

1 Amend amendment, H-3364, to House File 631 as  
 2 follows:  
 3 1. Page 1, by striking line 2, and inserting the  
 4 following:  
 5 "\_\_\_\_\_. Page 8, line 3, by inserting after the word  
 6 "agencies" the following: ", including private  
 7 nonprofit organizations under subcontract with a  
 8 county,.""

MULLINS of Kossuth

H-3473

1 Amend Senate File 359 as passed by the Senate as  
 2 follows:  
 3 1. Page 1, by inserting after line 14 the  
 4 following:  
 5 "Sec. 711. Section 321.1, subsection 69, Code  
 6 1987, is amended to read as follows:  
 7 69. "Tandem axle" means any two or more  
 8 consecutive axles whose centers are more than forty  
 9 inches but not more than ~~eighty-four~~ ninety-six inches  
 10 apart."  
 11 2. Page 2, by inserting after line 19 the  
 12 following  
 13 "Sec. \_\_\_\_\_. Section 711 of this Act applies to  
 14 motor vehicles registered on or after the effective  
 15 date of this Act."

16 3. Renumber sections and correct internal  
17 references as necessary.

KOENIGS of Mitchell

H—3476

1 Amend House File 655 as follows:  
2 1. Page 1, line 16, by inserting after the word  
3 "court" the following: "which is not in excess of one-  
4 third of the judgment".

MILLER of Cherokee

H—3477

1 Amend House File 660 as follows:  
2 1. Page 1, by striking lines 31 through 34 and  
3 inserting the following:  
4 "~~b. The deprivation of the minimum food, shelter,~~  
5 ~~clothing, supervision, physical and mental health~~  
6 ~~care, and other care necessary to maintain a dependent~~  
7 ~~adult's life or health as a result of the acts or~~  
8 ~~omissions of the dependent adult."~~  
9 2. By renumbering as necessary.

SPEAR of Lee

H—3479

1 Amend amendment, H—3377, to House File 631 as  
2 follows:  
3 1. Page 1, by striking line 2, and inserting the  
4 following:  
5 "\_\_\_\_\_. Page 32, line 31, by striking the figure  
6 "1992" and inserting the following: "1995"."  
7 2. Page 1, by inserting before line 3, the  
8 following:  
9 "\_\_\_\_\_. Page 33, line 7, by inserting after the  
10 word "well" the following: "and a landholder whose  
11 land is drained by the well or wells of another  
12 person".  
13 \_\_\_\_\_. Page 33, line 12, by striking the word "may"  
14 and inserting the following: "shall"."  
15 3. Page 1, by inserting after line 10 the  
16 following:  
17 "\_\_\_\_\_. Page 33, line 15, by inserting after the  
18 word "well" the following: "and a landholder whose  
19 land is drained by the well or wells of another  
20 person"."

MULLINS of Kossuth  
STUELAND of Clinton

H-3480

- 1 Amend House File 631 as follows:
- 2 1. Page 48, line 23, by inserting after the word
- 3 "filters," the following: "gasoline and diesel
- 4 additives,".

DVORSKY of Johnson

H-3481

- 1 Amend Senate File 17 as amended, passed, and re-
- 2 printed by the Senate as follows:
- 3 1. Page 1, by inserting after line 21 the
- 4 following:
- 5 "Sec. 2. Section 351.26, Code 1987, is repealed."

RUNNING of Linn

H-3488

- 1 Amend Senate File 219, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. By striking page 2, line 31 through page 6,
- 4 line 2.

VAN CAMP of Scott

H-3497

- 1 Amend Senate File 17 as amended, passed, and
- 2 reprinted by the Senate as follows:
- 3 1. Page 1, line 4, by striking the words "a
- 4 domestic" and inserting the following: "a domestic
- 5 an".
- 6 2. Page 1, line 5, by striking the words "or dog
- 7 or cat," and inserting the following: "~~or dog or~~
- 8 ~~eat~~".
- 9 3. Page 1, line 5, by inserting after the words
- 10 "the animal" the following: "or fowl".
- 11 4. Page 1, line 7, by striking the words "a dog
- 12 or cat" and inserting the following: "a dog or eat an
- 13 animal or fowl".
- 14 5. Page 1, line 10, by inserting after the word
- 15 "animal" the following: "or fowl".

BLACK of Jasper

H-3508

- 1 Amend House File 661 as follows:
- 2 1. By striking page 21, line 19 through page 22,
- 3 line 6.

BRAMMER of Linn

H—3513

- 1 Amend House File 649 as follows:  
 2 1. Page 2, line 21, by inserting after the word  
 3 and figure "subsection 1." the following: "An  
 4 insurance company acting as custodian shall not be  
 5 held liable for failure to determine if the policy  
 6 values are exempt or not unless the company receives  
 7 notice from a court of competent jurisdiction or a  
 8 person acting pursuant to judicial procedures that  
 9 specified policy values shall not be released pending  
 10 satisfaction of debts."

BRAMMER of Linn

H—3515

- 1 Amend House File 649 as follows:  
 2 1. Page 2, line 5, by striking the word "five"  
 3 and inserting the word "fifty".  
 4 2. Page 2, line 6, by striking the words "two  
 5 years" and inserting the following: "six months".

BRAMMER of Linn

H—3517

- 1 Amend House File 649 as follows:  
 2 1. Page 2, line 7, by inserting after the word  
 3 "individual" the following: "for the purpose of  
 4 defrauding one or more of the individual's creditors".

BRAMMER of Linn

H—3518

- 1 Amend House File 649 as follows:  
 2 1. By striking page 1, line 24, through page 3,  
 3 line 3, and inserting the following:  
 4 "Sec. 4. Section 627.6, subsection 6, Code 1987,  
 5 is amended to read as follows:  
 6 6. Any Except as provided in a contrary agreement  
 7 or assignment, any unmaturred life insurance policy  
 8 owned by the debtor, other than a credit life  
 9 insurance contract."

BRAMMER of Linn

H—3521

- 1 Amend House File 631 as follows:  
 2 1. Page 44, line 23, by striking the figure  
 3 "1988" and inserting the following: "1989".

MAULSBY of Calhoun

H—3524

- 1 Amend House File 657 as follows:  
2 1. Page 1, by inserting before line 1 the  
3 following:  
4 "Sec. \_\_\_\_\_. Section 232.2, Code 1987, is amended by  
5 adding the following new subsection:  
6 NEW SUBSECTION. 6A. "Child in need of services"  
7 means a child who is voluntarily absent without  
8 permission from the child's home or placement for a  
9 period of time exceeding one week, or who is  
10 voluntarily absent without permission from the child's  
11 home or placement for a period of time exceeding  
12 twelve hours on each of three or more separate  
13 occasions in a twelve-month period, and whose health,  
14 safety, and welfare are at risk."

FEY of Scott  
BISIGNANO of Polk

H—3525

- 1 Amend House File 657 as follows:  
2 1. Page 1, line 6, by striking the word "and" and  
3 inserting the following: "and".  
4 2. Page 1, by striking line 7 and inserting the  
5 following: "violations by a child of the provisions  
6 of section 123.47, are".  
7 3. Page 1, line 9, by striking the word "The" and  
8 inserting the following: "The".  
9 4. Page 1, by striking lines 10 through 15 and  
10 inserting the following: "court may advise  
11 appropriate juvenile authorities and may refer  
12 violations of section 123.47 to the juvenile court  
13 when there is reason to believe that the child  
14 regularly abuses alcohol and may be in need of  
15 treatment. The court shall notify the parents or  
16 legal guardians of a child that appears before it for  
17 a violation of section 123.47. Convicted child".

FEY of Scott  
BISIGNANO of Polk

H—3526

- 1 Amend House File 377 as follows:  
2 1. Page 5, by inserting after line 6 the  
3 following:  
4 "8. a. This subsection and section 56.13 govern  
5 receipt of in kind contributions during a restricted  
6 campaign and the applicability of the limitations of  
7 subsection 3 to those contributions. An in kind  
8 contribution disavowed under section 56.13 is not  
9 subject to the limitations of subsection 3.

10 b. The following activities by political parties  
 11 and nonparty political organizations shall not be  
 12 considered an in kind contribution to a candidate for  
 13 the purposes of this chapter:

14 (1) Voter registration efforts and voter turnout  
 15 efforts.

16 (2) Fundraising activities by the political party  
 17 or nonparty political organization for itself.

18 (3) Activities incidental to a political party or  
 19 nonparty political organization convention.

20 c. The following in kind contributions provided by  
 21 state and county statutory political committees is  
 22 subject to the limitations of subsection 3 to the  
 23 extent the in kind contribution to a candidate in a  
 24 restricted campaign exceeds the following amounts:

25 (1) For assistance to a gubernatorial candidate by  
 26 a state statutory political committee, five thousand  
 27 dollars.

28 (2) For assistance to a statewide office other  
 29 than governor by a state statutory political  
 30 committee, one thousand dollars.

31 (3) For assistance to a legislative candidate by a  
 32 state statutory political committee, one thousand  
 33 dollars.

34 (4) For assistance to any candidate by a county  
 35 statutory political committee, one hundred dollars.

36 d. The commission shall adopt rules defining which  
 37 services and assistances shall be considered in kind  
 38 contributions consistent with this chapter. If a  
 39 political committee engages in a fundraising activity  
 40 for a candidate in a restricted campaign soliciting  
 41 contributors to make a contribution to the candidate,  
 42 the expenses of that solicitation shall be an in kind  
 43 contribution to that candidate. The commission shall  
 44 adopt rules governing the attribution of contributions  
 45 to candidates of advertising which promotes the  
 46 election or defeat of more than one candidate."

HALVORSON of Webster

H—3527

1 Amend House File 377 as follows:

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

4 "a. "Benefited candidate" means a candidate in a  
 5 restricted campaign whose election is recommended or  
 6 whose opponent's defeat is recommended by advocacy  
 7 information or by the fair inferences drawn from the  
 8 advocacy information by a reasonable person as  
 9 determined by the commission.

10 b. "Advocacy information" is material published or  
 11 broadcast which discusses public issues, candidates,

12 or voting records from which a reasonable person could  
13 draw a fair inference that the material recommends the  
14 defeat or election of an identifiable candidate in a  
15 restricted campaign.”

16 2. Page 7, by inserting after line 5 the  
17 following:

18 “13. a. A person, political action committee or  
19 state or county statutory political committee which  
20 intends to publish, mass mail, or broadcast advocacy  
21 information in a restricted campaign must give notice  
22 to the commission and to the benefited candidate. The  
23 notice shall be given within twenty-four hours of the  
24 signing of the contract with the publishing or  
25 broadcasting company or preparation of the mass  
26 mailing and shall be given at least thirty days prior  
27 to the election. The notice shall be accompanied with  
28 the text of the advocacy information to be published,  
29 mailed, or broadcast and the amount of publication,  
30 mailing, or broadcast expenditures under the contract  
31 or a good faith estimate. The notice shall be made by  
32 certified restricted mail.

33 b. The benefited candidate shall notify the com-  
34 mission within seventy-two hours whether the candidate  
35 accepts the contribution or disavows the contribution.  
36 If the candidate accepts the contribution, the  
37 anticipated expenditure shall be credited against the  
38 candidate's contribution and expenditure limit.

39 c. For the purposes of this subsection, the  
40 commission shall disregard the first five hundred  
41 dollars of aggregate disavowed expenditures regarding  
42 a benefited candidate for the general assembly, the  
43 first one thousand dollars of aggregate disavowed  
44 expenditures regarding a benefited candidate for a  
45 statewide office other than governor and the first  
46 five thousand dollars of aggregate disavowed  
47 expenditures regarding a benefited candidate for  
48 governor. If the aggregate disavowed expenditures  
49 regarding a benefited candidate exceed the amounts  
50 provided in this subsection, the commission shall

**Page 2**

1 determine if the benefited candidate's disavowal was  
2 reasonable. If the commission determines that a  
3 disavowal was unreasonable, the commission shall  
4 attribute the disavowed expenditure to the contribu-  
5 tion and expenditure limits of the benefited candidate  
6 and shall increase the benefited candidate's  
7 opponent's contribution and expenditure limits by the  
8 amount of the disavowed expenditures attributed to the  
9 benefited candidate.

10 d. In addition to increasing the limits for the

11 benefited candidate's opponent, the commission shall,  
 12 up to the maximum grant amount provided by subsection  
 13 3, award the opponent the same amount from the  
 14 political candidate's fund and reduce the benefited  
 15 candidate's grant, if any, by the same amount.  
 16 e. The commission by rule may delegate decisions  
 17 under paragraphs "c" and "d" to the executive  
 18 secretary or a panel of three members of the  
 19 commission. The decisions under paragraphs "c" and  
 20 "d" shall be made within one week of receipt of the  
 21 notice of disavowal and the benefited candidate shall  
 22 be promptly notified. Any expenditures or  
 23 contributions attributed to the benefited candidate  
 24 under paragraph "d" shall cause the imposition of a  
 25 civil or criminal penalty to the candidate or  
 26 candidate's committee under sections 56.16 or 56.34."

HALVORSON of Webster

H-3528

1 Amend House File 649 as follows:  
 2 1. Page 1, by striking lines 24 through 27 and  
 3 inserting the following:  
 4 "Sec. 4. Section 627.6, Code 1987, is amended by  
 5 adding the following new subsection:  
 6 NEW SUBSECTION. 14. The debtor's interest, not to  
 7 exceed one hundred".  
 8 2. Page 2, line 2, by striking the words "an  
 9 unmaturred" and inserting the word "a".  
 10 3. Page 2, by striking line 8 and inserting the  
 11 following: "provided additions to a".  
 12 4. Page 2, line 11, by inserting after the word  
 13 "policy" the following: "or acquired a new life  
 14 insurance policy".  
 15 5. Page 2, by striking lines 12 through 21.

HALVORSON of Clayton  
 JAY of Appanoose

H-3538

1 Amend House File 620 as follows:  
 2 1. Page 4, by inserting after line 20 the  
 3 following:  
 4 "3. A state agency or political subdivision of  
 5 this state which acquires an open space area pursuant  
 6 to this chapter, shall provide for the continued  
 7 payment of school taxes on the acquired property."

HALVORSON of Clayton  
 HARBOR of Mills

H-3563

1 Amend House File 39 as follows:

2 1. Page 1, by inserting after line 32 the  
3 following:

4 "Sec. \_\_\_\_\_. Section 595.3, Code 1987, is amended by  
5 adding the following new subsection:

6 NEW SUBSECTION. 6. Where a previous marriage of  
7 either party has been dissolved and the parties have  
8 not submitted proof of completion of a minimum of  
9 twelve hours of professional marriage counseling  
10 conducted by a professional counselor, priest, rabbi,  
11 or ordained minister."

12 2. By renumbering as necessary.

TYRRELL of Iowa

H-3568

1 Amend Senate File 219, as amended, passed, and re-  
2 printed by the Senate, as follows:

3 1. Page 1, by striking lines 6 through 8 and in-  
4 sserting the following:

5 "1. A task force on adolescent pregnancy  
6 prevention and prenatal and postnatal care is  
7 established. The task force is composed of the  
8 following voting members."

9 2. Page 1, by striking lines 17 through 29 and  
10 inserting the following:

11 "2. The task force may call upon the department of  
12 education, the department of human rights, the depart-  
13 ment of human services, and the Iowa department of  
14 public health for information necessary to complete  
15 its work and the departments shall cooperate in  
16 providing the information requested.

17 3. The task force may call upon persons with  
18 expertise in the area of adolescent pregnancy  
19 prevention and provisions of prenatal and postnatal  
20 care. The persons to be consulted shall include, but  
21 not be limited to:

22 a. Health care professionals.

23 b. Psychologists or social workers.

24 c. Family planning service workers."

25 3. Page 1, by striking lines 32 through 34 and  
26 inserting the following:

27 "e. Service providers for adolescents.

28 f. Job training and counseling workers.

29 g. Adolescent parents or adolescent peer  
30 counselors."

31 4. By striking page 1, line 35 through page 2,  
32 line 8, and inserting the following:

33 "4. A chairperson shall be selected from and by  
34 the persons named in subsection 1. The task force

35 shall meet at the call of the chairperson or three  
 36 task force members. The task force members shall be  
 37 reimbursed for actual and necessary expenses incurred  
 38 in the performance of their duties, and shall receive  
 39 a per diem of eighty dollars per each day in which  
 40 engaged in the performance of such duties. However,  
 41 such per diem compensation and expenses shall not be  
 42 paid when the general assembly is actually in session  
 43 at the seat of government. Such expenses and per diem  
 44 shall be paid in the manner provided for in section  
 45 2.12.

46 It is the intent of the general assembly that the  
 47 task force solicit and consider ideas and information  
 48 from government agencies and citizens representing the  
 49 full range of opinion in Iowa relating to pregnancy  
 50 prevention and prenatal and postnatal care needs.”

**Page 2**

1 5. Page 2, by striking lines 9 through 17 and in-  
 2 serting the following:

3 “5. The task force shall:

4 a. Assess the need for adolescent pregnancy  
 5 prevention programs in Iowa and collate and report the  
 6 annual incidence of unwed teen pregnancies, abortions,  
 7 and births in Iowa, and establish and recommend a  
 8 confidential means of gathering and reporting these  
 9 statistics annually.

10 b. Identify and quantify specific adolescent  
 11 prenatal and postnatal care needs in Iowa.

12 c. Identify and inventory existing prenatal and  
 13 postnatal programs and services provided for pregnant  
 14 adolescents in Iowa.

15 d. Identify and inventory funding sources  
 16 available for pregnancy prevention and prenatal and  
 17 postnatal care for pregnant adolescents in Iowa.

18 e. Identify and inventory existing and needed  
 19 maternity care health benefit coverages for pregnant  
 20 adolescents.”

21 6. Page 2, line 31, by striking the word “GRANTS”  
 22 and inserting the following: “FUNDS”.

23 7. Page 3, by striking lines 1 through 9 and  
 24 inserting the following: “funds for purposes outlined  
 25 in this section. Funds available pursuant to this  
 26 section shall be allocated to areas of the state in a  
 27 manner proportional to the incidence of adolescent  
 28 pregnancy in those areas. Definitions of the areas  
 29 shall be established by the task force established in  
 30 section 234A.1. Funds shall not be awarded until the  
 31 incidence of adolescent pregnancy, within each area,  
 32 is established to the satisfaction of the task force.  
 33 Funds shall not be used for the purchase of products

34 which will prevent a pregnancy or for the purchase of  
35 services and products which will terminate a  
36 pregnancy.

37 Funds may be awarded to:

38 1. A parent or guardian of adolescents in need of  
39 prenatal or postnatal health care. Such funds shall  
40 be disbursed in such a manner as to be payable jointly  
41 to the parent or guardian and the care provider. It  
42 is the intent of the general assembly that the term  
43 "care provider" be broadly construed so as to include  
44 any organization or individual providing care  
45 appropriate to the needs of the adolescent and the  
46 adolescent's child.

47 2. Programs for parents of adolescents, designed  
48 to improve parent-child communications regarding human  
49 sexuality."

50 8. Page 3, by striking lines 14 through 16 and

### Page 3

1 inserting the following:

2 "3. Pregnant adolescents and adolescent parents in  
3 need of shelter. Funds shall be payable jointly to  
4 the adolescent and the shelter provider."

5 9. Page 4, by striking lines 1 through 4 and  
6 inserting the following: "school diploma, or its  
7 equivalent. Funding to an adolescent under eighteen  
8 years of age may continue beyond the adolescent's  
9 eighteenth birthday in accordance with guidelines  
10 adopted by".

11 10. Page 5, by inserting after line 28 the fol-  
12 lowing:

13 "\_\_\_\_\_. Each public school board shall ensure,  
14 through specific instruction to and training of  
15 appropriate public school professional staff, that  
16 adolescents are encouraged to delay sexual activity  
17 and discuss with their parents or guardians which  
18 method or methods of pregnancy prevention are  
19 appropriate.

20 \_\_\_\_\_. Each public school board shall ensure the  
21 following:

22 a. That the human growth and development  
23 curriculum employed in its jurisdiction encourages  
24 adolescents to delay sexual activity and encourages  
25 them to discuss with their parents which method or  
26 methods of pregnancy prevention are appropriate.

27 b. That the curriculum advises students to discuss  
28 with their parents or guardians which method or  
29 methods of pregnancy prevention are appropriate."

30 11. Page 6, line 2, by inserting after the word  
31 "curricula." the following: "The department of educa-  
32 tion shall ensure that the model human growth and de-

33 velopment curricula it makes available encourages  
 34 adolescents to delay sexual activity and encourages  
 35 them to discuss with their parents which method or  
 36 methods of pregnancy prevention are appropriate."  
 37 12. By renumbering and relettering as necessary.

PLASIER of Sioux  
 VAN CAMP of Scott  
 DE GROOT of Lyon

H-3581

1 Amend Senate File 374, as amended, passed, and  
 2 reprinted by the Senate, as follows:  
 3 1. Page 26, by inserting after line 31 the  
 4 following:  
 5 "Sec. \_\_\_\_\_. Section 610.1, Code 1987, is amended to  
 6 read as follows:  
 7 610.1 AFFIDAVIT - CONTENTS - TOLLING OF  
 8 LIMITATIONS.  
 9 A court of the district court, court of appeals, or  
 10 supreme court shall authorize the commencement,  
 11 prosecution, or defense of a suit, action, proceeding,  
 12 or appeal, whether civil or criminal, without the  
 13 prepayment of fees, costs, or security upon a showing  
 14 that the person is unable to pay such costs or give  
 15 security. The person shall submit an affidavit  
 16 stating the nature of the suit, action, proceeding, or  
 17 appeal and the affiant's belief that there is an  
 18 entitlement to redress. Such affidavit shall also  
 19 include a brief financial statement showing the  
 20 person's inability to pay costs, fees, or give  
 21 security. Any authorization to proceed without  
 22 prepayment of fees, costs, or security under this  
 23 chapter may be made by the court without hearing. The  
 24 filing of an affidavit to proceed without the  
 25 prepayment of fees, costs, or security tolls the  
 26 applicable statute of limitations. Upon the denial of  
 27 an application and affidavit to proceed without the  
 28 prepayment of fees, costs, or security, the person  
 29 shall have the remainder of the limitations period in  
 30 which to pay fees, costs, or give security. This  
 31 section shall not be construed to allow the deferral  
 32 of the cost of a transcript.  
 33 2. By renumbering as necessary.

JAY of Appanoose

H-3582

1 Amend House File 649 as follows:  
 2 1. Page 2, by striking lines 5 and 6 and  
 3 inserting the following: "of the exemption shall not  
 4 exceed the death benefit less the cash value of all

- 5 life insurance policies owned by an individual if
- 6 within one year prior to the date execution".

BRAMMER of Linn

H—3587

- 1 Amend the amendment, H—3563, to House File 39 as
- 2 follows:
- 3 1. Page 1, line 9, by inserting after the word
- 4 "counseling" the following: "for each previously
- 5 dissolved marriage,".

TYRRELL of Iowa

H—3600

- 1 Amend amendment, H—3525, to House File 657 as
- 2 follows:
- 3 1. Page 1, line 13, by striking the word "that".
- 4 2. Page 1, line 16, by striking the word "that"
- 5 and inserting the following: "who".

TYRRELL of Iowa

H—3604

- 1 Amend House File 650 as follows:
- 2 1. Page 4, by inserting after line 33, the
- 3 following:
- 4 "Sec. \_\_\_\_\_. Section 299.24, Code 1987, is
- 5 repealed."

JAY of Appanoose

H—3615

- 1 Amend House File 650 as follows:
- 2 1. By striking everything after the enacting
- 3 clause and inserting the following:
- 4 "Section 1. Section 272A.6, unnumbered paragraph
- 5 1, Code 1987, is amended to read as follows:
- 6 The commission shall have the responsibility of
- 7 developing criteria of professional practices
- 8 including, but not limited to, such areas as: (1)
- 9 Contractual obligations; (2) competent performance of
- 10 all members of the teaching profession; and (3)
- 11 ethical practice toward other members of the
- 12 profession, parents, students, and the community.
- 13 However, membership or nonmembership in any teachers'
- 14 organization shall never be a criterion of an
- 15 individual's professional standing. The criteria
- 16 shall include the failure to report a violation of
- 17 compulsory attendance pursuant to section 299.25. A
- 18 violation, as determined by the commission following a
- 19 hearing, of any of the criteria so adopted shall be

20 deemed to be unprofessional practice and a legal basis  
 21 for the suspension or revocation of a certificate by  
 22 the state board of educational examiners.

23 Sec. 2. Section 299.1, Code 1987, is amended to  
 24 read as follows:

25 299.1 ATTENDANCE REQUIREMENTS.

26 A person having control of a child over seven and  
 27 under sixteen years of age, in proper physical and  
 28 mental condition to attend school, shall cause the  
 29 child to attend some public school for at least one  
 30 hundred twenty days in each school year, commencing no  
 31 sooner than the first day of September, unless the  
 32 board of school directors establishes a later date,  
 33 which date shall not be later than the first Monday in  
 34 December provide for the education of the child by any  
 35 of the following:

36 1. Enrolling the child in a public school and  
 37 causing attendance for at least one hundred twenty  
 38 days in each school year, commencing no sooner than  
 39 the first day of September, unless the board of  
 40 directors of a school corporation establishes a later  
 41 date, which date shall not be later than the first  
 42 Monday in December. The board may, by resolution,  
 43 require attendance for the entire time when the  
 44 schools are in session in any school year.

45 2. Enrolling the child in a nonpublic school  
 46 approved by the department of public instruction and  
 47 causing attendance for at least one hundred twenty  
 48 days in each school year, except that the authorities  
 49 in charge of the nonpublic school may require  
 50 attendance for the entire time when schools are in

**Page 2**

1 session in any school year.

2 3. Enrolling the child in a nonpublic school and  
 3 causing attendance for at least one hundred twenty  
 4 days in each school year which meets the requirements  
 5 of section 299.25.

6 4. Instruction in a nonschool setting, if the  
 7 board of directors of a school corporation, upon  
 8 recommendation of the superintendent where the child  
 9 resides determines that the program meets the  
 10 requirements of section 299.25.

11 The board may, by resolution, require attendance  
 12 for the entire time when the schools are in session in  
 13 any school year.

14 In lieu of such attendance such child may attend  
 15 upon equivalent instruction by a certified teacher  
 16 elsewhere.

17 Sec. 3. Section 299.6, Code 1987, is amended by  
 18 striking the section and inserting in lieu thereof the

19 following:

20 299.6 CIVIL ENFORCEMENT.

21 A county attorney or legal counsel employed by a  
22 board of directors of a school corporation who  
23 receives information that a person has violated a  
24 provision of this chapter may seek judicial  
25 enforcement by filing an action in a district court in  
26 a county which is wholly or partially contained within  
27 the school district in which the child resides or the  
28 alleged violation occurred.

29 Upon a finding by a preponderance of the evidence  
30 that a person has violated a provision of this  
31 chapter, the court:

32 1. Shall assess against the person a civil penalty  
33 in an amount not more than five hundred dollars nor  
34 less than one hundred dollars, to be deposited in the  
35 general fund of the state.

36 2. Shall order the person to pay all costs and  
37 reasonable attorney fees incurred by a party who  
38 successfully establishes the violation.

39 3. May issue appropriate orders, including but not  
40 limited to temporary or permanent injunctions  
41 directing the person to refrain from future  
42 violations.

43 Sec. 4. Section 299.8, Code 1987, is amended to  
44 read as follows:

45 299.8 "TRUANT" DEFINED.

46 Any A child over seven and under sixteen years of  
47 age, in proper physical and mental condition to attend  
48 school, who fails to ~~attend school~~ participate in a  
49 school or an instruction program pursuant to section  
50 299.1 regularly as provided in this chapter, without

**Page 3**

1 reasonable excuse for the absence, ~~shall be deemed to~~  
2 ~~be~~ is a truant.

3 Sec. 5. Section 299.11, unnumbered paragraph 2,  
4 Code 1987, is amended to read as follows:

5 The truancy officer shall promptly institute  
6 ~~criminal~~ civil enforcement proceedings against any  
7 person violating any of the provisions of sections  
8 299.1 to 299.5.

9 Sec. 6. NEW SECTION. 299.25 INSTRUCTION  
10 ALTERNATIVES.

11 The following standards shall be applied to  
12 determine compliance with section 299.1:

13 1. The following subjects shall be taught to  
14 children whose ages correspond to those of pupils in  
15 grades one through six:

16 a. Art.

17 b. English-language arts, including oral and

- 18 written English, handwriting, literature, reading, and  
19 spelling.
- 20 c. Health and physical education, including the  
21 effects of alcohol, tobacco, drugs, and poisons on the  
22 human body, and the characteristics of communicable  
23 diseases.
- 24 d. Mathematics.
- 25 e. Music.
- 26 f. Science, including environmental awareness and  
27 conservation of natural resources.
- 28 g. Social studies, including geography, Iowa and  
29 United States history, cultures of other nations, and  
30 national, state, and local government in the United  
31 States.
- 32 h. Traffic safety, including bicycle and  
33 pedestrian safety procedures.
- 34 i. Career education, including awareness of self  
35 in relation to others and the needs of society.
- 36 2. The following subjects shall be taught to  
37 children whose ages correspond to those of pupils in  
38 grades seven and eight:
- 39 a. Art.
- 40 b. English-language arts, including reading,  
41 spelling, grammar, and oral and written composition.
- 42 c. Health and physical education, including the  
43 effects of alcohol, tobacco, drugs, and poisons on the  
44 human body and the characteristics of communicable  
45 diseases, including venereal diseases and current  
46 crucial health issues.
- 47 d. Mathematics.
- 48 e. Music.
- 49 f. Science, including environmental awareness and  
50 conservation of natural resources.

**Page 4**

- 1 g. Social studies, including cultures of other  
2 nations, and American citizenship.
- 3 h. Career education, including exploration of  
4 employment opportunities and the concepts inherent in  
5 a work-oriented society.
- 6 3. Provisions for special education programs shall  
7 be made for children requiring special education  
8 pursuant to chapter 281.
- 9 4. The medium of instruction in all subjects  
10 taught shall be the English language, except when the  
11 use of a foreign language is deemed appropriate in the  
12 teaching of any subject or when the student is non-  
13 English speaking.
- 14 5. Instruction shall be given for a minimum of one  
15 hundred twenty days per year. The authorities in  
16 charge of an instructional program pursuant to section

17 299.1, subsection 3, or the certified teacher who  
18 provides instruction pursuant to section 299.1,  
19 subsection 4, shall allocate instructional time as  
20 appropriate to the needs of the pupil. The per diem  
21 allocation of instructional time required to  
22 demonstrate compliance with section 299.1 shall be  
23 determined with reference to the school day of the  
24 district in which the instruction takes place. In  
25 making such a determination, consideration shall be  
26 given to the pupil's needs and abilities as reflected  
27 in available school records or diagnostic tests, and  
28 with reference to the total number of hours in the  
29 school day as defined by the board of directors of a  
30 school corporation in a written policy.

31 6. To determine compliance with this chapter, the  
32 following shall be applied to the certified teacher  
33 providing instruction to a pupil:

34 a. Upon request of the board of directors of a  
35 school corporation evaluating the proposed  
36 instructional program of a pupil, the teacher  
37 designated as providing instruction to that pupil  
38 shall furnish proof of a valid Iowa teacher's  
39 certificate with the appropriate endorsements and  
40 approvals.

41 b. The teacher's duties include, but are not  
42 limited to, the following:

43 (1) Diagnosing, prescribing, evaluating, and  
44 directing the pupil's educational program.

45 (2) Setting goals and objectives for the  
46 educational growth of the pupil.

47 (3) Providing instruction and utilizing  
48 instructional materials that are at a level  
49 appropriate to the pupil's age, abilities, and needs.

50 (4) Maintaining records of attendance, coursework,

Page 5

1 and evaluations.

2 (5) Seeking a professional evaluation of a pupil  
3 who may be in need of special education, by a referral  
4 to the director of special education of the  
5 appropriate area education agency.

6 c. The certified teacher shall not delegate the  
7 responsibility for the duties defined in paragraph  
8 "b". Supervision or consultation is not a sufficient  
9 substitute for the instructional duties defined in  
10 paragraph "b".

11 7. The board of directors of a school corporation  
12 shall annually determine whether each resident child  
13 of compulsory school age who is not enrolled in the  
14 public schools is receiving alternative instruction by  
15 a certified teacher. The board may seek proof of

16 satisfactory progress by requiring documentation of  
 17 coursework or test results, or by any other reasonable  
 18 method.

19 In making a determination of the proposed  
 20 educational program, the board may approve an  
 21 instructional program which provides less time of  
 22 instruction than that in the public school day by  
 23 considering such factors as pupil-teacher ratio, pupil  
 24 ability, and needs. The board shall not require that  
 25 the hours designated for instruction exceed the number  
 26 of hours in the public school day.

27 8. If a board receives information indicating that  
 28 a child not enrolled in the public schools has been  
 29 evaluated as being in need of special education, the  
 30 board shall notify the child's parent or guardian of  
 31 the results of the evaluation, and request a meeting  
 32 with the parent or guardian to reassess the child's  
 33 instructional program. A board's prior approval,  
 34 based upon a finding of equivalency under these  
 35 standards, may be withdrawn in light of the child's  
 36 need for special education.

37 Sec. 7. NEW SECTION. 299.26 TRUANT REPORTING.

38 Each certificated employee of a school district, a  
 39 nonpublic school, or an area education agency shall  
 40 report each known violation of this chapter to the  
 41 board of directors of the school corporation or the  
 42 authorities in charge of the nonpublic school and to  
 43 the county attorney of the county in which the  
 44 violation is occurring."

45 2. Title page, by striking lines 1 and 2 and  
 46 inserting the following: "An Act relating to  
 47 requirements of certain providers of education for  
 48 students."

JAY of Appanoose

H-3616

1 Amend House File 39 as follows:

2 1. Page 2, by striking lines 16 through 21 and  
 3 inserting the following: "section 595.10 is valid;  
 4 but the parties, and all persons aiding or abetting  
 5 them, shall pay to the treasurer of state for deposit  
 6 in the general fund of the state the sum of fifty  
 7 dollars each; but this shall not apply to the person,  
 8 if any, conducting the marriage ceremony, if within  
 9 fifteen days thereafter the person makes after the  
 10 solemnization the".

SPEAR of Lee

H-3618

1 Amend House File 634 as follows:

2 1. Page 1, line 18, by inserting after the word  
 3 "cents." the following: "However, moneys shall be  
 4 received and credited to the secondary road fund from  
 5 the personal property tax replacement fund or from  
 6 delinquent taxes for prior years under this paragraph  
 7 only if the moneys are used for the construction and  
 8 maintenance of bridges."

9 2. Page 1, line 35, by inserting after the word  
 10 "cents." the following: "However, moneys shall be  
 11 received and credited to the secondary road fund from  
 12 the personal property tax replacement fund or from  
 13 delinquent taxes for prior years under this paragraph  
 14 only if the moneys are used for the construction and  
 15 maintenance of bridges."

PARKER of Jasper

H-3633

1 Amend Senate File 219, as amended, passed, and  
 2 reprinted by the Senate, as follows:

3 1. Page 2, line 2, by striking the words "or co-  
 4 chairpersons".

5 2. Page 2, by striking lines 5 and 6 and  
 6 inserting the following: "section 2.12. The  
 7 legislative".

TYRRELL of Iowa

H-3637

1 Amend Senate File 219, as amended, passed, and  
 2 reprinted by the Senate, as follows:

3 1. Page 1, by striking line 9 and inserting the  
 4 following:

5 "a. The governor or the governor's".

6 2. By striking page 1, line 35 through page 2,  
 7 line 2, and inserting the following:

8 "2. The governor or the governor's designee shall  
 9 serve as the chairperson of the task force. The task  
 10 force shall meet at the call of the chairperson or ten  
 11 task force members."

12 3. Page 2, by striking lines 5 and 6 and  
 13 inserting the following: "section 2.12. The  
 14 legislative".

TYRRELL of Iowa

H-3639

1 Amend Senate File 219, as amended, passed, and  
 2 reprinted by the Senate, as follows:

3 1. Page 4, lines 30 and 31, by striking the words  
 4 "contraception and family planning".

TYRRELL of Iowa

H-3641

1 Amend House File 39 as follows:

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

4 "Sec. \_\_\_\_\_. NEW SECTION. 595.22 TESTING FOR  
5 SEXUALLY TRANSMITTED DISEASES.

6 1. In addition to the other requirements for a  
7 marriage license in this chapter, all persons applying  
8 for a marriage license, at any time within twenty days  
9 prior to the date of application, shall be examined  
10 and tested by a duly licensed physician in this state  
11 for the existence of or freedom from sexually  
12 transmitted disease. A clerk of the district court  
13 shall not issue a marriage license to an applicant who  
14 fails to present for filing with the clerk a  
15 certificate signed by a physician setting forth that  
16 the applicant has been examined and tested for  
17 sexually transmitted disease, that the physician has  
18 communicated the results of the examination and  
19 testing in confidence to the applicant, and that the  
20 physician has reported the results of the examination  
21 and testing anonymously to the division of disease  
22 prevention of the Iowa department of public health.  
23 The division of disease prevention shall compile the  
24 results in the aggregate, and if the division receives  
25 any information identifying the subject of any results  
26 reported to the division, the division shall purge the  
27 identifying information from the state files.

28 2. All standard tests, including repeat or follow-  
29 up testing, for sexually transmitted disease as  
30 required under this section shall be performed by the  
31 state hygienic laboratory of the State University of  
32 Iowa or by other laboratories which are approved by  
33 the Iowa department of public health. All tests  
34 performed by the state hygienic laboratory shall be  
35 free of charge. The results of all laboratory tests  
36 shall be reported anonymously on standard forms  
37 prescribed by the division of disease prevention.

38 3. Marriage licenses issued under this chapter are  
39 void and have no effect unless the marriage is  
40 solemnized within twenty days following the issuance  
41 of the license.

42 4. If a party applying for a marriage license is a  
43 nonresident of this state, the person, as a condition  
44 to the issuance of a license, shall be required to  
45 file a certificate signed by a duly licensed physician  
46 of the state in which the applicant resides,  
47 certifying that the applicant has been examined and  
48 tested by the physician for sexually transmitted  
49 disease in substantial conformity with this section.

50 5. A person who does any of the following commits

## Page 2

1 a simple misdemeanor:

2 a. The clerk of the district issues a marriage  
3 license to a person who has not presented to the clerk  
4 the certificate as required by this section.

5 b. A person wrongfully discloses any information,  
6 contrary to the provisions of this section, relating  
7 to the examination or testing of an applicant for a  
8 marriage license.

9 c. A person falsifies any matter relating to the  
10 examination or testing of an applicant for a marriage  
11 license or to the certificate required to be presented  
12 to the clerk under this section.

13 d. A person obtains a marriage license contrary to  
14 the provisions of this section.

15 6. As used in this section, "sexually transmitted  
16 disease" means acquired immune deficiency syndrome,  
17 chancroid, gonorrhea, granuloma inguinale,  
18 lymphogranuloma venereum, syphilis, and any other  
19 disease transmitted principally through sexual  
20 activity."

BISIGNANO of Polk

## H-3651

1 Amend the amendment, H-3641, to House File 39 as  
2 follows:

3 1. Page 1, line 19, by inserting after the word  
4 "applicant" the following: "and the applicant's  
5 prospective spouse who has also applied for the  
6 marriage license".

SPEAR of Lee

## H-3652

1 Amend House File 39 as follows:

- 2 1. By striking page 3, line 32 through page 4,  
3 line 21.
- 4 2. By renumbering as necessary.

SPEAR of Lee

## H-3657

1 Amend the amendment, H-3641, to House File 39, as  
2 follows:

3 1. Page 1, line 44, by inserting after the word  
4 "license" the following: "and in lieu of filing a  
5 certificate signed by a duly licensed physician in  
6 this state".

SPEAR of Lee

H-3659

- 1 Amend amendment, H-3641, to House File 39 as
- 2 follows:
- 3 1. Page 2, by striking lines 16 through 20 and
- 4 inserting the following: "disease" means acquired
- 5 immune deficiency syndrome and syphilis."

BISIGNANO of Polk

H-3662

- 1 Amend Senate File 276, as passed by the Senate, as
- 2 follows:
- 3 1. Page 6, by striking lines 10 through 14 and
- 4 inserting the following:
- 5 "4. PRIOR INSTITUTIONALIZATION.
- 6 a. A policy of individual or group accident and
- 7 sickness insurance providing coverage on an expense
- 8 incurred basis, or an individual or group hospital or
- 9 medical service contract issued pursuant to chapter
- 10 509, 514, or 514A, or any other policy of individual
- 11 or group insurance, any of which provide insurance
- 12 benefits for nursing home care, whether the care is
- 13 skilled, intermediate, or custodial, shall not
- 14 condition payment upon prior entry to or transfer from
- 15 a hospital. A policy may condition coverage upon the
- 16 recommendation of nursing home care by a person
- 17 licensed under any of the following chapters: 148,
- 18 150, or 150A.
- 19 b. This subsection applies to contracts issued on
- 20 or after July 1, 1987."

HARPER of Black Hawk

H-3663

- 1 Amend House File 366 as follows:
- 2 1. Page 1, line 2, by striking the word and
- 3 figure "96 and".
- 4 2. Page 1, by striking lines 5 and 6 and in-
- 5 serting the following: "membership in the Iowa public
- 6 employees' retirement system by".

HANSON of Delaware

H-3664

- 1 Amend House File 468 as follows:
- 2 1. Page 6, line 27, by striking the words "other
- 3 bodies of water" and inserting the following:
- 4 "Rathbun Lake, Saylorville Reservoir, and the natural
- 5 lakes".

BLACK of Jasper

H-3666

1 Amend House File 650 as follows:

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

4 "Section 1. Section 299.6, Code 1987, is amended  
5 by striking the section and inserting in lieu thereof  
6 the following:

7 299.6 CIVIL ENFORCEMENT.

8 A county attorney or legal counsel employed by a  
9 board of directors of a school corporation who  
10 receives information that a person has violated a  
11 provision of sections 299.1 to 299.5 may seek judicial  
12 enforcement by filing an action in a district court in  
13 a county which is wholly or partially contained within  
14 the school district in which the child resides or the  
15 alleged violation occurred.

16 Upon a finding by a preponderance of the evidence  
17 that a person has violated a provision of such  
18 sections, the court:

19 1. Shall assess against the person a civil penalty  
20 in an amount not more than five hundred dollars nor  
21 less than one hundred dollars, to be deposited in the  
22 general fund of the state.

23 2. Shall order the person to pay all costs and  
24 reasonable attorney fees incurred by a party who  
25 successfully establishes the violation.

26 3. May issue appropriate orders, including but not  
27 limited to temporary or permanent injunctions  
28 directing the person to refrain from future  
29 violations.

30 A person found in contempt for a violation of a  
31 provision of sections 299.1 to 299.5 is not subject to  
32 punishment by imprisonment."

33 2. Title page, by striking lines 1 and 2 and  
34 inserting the following: "An Act relating to the  
35 penalty for noncompliance with compulsory education  
36 attendance requirements."

DODERER of Johnson  
SIEGRIST of Pottawattamie  
JAY of Appanoose  
SHOULTZ of Black Hawk  
LAGESCHULTE of Bremer  
DVORSKY of Johnson  
WISE of Lee

H-3667

1 Amend the Senate amendment, H-3360, to House File

2 371, as passed by the House as follows:

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

5 " \_\_\_\_\_. Page 5, line 17, by inserting after the  
6 word "of" the following: ", public utility trucks,  
7 construction equipment, trucks moving implements of  
8 husbandry and".

PLATT of Muscatine  
COOPER of Lucas  
MUHLBAUER of Crawford  
HUMMEL of Benton

H-3671

1 Amend Senate File 481 as amended, passed, and  
2 reprinted by the Senate as follows:  
3 1. By striking page 8, line 25 through page 11,  
4 line 11.  
5 2. By striking page 11, line 19 through page 12,  
6 line 7.  
7 3. Page 12, by striking lines 14 and 15.  
8 4. Title page, by striking lines 4 through 6 and  
9 inserting the following: "adjusting the allowable  
10 growth under the school".

PETERS of Woodbury

H-3677

1 Amend the amendment, H-3641, to House File 39 as  
2 follows:  
3 1. Page 1, by striking lines 43 and 44 and  
4 inserting the following: "nonresident of this state,  
5 the person, in lieu of filing a certificate signed by  
6 a duly licensed physician in this state, may".

SPEAR of Lee

H-3682

1 Amend Senate File 480 as amended, passed and  
2 reprinted by the Senate as follows:  
3 1. Page 1, line 9, by inserting after the word  
4 "rendered" the following: "and includes honoraria".  
5 2. Page 2, line 7, by striking the words "or  
6 speech" and inserting the following: ", speech, or  
7 written article".  
8 3. Page 3, by striking line 4.  
9 4. Page 3, by inserting after line 14 the  
10 following:  
11 "c. The following items are subject to the  
12 reporting requirements of section 68B.11, but are not  
13 included within the definition of a gift:  
14 (1) Honoraria.  
15 (2) Food and beverages provided for immediate  
16 consumption and actually consumed upon the premises."  
17 5. Page 4, line 17, by striking the word "fifty"

- 18 and inserting the following: "twenty-five".  
 19 6. Page 4, line 23, by striking the word "fifty"  
 20 and inserting the following: "twenty-five".  
 21 7. Page 4, line 29, by striking the word "fifty"  
 22 and inserting the following: "twenty-five".  
 23 8. Page 4, line 34, by striking the word "fifty"  
 24 and inserting the following: "twenty-five".  
 25 9. Page 4, line 35, by inserting after the word  
 26 "days" the words "after receipt".  
 27 10. Page 5, line 2, by inserting after the word  
 28 "services" the words "and the donated gift shall not  
 29 be claimed as a charitable deduction for tax  
 30 purposes".  
 31 11. Page 7, by striking lines 22 through 24 and  
 32 inserting the following: "donee."  
 33 12. Page 7, by striking lines 33 and 34 and  
 34 inserting the following: "donor and donee."  
 35 13. Page 8, by striking lines 8 and 9 and  
 36 inserting the following: "the donor and donee."

HERMANN of Scott

H-3690

- 1 Amend Senate File 311 as amended, passed and  
 2 reprinted by the Senate as follows:  
 3 1. Page 2, by inserting after line 1 the  
 4 following:  
 5 "However, peace officers, as defined in section  
 6 321.1, shall not issue traffic citations to drivers of  
 7 motor vehicles for traveling in excess of fifty-five  
 8 miles per hour but not in excess of sixty-five miles  
 9 per hour on sections of fully controlled-access,  
 10 divided, multilaned highways lying outside city  
 11 corporate limits."

HALVORSON of Webster

H-3691

- 1 Amend House File 589, as follows:  
 2 1. Page 1, by inserting before line 1 the  
 3 following:  
 4 "Section 1. Section 280A.28, Code 1987, is amended  
 5 to read as follows:  
 6 280A.28 TAX FOR EQUIPMENT REPLACEMENT.  
 7 Annually following publication of notice and the  
 8 holding of a public hearing, the board of directors  
 9 may certify for levy a tax on taxable property in the  
 10 merged area at a rate not exceeding three cents per  
 11 thousand dollars of assessed valuation for equipment  
 12 replacement for the area school."  
 13 2. Title page, by striking lines 1 and 2 and  
 14 inserting the following: "An Act relating to the tax

- 15 for equipment replacement at the area schools,  
 16 including provision of notice and public hearing and  
 17 striking its repeal.”  
 18 3. By renumbering as necessary.

SCHNEKLOTH of Scott  
 HALVORSON of Clayton  
 HERMANN of Scott

H—3693

- 1 Amend Senate File 397 as amended, passed and  
 2 reprinted by the Senate as follows:  
 3 1. Page 1, by inserting before line 1 the  
 4 following:  
 5 “Sec. \_\_\_\_\_. Section 476.1B, subsection 1, Code  
 6 1987, is amended by adding the following new  
 7 paragraph:  
 8 NEW PARAGRAPH. h. Enforcement of section 476.66.”  
 9 2. Page 1, by inserting after line 33 the  
 10 following:  
 11 “5. After July 1, 1987, unclaimed patronage  
 12 dividends of electric cooperative corporations or  
 13 associations shall be applied to the electric  
 14 cooperative corporation's or association's utility  
 15 shutoff fund following the time specified in section  
 16 556.12 for claiming the dividend from the holder.  
 17 Sec. 702. AFFORDABLE UTILITY PAYMENT PLAN — PILOT  
 18 PROJECT.  
 19 1. PILOT PROJECT. The utilities board shall  
 20 conduct a two-year pilot project from October 1, 1987,  
 21 through September 30, 1989, which implements the  
 22 affordable utility payment plan as provided in this  
 23 section. The utilities board shall select one of each  
 24 of the following utilities serving customers in this  
 25 state:  
 26 a. Rate-regulated investor-owned gas utility.  
 27 b. Rate-regulated investor-owned electric utility.  
 28 c. Municipal utility.  
 29 d. Electric cooperative corporation or  
 30 association.  
 31 Each utility shall be selected so that a  
 32 statistically significant data base may be generated  
 33 for evaluation of the payment plan on a statewide  
 34 basis and preference shall be given to utilities whose  
 35 service areas reflect the greatest need for  
 36 implementation of the payment plan as indicated by the  
 37 number of the utility's LIHEAP customers who have been  
 38 disconnected due to nonpayment of utility bills. The  
 39 board shall base its selection upon recommendations  
 40 received from the division of community action  
 41 agencies of the department of human rights, the Iowa  
 42 utility association, the Iowa association of municipal

43 utilities, and the Iowa association of rural electric  
44 cooperatives. The utilities selected for the pilot  
45 projects shall have separate service areas.

46 Notwithstanding section 476.1B, the municipally-  
47 owned utility selected for the pilot project shall  
48 participate in the payment plan.

49 2. DEFINITIONS. As used in this section:

50 a. "Utility" means a gas or electric public

**Page 2**

1 utility, as defined in section 476.1, who is the  
2 primary heating supplier for the participant in the  
3 plan and which has been selected for participation in  
4 the pilot project under subsection 1.

5 b. "Arrearage" means any past due utility bill a  
6 participant owes when entering into the affordable  
7 utility payment plan. "Arrearage" does not include  
8 any past due utility bill a participant owes which has  
9 been incorporated by the utility into the utility's  
10 rate structure.

11 c. "Shortfall" means the amount by which the  
12 participant's utility bill exceeds the participant's  
13 payments while in the affordable utility payment plan.

14 d. "LIHEAP" means the low income home energy  
15 assistance program.

16 e. "CA agency" means the local community action  
17 agency administering the participant's low income home  
18 energy assistance program.

19 f. "Board" or "utilities board" means the  
20 utilities board within the utilities division of the  
21 department of commerce.

22 3. ELIGIBILITY.

23 a. To be eligible for the affordable utility  
24 payment plan the applicant must be a customer of a  
25 utility or an applicant for utility service from a  
26 utility, and must be eligible to receive payments  
27 under LIHEAP.

28 b. The applicant shall do all of the following:

29 (1) Agree to pay monthly to the utility serving  
30 the applicant as provided under subsection 6.

31 (2) Apply for all public energy assistance for  
32 which the applicant may be eligible.

33 (3) Apply for all weatherization programs for  
34 which the individual may be eligible.

35 (4) Make application for participation in the plan  
36 with the applicant's CA agency. The applicant shall  
37 certify to the CA agency the applicant's household  
38 income, household size, place of residence, name of  
39 the applicant's utility provider, and the amount of  
40 any arrearage the applicant has with the applicant's  
41 utility provider. The applicant shall sign a waiver

42 permitting the applicant's community action agency to  
43 receive information from the applicant's utility  
44 provider to verify the amount of the arrearage.

45 (5) Sign a waiver permitting the applicant's CA  
46 agency to receive income information from the  
47 applicant's employer necessary to verify eligibility  
48 for the program.

49 (6) Participate in energy usage counseling with  
50 the CA agency as required under subsection 6,

**Page 3**

1 paragraph "b".

2 (7) Pay the arrearage accrued with each utility  
3 supplier as required under subsection 5.

4 c. For participants who comply with the  
5 requirements of paragraphs "a" and "b", the public  
6 utility's heating or electrical service shall not be  
7 terminated or denied. A participant shall be deemed  
8 to comply with the payment requirements of paragraph  
9 "b" and subsection 6, paragraph "b" unless the  
10 participant is delinquent in making any minimum  
11 required payment under paragraph "b" for more than  
12 sixty consecutive days.

13 4. DEPOSITS. Notwithstanding section 476.20, the  
14 utility provider shall not require a deposit for new,  
15 reconnected, or continued service from participants in  
16 the plan. However, a reasonable connection or  
17 reconnection fee may be charged to participants.

18 5. PARTIAL FORGIVENESS OF ARREARAGE.

19 a. A participant shall pay one-fifth of any  
20 arrearage with the utility supplier prior to  
21 participation in the plan. An additional one-fifth of  
22 the arrearage with the utility supplier shall be paid  
23 by the participant in equal installments over a  
24 twenty-four month period.

25 b. For each year a participant continues to make  
26 required payments under subsection 3, paragraphs "b"  
27 and "c", one-third of the remaining arrearage shall be  
28 forgiven. Once a participant earns arrearage  
29 forgiveness, the utility shall not be able to collect  
30 the forgiven amount from the participant.

31 6. PAYMENTS.

32 a. Participants of the plan shall be placed on a  
33 budget billing plan wherein their utility bills shall  
34 be in even installments over a twelve-month period.  
35 However, LIHEAP payments shall be credited toward  
36 paying the budget billing payments in an equally  
37 distributed manner over the twelve-month period, thus  
38 reducing the monthly payment amount for the  
39 participant. If a participant is unable to make  
40 payments required under this paragraph as determined

41 by rules adopted by the board, the participant shall  
42 apply for crisis resolution support, shall make  
43 application for a determination of the participant's  
44 affordable budget billing contribution, and shall make  
45 all utility payments as required under paragraph "b".  
46 b. If a participant is unable to pay utility bills  
47 under the budget billing plans of paragraph "a" as  
48 determined by rules adopted by the board, the  
49 participant's utility shall institute counseling  
50 sessions on utility payments with the participant and

**Page 4**

1 the participant shall upon application with the CA  
2 agency, participate in crisis resolution support  
3 through the CA agency. The CA agency shall train  
4 participants in energy and money management skills and  
5 techniques. The CA agency shall also make a  
6 determination as to the amount of utility payments the  
7 participant is able to afford. The participant shall  
8 make payments to the participant's utility in  
9 accordance with this determination of affordable  
10 budget billing contribution.

11 c. (1) To the extent that a shortfall exists  
12 between payments received from a participant and the  
13 budget billing requirements of paragraph "a", the  
14 utility shall apply all energy assistance funds  
15 received on behalf of a participating individual,  
16 including LIHEAP funds not previously calculated in  
17 paragraph "a", relevant public aid funds, and any and  
18 all other such state and federal funds which become  
19 available in order to reduce or eliminate the  
20 shortfall. If any remaining shortfall exists, the  
21 utility may apply on a quarterly basis for a credit on  
22 the sales tax collected for receipts from the  
23 furnishing gas and electric service under chapter 422,  
24 division IV. The utility shall certify the applicable  
25 shortfall amount to the department of revenue and  
26 finance and shall provide other information as the  
27 department of revenue and finance may require.

28 The statewide maximum annual sales tax credit under  
29 this section and section 703 of this Act is five  
30 hundred thousand dollars annually. A utility or  
31 heating fuel supplier is not eligible for a sales tax  
32 credit under this subparagraph or section 703 of this  
33 Act to the extent that the credit would exceed the  
34 maximum annual sales tax credit as determined by the  
35 department of revenue and finance.

36 (2) If, after application of subparagraph (1) a  
37 shortfall still exists, the amount may be included in  
38 the utility's rate structure in accordance with rules  
39 adopted by the utilities board, but such charges shall

40 not be set out separately in customers' billing  
41 statements.

42 d. The department of human rights, division of  
43 community action agencies, shall adopt rules pursuant  
44 to chapter 17A to apply to the CA agencies'  
45 determinations of participants' affordable budget  
46 billing payments under paragraph "b". The rules may  
47 provide for the following calculations:

48 (1) Estimates of anticipated income for the  
49 remaining period covered by the plan including food  
50 stamps and income from savings in excess of allowable

**Page 5**

1 levels.

2 (2) Subtract from this total the following for the  
3 remaining period covered by the plan:

4 (a) Housing cost.

5 (b) Standard food cost based on size of household  
6 and age of household members.

7 (c) Medical allowance.

8 (d) Clothing costs.

9 (e) Costs of nonfood basic necessities.

10 (f) Water and phone costs.

11 (g) Utility costs other than those identified as  
12 the primary heating source.

13 The difference is the amount the household can  
14 afford during the period and by dividing the  
15 affordable amount by the number of months remaining in  
16 the period determines the applicant's monthly  
17 affordable budget billing contribution.

18 **7. LEAVING PLAN.**

19 a. Participants leaving the plan because they  
20 exceed income guidelines are required to pay the  
21 unpaid arrearage as provided under subsection 5,  
22 paragraph "a". The remaining arrearage shall be  
23 forgiven. Such participants may, at a later date,  
24 requalify and participate in the plan if they meet  
25 eligibility requirements.

26 b. A participant leaving the plan because the  
27 participant's service has been terminated due to the  
28 failure of the participant to make payments as  
29 required under subsection 3, paragraphs "b" and "c",  
30 is liable for payment of all unpaid utility bills  
31 accrued since entering the payment plan.

32 **8. MORATORIUM.** This section does not prohibit the  
33 application of section 476.20, subsections 2 and 3, to  
34 participants of the plan.

35 **9. RULES.** The pilot project for the affordable  
36 utility payment plan and the affordable heating  
37 payment plan shall be implemented by October 1, 1987.  
38 The utilities board, department of human rights, and

39 department of revenue and finance shall adopt rules as  
40 necessary for the implementation of the plans.

41 10. NEED AND ECONOMIC IMPACT STUDIES. A study  
42 shall be conducted by the University of Northern Iowa  
43 to determine the economic impact of the affordable  
44 utility payment plan and the affordable heating  
45 payment plan on parties involved in the plans. The  
46 University of Northern Iowa shall also conduct a  
47 scientific study on LIHEAP recipients identifying  
48 those who need supplemental funds for payment of  
49 utility bills from utilities which are the primary  
50 heating suppliers of the recipients and heating costs

Page 6

1 from heating fuel suppliers of the recipients and  
2 predict the extent of their needs. The results of the  
3 studies shall be presented to the committee appointed  
4 under subsection 11 by October 1, 1988.

5 11. COMMITTEE. A committee shall be appointed to  
6 study the merits of the affordable utility payment  
7 plan and the affordable heating payment plan. The  
8 committee shall receive the need and economic impact  
9 studies conducted by the University of Northern Iowa  
10 and shall make recommendations to the general assembly  
11 by January 15, 1989.

12 The committee shall consist of the following  
13 members:

14 a. Two members of the house of representatives  
15 appointed by the speaker.

16 b. One member of the house of representatives  
17 appointed by the minority leader.

18 c. Two members of the senate appointed by the  
19 majority leader.

20 d. One member of the senate appointed by the  
21 minority leader.

22 e. Three nonvoting members representing the  
23 general public appointed by the legislative council.

24 f. The director or the director's designee or  
25 chair or chair's designee of the following state  
26 agencies or associations shall also be nonvoting  
27 members:

28 (1) Utilities board.

29 (2) Department of human rights.

30 (3) Department of revenue and finance.

31 (4) Iowa association of community action  
32 directors.

33 (5) Iowa utility association.

34 (6) Iowa association of municipal utilities.

35 (7) Iowa association of rural electric  
36 cooperatives.

37 (8) Petroleum marketers of Iowa.

38 Sec. 703. AFFORDABLE HEATING PAYMENT PLAN – PILOT  
39 PROJECT.

40 1. PILOT PROJECT. The department of human rights  
41 shall conduct a two-year pilot project from October 1,  
42 1987, through September 30, 1989, which implements the  
43 affordable heating payment plan as provided in this  
44 section. The department of human rights shall select  
45 the heating fuel supplier for the pilot projects. The  
46 heating fuel supplier shall be selected so that a  
47 statistically significant data base may be generated  
48 for evaluation of the payment plan on a statewide  
49 basis. The department shall base its selection upon  
50 recommendations received from the petroleum marketers

Page 7

1 of Iowa and other associations of heating fuel  
2 suppliers. The heating fuel supplier is not  
3 restricted to be selected from a particular service  
4 area in the state. Upon selection of the heating fuel  
5 supplier, the department of human rights shall  
6 negotiate a contract with the heating fuel supplier  
7 providing for the participation of the supplier in the  
8 affordable heating payment plan in accordance with  
9 this section.

10 2. DEFINITION. As used in this section and  
11 section 702 of this Act, "heating fuel supplier" means  
12 a heating fuel supplier doing business in this state  
13 who supplies to customers in this state fuel oil, LP  
14 gas, wood, or coal, and who is selected to participate  
15 in the affordable heating payment plan under  
16 subsection 1.

17 3. ELIGIBILITY – GRANT. A customer in this state  
18 of the heating fuel supplier may apply for a grant  
19 under this subsection. The customer shall be allowed  
20 to make payment to the heating fuel supplier in even  
21 installments over a twelve-month period. To be  
22 eligible under the affordable heating payment plan, a  
23 customer must also be eligible to receive payments  
24 under LIHEAP and do all of the requirements of section  
25 702, subsection 3, paragraph "b", subparagraphs (2)  
26 through (5) of this Act. However, with regard to  
27 section 702, subsection 3, paragraph "b", subparagraph  
28 (4) of this Act, the applicant shall provide the name  
29 of, arrearage with, and waiver for information from  
30 the heating fuel supplier rather than the utility  
31 provider.

32 If the customer is unable to pay the customer's  
33 heating fuel bill as determined in accordance with the  
34 rules adopted pursuant to section 702, subsection 6,  
35 paragraph "d" of this Act and meets the other  
36 eligibility requirements, the customer is entitled to

37 receive either:

38 a. An annual grant to the household to obtain  
39 emergency deliverable fuel, minor heating system  
40 repairs, temporary shelter, or to help the customer  
41 relocate within the state to where the customer's  
42 household energy costs would be lower.

43 b. An annual grant of up to five hundred dollars  
44 to match the customer's contributions or payment  
45 toward payment of old heating fuel bills to allow the  
46 customer to keep service or to allow for the  
47 customer's replacement of an unsafe heating system.

48 The customer shall apply to the community action  
49 agency which shall determine the customer's  
50 eligibility for the grant. If the customer is

**Page 8**

1 eligible, the community action agency shall certify  
2 the amount of the grant to the heating fuel supplier.  
3 The heating fuel supplier shall pay or provide a  
4 credit to the eligible customer in the amount of the  
5 grant and shall be reimbursed for the amount of the  
6 grant by means of a sales tax credit on the sales tax  
7 collected for receipts from the furnishing of heating  
8 fuel under chapter 422, division IV, by certifying the  
9 amount of the grant to the department of revenue and  
10 finance and provide other information as the  
11 department of revenue and finance may require. The  
12 sales tax credit is subject to the statewide maximum  
13 annual sales tax credit of section 702, subsection 6,  
14 paragraph "c", subparagraph (1) of this Act.

15 4. RULES. The department of human rights shall  
16 adopt rules pursuant to chapter 17A to apply to the CA  
17 agencies in determining the eligibility of a customer  
18 of a heating fuel supplier to grants under this  
19 section."

20 3. Title page, line 1, by inserting after the  
21 word "Act" the following: "relating to energy  
22 assistance to low-income households by".

23 4. Title page, line 2, by inserting after the  
24 word "exceptions" the following: ", by providing for  
25 the implementation of pilot projects of an affordable  
26 utility payment plan and affordable heating payment  
27 plan, making civil penalties applicable, and providing  
28 for sales tax credit for certain participating gas and  
29 electric public utilities and heating fuel supplier."

30 5. Renumber as necessary.

Committee on Energy and Environmental Protection

H-3695

1 Amend House File 589 as follows:

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

4 "Section 1. Section 280A.28, Code 1987, is amended  
5 by striking the section and inserting in lieu thereof  
6 the following:

7 280A.28 SURTAX FOR EQUIPMENT REPLACEMENT.

8 Annually, following publication of notice and the  
9 holding of a public hearing, the board of directors  
10 may approve the raising of an equipment replacement  
11 amount not exceeding the amount that could be raised  
12 if a property tax of three cents per thousand dollars  
13 of assessed valuation were levied on all taxable  
14 property in the merged area. The amount shall be  
15 raised by an income surtax imposed on the state income  
16 tax. For each year in which the board of directors  
17 approves the imposition of the surtax the board of  
18 directors shall estimate and certify to the director  
19 of revenue and finance the amount required from the  
20 income surtax for the equipment replacement amount.  
21 The director of revenue and finance shall establish  
22 the rate of the income surtax based upon an average of  
23 the income tax collections in the merged area for the  
24 three preceding years.

25 The income surtax shall be imposed on the state  
26 individual income tax for the calendar year, or for a  
27 taxpayer's fiscal year ending during the second half  
28 of that calendar year or the first half of the  
29 succeeding calendar year, and shall be imposed on all  
30 individuals residing in the merged area on the last  
31 day of the applicable tax year. As used in this  
32 section, "state individual income tax" means the tax  
33 computed under section 422.5, less the deductions  
34 allowed in sections 422.10, 422.11, and 422.12.

35 Sections 442.16, 442.17, 442.19, and 442.20 apply  
36 to the income surtax established in this section. The  
37 director of revenue and finance shall deposit all  
38 moneys received as income surtax to the credit of each  
39 area school from which the moneys are received, in an  
40 "income surtax fund" which is established in the  
41 office of the treasurer of state.

42 Annually, after crediting to the department of  
43 revenue and finance a reasonable amount for costs of  
44 administration, the treasurer of state shall remit to  
45 the area schools which have imposed an income surtax  
46 their share of the balance in the income surtax fund.  
47 The proceeds of the tax shall be pledged for the  
48 payment of the equipment replacement amount. The  
49 costs of administration shall be determined by the  
50 department of revenue and finance, and shall be based

Page 2

1 on a share of the total cost of administering the  
 2 department, in the same proportion as the amount of  
 3 income surtax collected is to the amount of state  
 4 income taxes collected.

5 The department of revenue and finance shall supply  
 6 appropriate forms, or provide space on the regular  
 7 state income tax forms, for reporting area school  
 8 income tax liability, and shall administer the income  
 9 surtax as nearly as possible in conjunction with the  
 10 administration of the state income tax law, for  
 11 purposes of economy and efficiency. The department of  
 12 revenue and finance shall adopt rules to carry out the  
 13 collection and administration of the income surtax.  
 14 The amount of income surtax collected in a merged area  
 15 above the amount estimated to be collected shall be  
 16 placed in a separate income surtax account to be used  
 17 to supplement the surtax portion during years in which  
 18 the amount of income surtax collected is less than the  
 19 amount estimated to be collected."

20 2. Title page, by striking lines 1 and 2 and  
 21 inserting the following: "An Act relating to the tax  
 22 for equipment replacement at the area schools,  
 23 including imposition of an income surtax and striking  
 24 the equipment replacement repeal."

25 3. By renumbering as necessary.

STUELAND of Clinton  
 PETERSEN of Muscatine  
 DE GROOT of Lyon

SCHNEKLOTH of Scott  
 BENNETT of Ida  
 MAULSBY of Calhoun  
 HANSON of Delaware  
 PLASIER of Sioux

H-3700

1 Amend Senate File 484, as amended, passed, and re-  
 2 printed by the Senate, as follows:

3 1. Title page, by striking lines 6 through 11 and  
 4 inserting the following: "patient to be protected by  
 5 the fund, authorization of the fund to procure  
 6 reinsurance to protect the fund, providing for the  
 7 appointment of a compensation fund administrator,  
 8 requiring certain claims information to be collected  
 9 and reported to the legislature, authorizing an  
 10 indemnification option to the fund, and repealing the  
 11 collateral source rule as applied to medical  
 12 malpractice cases and enacting a general collateral  
 13 source rule."

H—3705

1 Amend House File 317 as follows:

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

4 "Section 1. NEW SECTION. 2C.1 LEGISLATIVE  
5 POLICY.

6 The general assembly finds that the right of every  
7 person to engage in a lawful profession of providing  
8 personal health care services is a right which should  
9 not be abridged except as a reasonable exercise of the  
10 state's police power when it is clearly found to be  
11 necessary for the preservation of the health, safety,  
12 and welfare of the public.

13 It is declared to be the policy of the state that  
14 no regulation shall be imposed on these professions  
15 except for the exclusive purpose of protecting the  
16 public interest when:

17 1. Its unregulated practice can harm or endanger  
18 the health, safety, and welfare of the public.

19 2. Its practice requires specialized skill or  
20 training and the public needs and will benefit from  
21 assurances of initial and continuing professional  
22 ability.

23 3. The public is not effectively protected by  
24 other means.

25 Sec. 2. NEW SECTION. 2C.2 COMMISSION  
26 ESTABLISHED.

27 A commission on professional health care practices  
28 regulation is established. The commission shall be  
29 bipartisan and be composed of seventeen members  
30 appointed by the legislative council as follows:

31 1. One member shall be selected from the public  
32 members serving on the dental examining board.

33 2. One member shall be selected from the public  
34 members serving on the medical examining board.

35 3. One member shall be selected from the public  
36 members serving on the nursing examining board.

37 4. One member shall be selected from the public  
38 members serving on the pharmacy examining board.

39 5. One member shall be selected from the public  
40 members serving on the chiropractic examining board.

41 6. One member shall be selected from the public  
42 members serving on the dietetics examining board.

43 7. One member shall be selected from the public  
44 members serving on the optometry examining board.

45 8. One member shall be selected from the public  
46 members serving on the podiatry examining board.

47 9. One member shall be selected from the public  
48 members serving on the physical and occupational  
49 therapy examining board.

50 10. Six public members.

## Page 2

1 11. One member who is a hospital administrator.

2 12. One member who is knowledgeable in health  
3 insurance.

4 A member of the general assembly shall not serve on  
5 the commission.

6 Sec. 3. NEW SECTION. 2C.3 TERM OF OFFICE.

7 A commission member shall be appointed for a term  
8 of four years. However, of the initial appointments,  
9 four shall be for a term of one year, four shall be  
10 for a term of two years, four shall be for a term of  
11 three years, and five shall be for a term of four  
12 years. If a vacancy occurs, the appointment of a  
13 person to fill the vacancy shall be for the remainder  
14 of that term of office. The term of a member  
15 appointed under section 2C.2, subsections 1 through 9,  
16 shall expire upon the expiration of the term of the  
17 member's appointment to the board specified in section  
18 2C.2, subsections 1 through 9.

19 Sec. 4. NEW SECTION. 2C.4 ORGANIZATION —  
20 COMPENSATION.

21 The commission shall organize annually and elect a  
22 chairperson and vice chairperson.

23 The members of the commission shall be paid a per  
24 diem of forty dollars and actual and necessary  
25 expenses from funds appropriated by section 2.12.

26 Sec. 5. NEW SECTION. 2C.5 DUTIES.

27 1. The commission shall review all requests for  
28 changes in the professional qualifications, insurance  
29 coverage, direct insurance payment, and scope of  
30 practice in those areas of health care regulations  
31 including but not limited to the practices of  
32 medicine, dentistry, pharmacy, nursing, chiropractics,  
33 dietetics, optometry, podiatry, and occupational and  
34 physical therapy. Any proposed amendments in the law  
35 relating to these professional practices shall be  
36 submitted to the commission for its review. Upon  
37 review of these recommendations by the commission, the  
38 commission shall refer the recommendations to the  
39 general assembly for its consideration.

40 2. In reviewing recommendations relating to these  
41 professional practices, the commission shall consider  
42 the following social impacts:

43 a. To what extent is the treatment or service  
44 related to the individual mandates or direct pay  
45 issues under insurance coverage and whether the  
46 treatment or services are utilized by a significant  
47 portion of the population.

48 b. To what extent is the insurance coverage  
49 presently generally available.

50 c. If insurance coverage is not generally

## Page 3

1 available for the treatment or service, to what extent  
2 does the lack of coverage result in persons avoiding  
3 necessary health care treatments.

4 d. If the insurance coverage is not generally  
5 available, to what extent does the lack of coverage  
6 result in unreasonable financial hardship to the  
7 public.

8 e. What is the level of public demand for the  
9 treatment or service.

10 f. What is the level of public demand for  
11 insurance coverage for the treatment or service.

12 g. What is the level of interest of collective  
13 bargaining agents in negotiating privately for  
14 inclusion of this coverage in group contracts.

15 3. In reviewing recommendations relating to these  
16 professional practices, the commission shall also  
17 consider the following financial impacts:

18 a. To what extent will the coverage increase or  
19 decrease the cost of the treatment or service.

20 b. To what extent will the coverage increase the  
21 appropriate use of the treatment or service.

22 c. To what extent will the mandated treatment or  
23 service be a substitute for more expensive treatment  
24 or service.

25 d. To what extent will the coverage increase or  
26 decrease the administrative expenses of insurance  
27 companies and the premium and administrative expenses  
28 of policyholders.

29 e. To what extent will this coverage impact the  
30 total cost of health care.

31 f. To what extent are educational and supervised  
32 clinical opportunities available to teach any  
33 authorized practice or techniques.

34 Sec. 6. NEW SECTION. 2C.6 RESEARCH AND  
35 STATISTICS.

36 The commission shall develop a data base of the  
37 laws and rules regulating these professions in other  
38 states. The commission shall also monitor the social  
39 and financial impacts of any changes in the law and  
40 rules of other states. The commission may employ a  
41 consultant to assist it in compiling the information  
42 necessary for it to make decisions on issues submitted  
43 to the commission. The commission shall annually  
44 issue a summary of its data to the general assembly  
45 upon the convening of the general assembly.

46 Sec. 7. NEW SECTION. 2C.7 STAFF SUPPORT.

47 The legislative service bureau shall provide  
48 administrative and staff assistance to the commission.  
49 The commission may also request the assistance of the  
50 legislative fiscal bureau, the Iowa department of

## Page 4

1 public health, the health data commission, the  
2 department of human services, and the department of  
3 commerce and upon request, those agencies shall  
4 cooperate with the commission and provide the  
5 assistance required.

6 Sec. 8. NEW SECTION. 2C.8 PROPOSALS SUBMITTED.

7 If any of the professional practices have a  
8 proposal to submit relating to the regulation of the  
9 practice, the proposal shall be submitted to the  
10 commission. The commission shall conduct an  
11 investigation of the impact of the proposal as  
12 provided in this chapter and compile a record of its  
13 findings and recommendations to the legislative  
14 council and the general assembly by January 1 of each  
15 year. The commission may file interim reports with  
16 the legislative service bureau when the commission  
17 deems it necessary. In its review of the proposal,  
18 the commission may conduct public hearings, receive  
19 testimony and conduct such additional investigations  
20 as it determines necessary to make its  
21 recommendations."

22 2. Title page, lines 1 through 3, by striking the  
23 words "allowing therapeutically certified optometrists  
24 to employ and supply certain pharmaceutical agents and  
25 to treat certain conditions" and inserting the  
26 following: "creating a commission on professional  
27 health care practices to review the fiscal and social  
28 impact of changes in certain professional health care  
29 practices".

JOCHUM of Dubuque  
SWARTZ of Marshall  
HANSON of Delaware

## H—3707

1 Amend amendment, H—3641, to House File 39, as  
2 follows:

3 1. Page 1, line 27, by inserting after the word  
4 "files." the following: "Results of examination and  
5 testing shall not be reported to a clerk of the  
6 district court and the clerk shall not deny issuing a  
7 marriage license under this section if the applicant  
8 has presented a signed physician's certificate which  
9 meets all the requirements of this subsection."

SPEAR of Lee

## H—3708

1 Amend Senate File 38, as passed by the Senate, as  
2 follows:

- 3 1. Page 1, line 4, by striking the words "state  
4 conservation commission" and inserting the following:  
5 "department of natural resources".
- 6 2. Page 1, line 21, by striking the words "state  
7 conservation" and inserting the words "natural  
8 resource".
- 9 3. Page 1, line 30, by striking the word  
10 "commission" and inserting the word "department".
- 11 4. Page 1, line 33, by striking the word  
12 "commission" and inserting the word "department".
- 13 5. Page 2, line 3, by striking the word  
14 "commission" and inserting the word "department".
- 15 6. Page 2, by striking lines 6 through 9.

DVORSKY of Johnson

H-3712

- 1 Amend Senate File 312, as amended, passed, and re-  
2 printed by the Senate, as follows:
- 3 1. Page 1, by inserting before line 1 the  
4 following:  
5 "Sec. \_\_\_\_\_. Section 306C.16, unnumbered paragraph  
6 1, Code 1987, is amended to read as follows:  
7 Compensation required by section 306C.15 or 306C.24  
8 shall be paid for the following:"
- 9 2. Page 1, line 3, by striking the word "off-  
10 premise" and inserting the word "off-premises".
- 11 3. Page 1, line 5, by striking the word "on-  
12 premise" and inserting the word "on-premises".
- 13 4. Page 1, line 9, by striking the word "off-  
14 premise" and inserting the word "off-premises".
- 15 5. Page 1, line 12, by inserting after the word  
16 "located" the words "as provided in section 306C.16".
- 17 6. Page 1, line 14, by striking the word "off-  
18 premise" and inserting the word "off-premises".
- 19 7. Page 1, line 25, by striking the word "off-  
20 premise" and inserting the word "off-premises".
- 21 8. Page 1, line 35, by striking the word "off-  
22 premise" and inserting the word "off-premises".

Committee on Transportation

H-3721

- 1 Amend House File 592, as follows:
- 2 1. Page 2, by striking lines 32 through 34 and  
3 inserting the following:  
4 "5. a. Ensure that all operations of the board  
5 and corporations authorized under this part comply  
6 with the affirmative action requirements of chapter  
7 19B.  
8 b. Ensure that all loans guaranteed under this  
9 part are disbursed and collected without

10 discrimination and in accordance with section 601A.10,  
 11 subsection 2.  
 12 c. Ensure that the loans guaranteed under this  
 13 part are disbursed and utilized in accordance with the  
 14 targeted small business set-aside requirements of  
 15 sections 73.15 through 73.21.”

BRAMMER of Linn

H—3722

1 Amend House File 434 as follows:

2 1. Page 1, by striking lines 3 through 13 and  
 3 inserting the following:

4 “NEW SUBSECTION. 11. Any claim for injury to a  
 5 person who is on the land of another without charge  
 6 for the purpose of fishing, hunting, trapping,  
 7 camping, hiking, sightseeing, motorcycling,  
 8 snowmobiling, or any other outdoor recreational use,  
 9 against the owner, tenant, or lessee of the land  
 10 unless the injury is caused by the gross negligence or  
 11 willful and wanton misconduct of the owner, tenant, or  
 12 lessee.”

Committee on Judiciary and Law Enforcement

H—3723

1 Amend Senate File 496, as amended, passed, and  
 2 reprinted by the Senate, as follows:

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

5 “For the purpose of calculating wages under this  
 6 paragraph for a member other than a member from Polk  
 7 county, the daily expense allowance paid to a member  
 8 other than a member from Polk county during a  
 9 legislative session is equal to the daily expense  
 10 allowance paid under section 2.10, subsection 1, to a  
 11 member from Polk county. Notwithstanding the amount  
 12 of daily expense allowance actually paid to a member  
 13 other than a member from Polk county during a  
 14 legislative session, wages equal to the amount of  
 15 daily expense allowance paid to a member from Polk  
 16 county shall be used for the employer and employee  
 17 contributions made under section 97B.11.”

18 2. By striking page 1, line 29, through page 2,  
 19 line 15.

20 3. Page 3, by striking lines 15 through 32.

21 4. By striking page 3, line 33, through page 4,  
 22 line 13.

23 5. Page 4, by striking lines 20 through 23.

Committee on State Government

H--3727

1 Amend the amendment, H--3723, to Senate File 496, as  
2 amended, passed, and reprinted by the Senate, as  
3 follows:

4 1. Page 1, by striking lines 3 through 17 and  
5 inserting the following:

6 "\_\_\_\_\_. Page 1, by striking lines 1 through 14 and  
7 inserting the following:

8 "Section 1. Section 97B.41, subsection 1, para-  
9 graph a, unnumbered paragraph 2, Code 1987, is amended  
10 by striking the unnumbered paragraph."

11 \_\_\_\_\_. Page 1, by inserting after line 28 the  
12 following:

13 "Sec. \_\_\_\_\_. Section 97B.41, subsection 3, paragraph  
14 b, subparagraph (2), Code 1987, is amended to read as  
15 follows:

16 (2) ~~Members of the general assembly of Iowa and~~  
17 ~~temporary~~ Temporary employees of the general assembly  
18 of Iowa unless ~~such members or the~~ employees shall  
19 make an application to the department to be covered  
20 under the provisions of this chapter. A member of the  
21 general assembly ~~or~~ temporary employee of the general  
22 assembly who made an application to the department to  
23 be covered under this chapter may terminate membership  
24 under this chapter by informing the department in  
25 writing of the ~~member's or~~ temporary employee's  
26 termination.

27 Sec. \_\_\_\_\_. Section 97B.41, subsection 3, paragraph  
28 b, Code 1987, is amended by adding the following new  
29 subparagraph:

30 NEW SUBPARAGRAPH. (14) Members of the general as-  
31 sembly." "

32 2. Page 1, by inserting after line 22 the  
33 following:

34 "\_\_\_\_\_. Page 4, by inserting before line 14 the  
35 following:

36 "Sec. \_\_\_\_\_. Effective July 1, 1987, the active  
37 membership of a member of the general assembly in the  
38 Iowa public employees' retirement system is  
39 terminated."

TYRRELL of Iowa

H--3728

1 Amend Senate File 91, as passed by the Senate, as  
2 follows:

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

5 "Section 1. Section 173.1, Code 1987, is amended  
6 by striking the section and inserting in lieu thereof  
7 the following:

## 8 173.1 STATE FAIR AUTHORITY.

9 The Iowa state fair authority is established as a  
10 public instrumentality of the state. The authority is  
11 not an agency of state government. However, the  
12 authority is considered a state agency and its  
13 employees state employees for the purposes of chapters  
14 17A and 25A. The authority is established to conduct  
15 an annual state fair and exposition on the Iowa state  
16 fairgrounds and to conduct other interim events  
17 consistent with its rules. The powers of the  
18 authority are vested in the Iowa state fair board.  
19 The Iowa state fair board consists of the following:

20 1. The governor of the state, the secretary of  
21 agriculture, and the president of the Iowa State  
22 University of science and technology or their  
23 qualified representatives.

24 2. One director from each congressional district  
25 and three directors at large, to be elected at a  
26 convention as provided in section 173.2.

27 3. A president and vice president to be elected by  
28 the state fair board from the nine elected directors.

29 4. A secretary and a treasurer to be elected by  
30 the board, and who shall be nonvoting members.

31 Sec. 2. Section 173.9, Code 1987, is amended by  
32 striking the section and inserting in lieu thereof the  
33 following:

## 34 173.9 SECRETARY.

35 The board shall appoint a secretary who shall hold  
36 office for one year. The secretary shall:

37 1. Administer the policies set by the board.

38 2. Employ other employees and agents as the  
39 secretary deems necessary for carrying out the  
40 policies of the board and to conduct the affairs of  
41 the state fair. The secretary may fix the duties and  
42 compensation of any employees or agents with the  
43 approval of the board.

44 3. Keep a complete record of the annual convention  
45 and of all meetings of the board.

46 4. Draw all warrants on the treasurer of the board  
47 and keep a correct account of them.

48 5. Perform other duties as the board directs.

49 Sec. 3. Section 173.10, Code 1987, is amended to  
50 read as follows:

**Page 2**

## 1 173.10 SALARY OF SECRETARY.

2 The secretary shall receive ~~such the~~ salary as  
3 fixed by the ~~general assembly board~~.

4 Sec. 4. Section 173.14, Code 1987, is amended by  
5 striking the section and inserting in lieu thereof the  
6 following:

## 7 173.14 FUNCTIONS OF THE BOARD.

8 The state fair board has the custody and control of  
9 the state fairgrounds, including the buildings and  
10 equipment on it belonging to the state, and may:

11 1. Hold an annual fair and exposition on those  
12 grounds. All revenue generated by the fair and any  
13 interim uses shall be retained solely by the board.

14 2. Prepare premium lists and establish rules of  
15 exhibitors for the fair which shall be published by  
16 the board not later than sixty days prior to the  
17 opening of the fair.

18 3. Grant a written permit to persons as it deems  
19 proper to sell fruit, provisions, and other lawful  
20 articles under rules the board prescribes.

21 4. Appoint security personnel as the president  
22 deems necessary.

23 5. Take and hold property by gift, devise, or  
24 bequest for fair purposes. The president, secretary,  
25 and treasurer of the board shall have custody and  
26 control of the property, subject to the action of the  
27 board. Those officers shall give bonds as required in  
28 the case of executors, to be approved by the board and  
29 filed with the secretary of state.

30 6. Erect and repair buildings on the grounds and  
31 make other necessary improvements.

32 7. Grant written permission to persons to use the  
33 fairgrounds when the fair is not in progress.

34 8. Take, acquire, hold, and dispose of property by  
35 deed, gift, devise, bequest, lease, or eminent domain.  
36 The title to real estate acquired under this  
37 subsection and improvements erected on the real estate  
38 shall be taken and held in the name of the state of  
39 Iowa and shall be under the custody and control of the  
40 board. In the exercise of the power of eminent domain  
41 the board shall proceed in the manner provided in  
42 chapters 471 and 472.

43 9. Solicit and accept contributions from private  
44 sources for the purpose of financing and supporting  
45 the fair.

46 10. Make an agreement with the Iowa highway safety  
47 patrol to provide for security during the annual fair  
48 and exposition and interim events.

49 Sec. 5. NEW SECTION. 173.14A GENERAL CORPORATE  
50 POWERS OF THE AUTHORITY.

**Page 3**

1 The authority has all of the general corporate  
2 powers needed to carry out its purposes and duties,  
3 and to exercise its specific powers including, but not  
4 limited to, the power to:

5 1. Issue its negotiable bonds and notes as

6 provided in this chapter.

7 2. Sue and be sued in its own name.

8 3. Have and alter a corporate seal.

9 4. Make and alter bylaws for its management  
10 consistent with this chapter.

11 5. Make and execute agreements, contracts, and  
12 other instruments, with any public or private entity.

13 6. Accept appropriations, gifts, grants, loans, or  
14 other aid from public or private entities.

15 7. Make, alter, and repeal rules consistent with  
16 this chapter, subject to chapter 17A.

17 Sec. 6. NEW SECTION. 173.14B BONDS AND NOTES.

18 1. The board may issue and sell negotiable revenue  
19 bonds of the authority in denominations and amounts as  
20 the board deems for the best interests of the fair,  
21 for any of the following purposes:

22 a. To acquire real estate to be devoted to uses  
23 for the fair.

24 b. To pay any expenses or costs incidental to a  
25 building or repair project.

26 c. To provide sufficient funds for the advancement  
27 of any of its corporate purposes.

28 2. The board may issue negotiable bonds and notes  
29 of the authority in principal amounts which are  
30 necessary to provide sufficient funds for achievement  
31 of its corporate purposes, the payment of interest on  
32 its bonds and notes, the establishment of reserves to  
33 secure its bonds and notes, and all other expenditures  
34 of the board incident to and necessary or convenient  
35 to carry out its purposes and powers. However, the  
36 total principal amount of bonds and notes outstanding  
37 at any time shall not exceed one hundred fifty million  
38 dollars. The bonds and notes are deemed to be  
39 investment securities and negotiable instruments  
40 within the meaning of and for all purposes of the  
41 uniform commercial code.

42 3. Bonds and notes are payable solely out of the  
43 moneys, assets, or revenues of the authority and as  
44 provided in the agreement with bondholders or  
45 noteholders pledging any particular moneys, assets, or  
46 revenues. Bonds or notes are not an obligation of  
47 this state or its political subdivisions other than  
48 the authority within the meaning of any constitutional  
49 or statutory debt limitations, but are special  
50 obligations of the authority payable solely from

Page 4

1 sources provided in this chapter, and the authority  
2 shall not pledge the credit or taxing power of this  
3 state or its political subdivisions other than the  
4 authority or make its debts payable out of any moneys

5 except those of the authority.

6 4. Bonds shall:

7 a. State the date and series of the issue, be  
8 consecutively numbered, and state on their face that  
9 they are payable both as to principal and interest  
10 solely out of the assets of the authority and do not  
11 constitute an indebtedness of this state or its  
12 political subdivisions other than the authority within  
13 the meaning of any constitutional or statutory debt  
14 limit.

15 b. Be either registered, registered as to  
16 principal only, or in coupon form, issued in  
17 denominations as the board prescribes, fully  
18 negotiable instruments under the laws of this state,  
19 signed on behalf of the authority with the manual or  
20 facsimile signature of the president or vice  
21 president, attested by the manual or facsimile  
22 signature of the secretary, have impressed or  
23 imprinted on it the seal of the authority or facsimile  
24 of it, and coupons attached shall be signed with the  
25 facsimile signature of the president or vice  
26 president, be payable as to interest at rates and at  
27 times as the authority determines, be payable as to  
28 principal at times over a period not to exceed fifty  
29 years from the date of issuance, at places and with  
30 reserved rights of prior redemption, as the board  
31 prescribes, be sold at prices, at public or private  
32 sale, and in a manner as the board prescribes, and the  
33 board may pay all expenses, premiums, and commissions  
34 which it deems necessary or advantageous in connection  
35 with the issuance and sale; and be issued subject to  
36 the terms, conditions, and covenant providing for the  
37 payment of the principal, redemption premiums, if any,  
38 interest, and other terms, conditions, covenants, and  
39 protective provisions safeguarding payment, not  
40 inconsistent with this chapter, as are found to be  
41 necessary by the board for the most advantageous sale,  
42 which may include, but are not limited to, covenants  
43 with the holders of the bonds as to those matters set  
44 forth in section 220.26, subsection 4, paragraph "b".

45 5. The board may issue bonds of the authority for  
46 the purpose of refunding any bonds or notes of the  
47 authority then outstanding, including the payment of  
48 any redemption premiums and any interest accrued or to  
49 accrue to the date of redemption of the outstanding  
50 bonds or notes. Until the proceeds of the bonds

**Page 5**

1 issued for the purpose of refunding outstanding bonds  
2 or notes are applied to the purchase or retirement of  
3 outstanding bonds or notes or the redemption of

4 outstanding bonds or notes, the proceeds may be placed  
5 in escrow and be invested and reinvested in accordance  
6 with this chapter. The interest, income, and profits  
7 earned or realized on an investment may also be  
8 applied to the payment of the outstanding bonds or  
9 notes to be refunded by purchase, retirement, or  
10 redemption. After the terms of the escrow have been  
11 fully satisfied and carried out, any balance of  
12 proceeds and interest earned or realized on the  
13 investments may be returned to the authority for use  
14 by it in any lawful manner. All refunding bonds shall  
15 be issued and secured and subject to this chapter in  
16 the same manner and to the same extent as other bonds.

17 6. The board may issue negotiable bond  
18 anticipation notes of the authority and may renew them  
19 from time to time but the maximum maturity of the  
20 notes, including renewals, shall not exceed ten years  
21 from the date of issue of the original notes. Notes  
22 are payable from any available moneys of the authority  
23 not otherwise pledged or from the proceeds of the sale  
24 of bonds in anticipation of which the notes were  
25 issued. Notes may be issued for any corporate purpose  
26 of the authority. Notes shall be issued in the same  
27 manner as bonds and notes and the resolution of the  
28 board may contain any provisions, conditions, or  
29 limitations, not inconsistent with this subsection,  
30 which the bonds or a bond resolution of the board may  
31 contain. Notes may be sold at public or private sale.  
32 In case of default on its notes or violation of any  
33 obligations of the authority to the noteholders, the  
34 noteholders have all the remedies provided in this  
35 chapter for bondholders. Notes shall be as fully  
36 negotiable as bonds of the authority.

37 7. A copy of each pledge agreement by or to the  
38 authority, including without limitation each bond  
39 resolution, indenture of trust, or similar agreement,  
40 or any revisions or supplements to it shall be filed  
41 with the secretary of state and no further filing or  
42 other action under article 9 of the uniform commercial  
43 code or any other law of the state is required to  
44 perfect the security interest in the collateral or any  
45 additions to it or substitutions for it, and the lien  
46 and trust so created is binding from and after the  
47 time it is made against all parties having claims of  
48 any kind in tort, contract, or otherwise against the  
49 pledgor.

50 8. Members of the board and any person executing

**Page 6**

1 the authority's bonds, notes, or other obligations are  
2 not liable personally on the bonds, notes, or other

3 obligations or subject to personal liability or  
 4 accountability by reason of the issuance of the  
 5 authority's bonds or notes.

6 9. The board shall publish a notice of intention  
 7 to issue bonds or notes in a newspaper published and  
 8 of general circulation in the state. The notice shall  
 9 include a statement of the maximum amount of bonds or  
 10 notes proposed to be issued, and in general, what net  
 11 revenues will be pledged to pay the bonds or notes and  
 12 interest on them. An action shall not be brought  
 13 questioning the legality of the bonds or notes, the  
 14 power of the board to issue the bonds or notes, or the  
 15 legality of any proceedings in connection with the  
 16 authorization or issuance of the bonds or notes after  
 17 sixty days from the date of publication of the notice.

18 Sec. 7. Section 173.21, unnumbered paragraph 1,  
 19 Code 1987, is amended to read as follows:

20 The state fair board shall file with the governor  
 21 each year at the time provided by law make by February  
 22 15 a report to the governor containing the following  
 23 information relative to the state fair and exposition  
 24 and the district and county fairs:

25 Sec. 8. NEW SECTION. 173.23 LIEN ON PROPERTY.

26 The board has a prior lien upon the property of any  
 27 concessionaire, exhibitor, or person, immediately upon  
 28 the property being brought onto the grounds, to secure  
 29 existing or future indebtedness.

30 Sec. 9. NEW SECTION. 173.24 INAPPLICABILITY OF  
 31 THE STATE MERIT SYSTEM.

32 The fair's secretary and persons employed by the  
 33 board are not subject to the state merit system of  
 34 personnel administration of chapter 19A or the  
 35 collective bargaining provision of chapter 20.

36 Sec. 10. NEW SECTION. 173.25 EXEMPTION OF STATE  
 37 FAIR BY THE STATE'S PURCHASING PROCEDURES.

38 The state fair is exempt from the state system of  
 39 uniform purchasing procedures. However, the board may  
 40 contract with the department of general services to  
 41 purchase any items through the state system. The  
 42 board shall adopt its own system of uniform standards  
 43 and specifications for purchasing.

44 Sec. 11. NEW SECTION. 173.26 RETIREMENT SYSTEM.

45 A person who was an employee of the Iowa state fair  
 46 on the effective date of this Act, who becomes an  
 47 employee of the authority on or after that date is  
 48 subject to chapters 91B, 97B, and 509A.

49 Sec. 12. Section 173.20, Code 1987, is repealed.

50 Sec. 13. The Iowa state fair board shall conduct a

## Page 7

1 study and file its recommendations with the general  
2 assembly by January 15, 1988. The study shall examine  
3 whether the cultural and exposition objectives of the  
4 state fair would, in the long term, be better served  
5 by a relocation of the state fairgrounds and by the  
6 development of more multipurpose buildings on a new or  
7 the present fairgrounds.

8 Only fifteen million dollars of the bonds and notes  
9 authorized by section 173.14B may be issued before and  
10 by January 15, 1988."

11 2. Title page, by striking lines 1 and 2 and  
12 inserting the following: "An Act relating to the Iowa  
13 state fair by creating an independent Iowa state fair  
14 authority, authorizing the issuance of bonds and  
15 notes."

Committee on Agriculture

## H-3730

1 Amend Senate File 311 as amended, passed, and  
2 reprinted by the Senate as follows:

3 1. Page 1, line 28, by inserting after the word  
4 "after" the words "the date of its enactment or".

5 2. Page 1, line 28, by striking the word  
6 "legislation," and inserting the following:  
7 "legislation".

8 3. Page 1, line 30, by inserting after the word  
9 "law" the following: ", whichever occurs later".

KOENIGS of Mitchell

## H-3738

1 Amend Senate File 471, as amended, passed, and re-  
2 printed by the Senate, as follows:

3 1. Page 7, by inserting after line 6 the  
4 following:

5 "Sec. \_\_\_\_\_. NEW SECTION. 540.5 NONPROFIT  
6 ORGANIZATIONS.

7 A nonprofit corporation organized or authorized  
8 under chapter 504 or 504A, including the directors,  
9 officers, employees, or members of the nonprofit  
10 corporation, is not liable for debts or obligations  
11 that arise when the corporation serves as an  
12 intermediary between persons contracting for a loan,  
13 including but not limited to, an agricultural loan.  
14 However, this section does not reduce a debt or  
15 obligation created by a corporation that contracts as  
16 a principal, surety, or guarantor of a loan."

17 2. Renumber as necessary.

STUELAND of Clinton

H-3739

- 1 Amend the Committee amendment, H-3693, to Senate  
 2 File 397, as amended, passed, and reprinted by the  
 3 Senate, as follows:
- 4 1. Page 5, by striking lines 11 and 12 and in-  
 5 serting the following:  
 6 "(g) Gas utility costs if the primary heating  
 7 source is electricity, electric utility costs if the  
 8 primary heating source is gas, or other utility costs  
 9 if the primary heating source is supplied by a heating  
 10 fuel supplier."  
 11 2. Page 7, line 37, by striking the word  
 12 "either".  
 13 3. Page 7, by striking lines 40 through 42 and  
 14 inserting the following: "repairs or temporary  
 15 shelter."  
 16 4. Page 7, line 43, by striking the words "An  
 17 annual" and inserting the word "A".  
 18 5. Page 7, by striking lines 45 through 47 and  
 19 inserting the following: "toward payment of old  
 20 heating fuel bills."

VAN CAMP of Scott

H-3742

- 1 Amend amendment H-3693 to Senate File 397 as  
 2 amended, passed and reprinted by the Senate as  
 3 follows:
- 4 1. Page 4, by striking lines 39 through 41 and  
 5 inserting the following: "adopted by the utilities  
 6 board."

COREY of Louisa

H-3743

- 1 Amend Senate File 496, as amended, passed, and  
 2 reprinted by the Senate, as follows:
- 3 1. Page 2, by inserting after line 15 the  
 4 following:  
 5 "Sec. \_\_\_\_\_. Section 97B.49, Code 1987, is amended  
 6 by adding the following new subsection:  
 7 NEW SUBSECTION. 15. a. Notwithstanding other  
 8 provisions of this chapter, a member who is or has  
 9 been employed by an airport commission created under  
 10 section 330.20 as an airport safety officer and who  
 11 retires on or after July 1, 1987, and at the time of  
 12 retirement is at least sixty years of age and has  
 13 completed at least twenty-five years of membership  
 14 service as an airport safety officer, may elect to  
 15 receive, in lieu of the receipt of any benefits under  
 16 subsection 5, a monthly retirement allowance equal to

17 one-twelfth of fifty percent of the member's three-  
18 year average covered wage as an airport safety  
19 officer, with benefits payable during the member's  
20 lifetime.

21 An airport safety officer who retires on or after  
22 July 1, 1987 and has not completed twenty-five years  
23 of membership service as required under this  
24 subsection is eligible to receive a monthly retirement  
25 allowance equal to one-twelfth of fifty percent of the  
26 member's three-year average covered wage as an airport  
27 safety officer multiplied by a fraction of years of  
28 service as an airport safety officer. For the purpose  
29 of this subsection, "fraction of years of service"  
30 means a number, not to exceed one, equal to the sum of  
31 the years of membership service as an airport safety  
32 officer, divided by twenty-five years. On or after  
33 July 1, 1987, if the airport safety officer has not  
34 reached sixty years of age at retirement, the monthly  
35 retirement allowance shall be reduced by five-tenths  
36 of one percent per month for each month that the  
37 airport safety officer's retirement precedes the date  
38 on which the airport safety officer attains sixty  
39 years of age.

40 b. An airport commission and employee eligible for  
41 benefits under this subsection shall annually  
42 contribute an amount determined by the department of  
43 personnel, as a percentage of covered wages, to be  
44 necessary to pay for the additional benefits provided  
45 by this subsection. The annual contribution in excess  
46 of the employer and employee contributions required by  
47 this chapter shall be paid by the employer and the  
48 employee in the same proportion that employer and  
49 employee contributions are made under section 97B.11.  
50 The additional percentage of covered wages shall be an

**Page 2**

1 actuarially determined amount for service as an  
2 airport safety officer which, if contributed  
3 throughout the entire period of active service, would  
4 be sufficient to provide the pension benefit provided  
5 in this subsection."

RUNNING of Linn

H-3746

1 Amend Senate File 480, as amended, passed, and re-  
2 printed by the Senate, as follows:

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

5 "15. "Scheduled entertainment" includes attendance  
6 at or participation in speaking engagements, films,

7 musical or theatrical events or recreational games,  
 8 but does not include favors of complimentary  
 9 merchandise, door prizes, raffle prizes or prizes  
 10 resulting from recreational games."

BENNETT of Ida

H—3750

1 Amend the amendment, H—3735, to Senate File 274, as  
 2 passed by the Senate, as follows:  
 3 1. By striking page 3, line 44 through page 4,  
 4 line 1 and inserting the following:  
 5 "5. The division may employ persons for the  
 6 following positions:  
 7 a. A person to develop, implement, and administer  
 8 the certified Iowa agricultural products program.  
 9 b. A person to develop, implement, and administer  
 10 the agricultural products data collection bank."

MAY of Worth

H—3755

1 Amend the amendment, H—3723, to Senate File 496, as  
 2 amended, passed, and reprinted by the Senate, as  
 3 follows:  
 4 1. Page 1, by striking lines 3 through 17 and  
 5 inserting the following:  
 6 "\_\_\_\_\_. Page 1, by striking lines 1 through 14."

HOLVECK of Polk  
 GARMAN of Story  
 LAGESCHULTE of Bremer  
 JOHNSON of Winneshiek  
 DVORSKY of Johnson  
 DAGGETT of Adams  
 CARPENTER of Polk

McKEAN of Jones  
 NEUHAUSER of Johnson  
 DE GROOT of Lyon  
 TYRRELL of Iowa  
 PETERSEN of Muscatine  
 VAN MAANEN of Mahaska  
 SHONING of Woodbury  
 HAMMOND of Story  
 BRANSTAD of Winnebago

H—3757

1 Amend Senate File 496, as amended, passed, and  
 2 reprinted by the Senate, as follows:  
 3 1. Page 4, by inserting after line 23 the  
 4 following:  
 5 "Sec. \_\_\_\_\_. Section 1 of this Act takes effect  
 6 January 9, 1989."

SHONING of Woodbury  
 TYRRELL of Iowa  
 VAN CAMP of Scott  
 BENNETT of Ida

CARPENTER of Polk  
 GARMAN of Story  
 LUNDBY of Linn  
 PETERSEN of Muscatine  
 McKEAN of Jones

H-3758

1 Amend Senate File 496, as amended, passed, and  
2 reprinted by the Senate, as follows:

3 1. Page 4, by inserting after line 13 the fol-  
4 lowing:

5 "Sec. \_\_\_\_\_. Section 411.6, subsection 5, unnumbered  
6 paragraph 2, Code 1987, is amended to read as follows:

7 Should a member in service or the chief of the  
8 police or fire departments become incapacitated for  
9 duty as a natural or proximate result of an injury or  
10 disease incurred in or aggravated by the actual  
11 performance of duty at some definite time or place or  
12 while acting, pursuant to order, outside the city by  
13 which the member is regularly employed, the member  
14 shall, upon being found to be temporarily  
15 incapacitated following an examination by the board of  
16 trustees, be entitled to receive the member's full pay  
17 and allowances from the city's general fund until re-  
18 examined by said the board and found to be fully  
19 recovered or permanently disabled."

20 2. Title page, by striking line 2 and inserting  
21 the following: "members of public retirement  
22 systems."

CONNORS of Polk

H-3759

1 Amend amendment H-3693 to Senate File 397 as  
2 amended, passed and reprinted by the Senate as  
3 follows:

4 1. Page 3, line 24, by inserting after the word  
5 "period" the following: "; such amount shall be in  
6 addition to the payment required under subsection 6.  
7 Service of a customer who fails to maintain these  
8 agreed to payments may be terminated".

PAULIN of Plymouth

H-3762

1 Amend the Committee on Ways and Means amendment, H-  
2 3736, to Senate File 481 as amended, passed and  
3 reprinted by the Senate, as follows:

4 1. Page 2, by striking lines 25 through 31 and  
5 inserting the following:

6 "a. On all taxable income from zero through five  
7 thousand dollars, two percent.

8 b. On all taxable income exceeding five thousand  
9 dollars but not exceeding seven thousand dollars, four  
10 percent.

11 c. On all taxable income exceeding seven thousand  
12 dollars, six percent."

- 13 2. Page 4, by striking lines 35 through 44 and  
 14 inserting the following:  
 15 "Sec. 8. Section 422.9, subsection 1, unnumbered  
 16 paragraph 1, Code 1987, is amended to read as follows:  
 17 An optional standard deduction of fifteen percent  
 18 of the net income ~~after deduction of federal income~~  
 19 ~~tax~~, not to exceed one thousand two hundred dollars  
 20 for a married person who files separately, one  
 21 thousand two hundred dollars for a single person or  
 22 three thousand dollars for a husband and wife who file  
 23 a joint return, a surviving spouse as defined in  
 24 section 2 of the Internal Revenue Code of 1954, or an  
 25 unmarried head of household as defined in the Internal  
 26 Revenue Code of 1954."  
 27 3. Page 5, by striking lines 21 through 35.

BENNETT of Ida

H-3763

- 1 Amend House File 671 as follows:  
 2 1. Page 23, line 2, by striking the figure  
 3 "29,000,000" and inserting the following:  
 4 "29,033,714".  
 5 2. Page 23, line 15, by striking the figure  
 6 "62,517,500" and inserting the following:  
 7 "63,025,636".  
 8 3. Page 24, by inserting after line 30 the  
 9 following:  
 10 "\_\_\_\_\_. Effective April 1, 1988, the department  
 11 shall liberalize its resource policies in the aid to  
 12 families with dependent children program by excluding  
 13 the value of income producing property of self-  
 14 employed individuals to the extent allowed by the  
 15 United States department of health and human  
 16 services."  
 17 4. Page 28, line 4, by striking the figure  
 18 "137,982,500" and inserting the following:  
 19 "138,449,146".  
 20 5. Page 29, line 33, by striking the figure  
 21 "2,550,000" and inserting the following: "2,559,275".

MULLINS of Kossuth

H-3764

- 1 Amend the Committee on Transportation amendment, H-  
 2 3712, to Senate File 312 as amended, passed and  
 3 reprinted by the Senate as follows:  
 4 1. Page 1, by striking lines 13 through 16 and  
 5 inserting the following:  
 6 "\_\_\_\_\_. Page 1, by striking lines 7 through 12 and  
 7 inserting the following:  
 8 "2. JUST COMPENSATION REQUIRED. Political

9 subdivisions of this state and the department shall”.”  
 10 2. Page 1, by inserting after line 18 the  
 11 following:  
 12 “\_\_\_\_\_ Page 1, line 19, by striking the words “For  
 13 the department, the” and inserting the following:  
 14 “The”.  
 15 \_\_\_\_\_ Page 1, line 22, by inserting before the  
 16 word “department” the following: “political  
 17 subdivisions of this state and the”.”

NEUHAUSER of Johnson

H-3767

1 Amend the Committee amendment, H-3693, to Senate  
 2 File 397, as amended, passed, and reprinted by the  
 3 Senate, as follows:  
 4 1. Page 2, by striking lines 11 through 13 and  
 5 inserting the following:  
 6 “c. “Shortfall” means the amount by which the  
 7 participant’s actual energy usage cost exceeds the  
 8 participant’s budget billing requirement under  
 9 subsection 6, paragraph “a” or the participant’s  
 10 affordable budget billing contribution under  
 11 subsection 6, paragraph “b”.”

VAN CAMP of Scott

H-3768

1 Amend the Committee amendment, H-3693, to Senate  
 2 File 397, as amended, passed, and reprinted by the  
 3 Senate, as follows:  
 4 1. Page 4, by striking lines 12 and 13, and  
 5 inserting the following: “between the cost of the  
 6 actual energy usage of a participant and the budget  
 7 billing requirements of paragraph “a” or “b” as  
 8 applicable, the”.

VAN CAMP of Scott

H-3775

1 Amend amendment H-3693 to Senate File 397 as  
 2 amended, passed and reprinted by the Senate as  
 3 follows:  
 4 1. Page 6, by striking lines 14 through 37 and  
 5 inserting the following:  
 6 “a. Two members of the house of representatives,  
 7 one appointed by the majority leader and one appointed  
 8 by the minority leader.  
 9 b. Two members of the senate, one appointed by the  
 10 majority leader and one appointed by the minority  
 11 leader.  
 12 c. Three nonvoting members appointed by the

13 legislative council, two of whom shall represent the  
 14 business community and one whom shall represent the  
 15 public accounting profession.

16 d. The director or director's designee of the  
 17 following state agencies shall be nonvoting members:

18 (1) Utilities board.

19 (2) Department of human rights.

20 (3) Department of revenue and finance.

21 (4) Department of human services.

22 e. The executive director or the executive  
 23 director's designee of the following associations  
 24 shall be nonvoting members:

25 (1) Iowa association of electric cooperatives.

26 (2) Iowa association of municipal utilities.

27 (3) Iowa utility association.

28 (4) Iowa association of community action directors.

29 (5) Petroleum marketers of Iowa.

30 (6) Iowa propane dealers association."

STROMER of Hancock

H-3782

1 Amend the Committee amendment, H-3693, to Senate  
 2 File 397, as amended, passed, and reprinted by the  
 3 Senate, as follows:

4 1. Page 3, by striking lines 7 through 12, and  
 5 inserting the following:

6 "terminated or denied. If the utility has been  
 7 notified by the CA agency that a household has been  
 8 approved for a LIHEAP grant, the utility shall not  
 9 terminate services for at least sixty days after such  
 10 notification."

11 2. Page 3, lines 26 and 27, by striking the words  
 12 "paragraphs "b" and "c" and inserting the following:  
 13 "paragraph "b"."

14 3. Page 5, line 29, by striking the words  
 15 "paragraphs "b" and "c" and inserting the following:  
 16 "paragraph "b"."

VAN CAMP of Scott

H-3783

1 Amend House File 671 as follows:

2 1. Page 46, by inserting after line 10 the  
 3 following:

4 "Sec. \_\_\_\_\_. Section 135C.3, Code 1987, is amended  
 5 by adding the following new unnumbered paragraph:  
 6 **NEW UNNUMBERED PARAGRAPH.** The minimum number of  
 7 hours of care per resident of an intermediate care  
 8 facility per day shall be two hours per resident per  
 9 day computed on a seven-day week. The department of  
 10 inspections and appeals shall establish the minimum

- 11 number of personnel necessary to provide nursing  
12 service and perform required duties at all times  
13 during each shift. The department of inspections and  
14 appeals shall adopt rules pursuant to chapter 17A, to  
15 implement these requirements.”  
16 2. By renumbering as necessary.

RUNNING of Linn

H—3784

- 1 Amend the Committee amendment, H—3693, to Senate  
2 File 397, as amended, passed, and reprinted by the  
3 Senate, as follows:  
4 1. Page 8, line 14, by inserting after the word  
5 “Act.” the following: “If the statewide maximum  
6 annual sales tax credit is exceeded, the participation  
7 of the heating fuel supplier in providing grants under  
8 the plan is suspended for the remainder of the twelve-  
9 month period and no more grants shall be certified  
10 under the plan by the community action agency for the  
11 remainder of the twelve-month period.”

VAN CAMP of Scott

H—3787

- 1 Amend the amendment, H—3752, to Senate File 455, as  
2 passed by the Senate, as follows:  
3 1. Page 1, line 30, by striking the word  
4 “seventeen” and inserting the following: “nineteen”.  
5 2. Page 1, by inserting after line 50 the  
6 following:  
7 “\_\_\_\_\_ One member shall be selected from the public  
8 members serving on the psychology examining board.”  
9 3. Page 2, line 1, by striking the word “Six” and  
10 inserting the following: “Seven”.  
11 4. Page 2, line 10, by striking the words “year,  
12 four” and inserting the following: “year, five”.  
13 5. Page 2, line 11, by striking the word “four”  
14 and inserting the following: “five”.  
15 6. Page 2, line 34, by inserting after the word  
16 “podiatry,” the following: “psychology,”.

JOCHUM of Dubuque

H—3797

- 1 Amend House File 671 as follows:  
2 1. Page 49, line 5, by striking the figure  
3 “54,000,000” and inserting the following:  
4 “54,332,000”.  
5 2. Page 50, line 4, by striking the figure  
6 “1,620,000” and inserting the following: “1,625,000”.  
7 3. Page 50, line 9, by striking the figure  
8 “65,000” and inserting the following: “68,200”.

SHERZAN of Polk

H—3808

- 1 Amend Senate File 480 as amended, passed, and
- 2 reprinted by the Senate as follows:
- 3 1. Page 2, line 5, by striking the words
- 4 "statewide office or the general assembly" and
- 5 inserting the following: "state, county, city, or
- 6 school office and includes a person elected to such
- 7 office until the person takes office".
- 8 2. Page 2, line 17, by striking the word
- 9 "financial".
- 10 3. Page 2, line 20, by inserting after the word
- 11 "donee's" the word "official".
- 12 4. Page 2, by inserting after line 22 the
- 13 following:
- 14 "As used in subparagraphs (1) and (2), "agency"
- 15 means the administrative unit of the state government
- 16 or political subdivision in which the person serves."
- 17 5. Page 3, line 13, by inserting after the word
- 18 "items" the following: "of negligible value".
- 19 6. Page 3, by striking lines 17 through 21 and
- 20 inserting the following:
- 21 "12. "Public disclosure" means a written report
- 22 required by this chapter or required by rules adopted
- 23 or executive order issued pursuant to this chapter.
- 24 Reports required of donors shall be filed by the
- 25 fifteenth day and reports required of donees shall be
- 26 filed by the twentieth day of the month following the
- 27 month in which a gift is received."
- 28 7. Page 4, line 17, by striking the words "of
- 29 fifty dollars or more" and inserting the following:
- 30 "exceeding five dollars".
- 31 8. Page 4, lines 22 and 23, by striking the words
- 32 "of fifty dollars or more" and inserting the
- 33 following: "exceeding five dollars".
- 34 9. Page 4, by striking line 29 and inserting the
- 35 following: "exceeding five dollars".
- 36 10. Page 4, lines 33 and 34, by striking the
- 37 words "of fifty dollars or more" and inserting the
- 38 words "exceeding five dollars".
- 39 11. Page 4, line 35, by inserting after the word
- 40 "days" the words "after receipt".
- 41 12. Page 5, line 2, by inserting after the word
- 42 "services" the words "and the donated gift shall not
- 43 be claimed as a charitable deduction for tax
- 44 purposes".
- 45 13. Page 5, by inserting after line 5 the
- 46 following:
- 47 "4. The limitations of this section do not apply
- 48 to gifts of food or beverages provided for immediate
- 49 consumption in the presence of the donor."
- 50 14. By striking page 7, line 14 through page 8,

## Page 2

1 line 25 and inserting the following:

2 "1. The house of representatives and the senate  
3 shall adopt rules requiring the reporting of gifts  
4 made to members of the general assembly, legislative  
5 employees, and their immediate family members. The  
6 rules shall require public disclosure of the nature,  
7 amount, date, and donor of a gift or gifts from any  
8 one donor or donors made to one of those individuals  
9 of food or beverages provided for immediate  
10 consumption in the presence of the donor which exceed  
11 fifteen dollars in value in any one calendar day.

12 2. The governor shall issue an executive order  
13 requiring the reporting of gifts made to officials and  
14 employees of the executive department of the state and  
15 their immediate family members. The executive order  
16 shall require public disclosure of the nature, amount,  
17 date, and donor of a gift or gifts from any one donor  
18 or donors made to one of those individuals of food or  
19 beverages provided for immediate consumption in the  
20 presence of the donor which exceed fifteen dollars in  
21 value in any one calendar day.

22 3. The supreme court of this state shall adopt  
23 rules requiring the reporting of gifts made to  
24 officials and employees of the judicial department of  
25 this state and their immediate family members. The  
26 rules shall require public disclosure of the nature,  
27 amount, date, and donor of a gift or gifts from any  
28 one donor or donors made to one of those individuals  
29 of food or beverages provided for immediate  
30 consumption in the presence of the donor which exceed  
31 fifteen dollars in value in any one calendar day.

32 4. The governing body of a political subdivision  
33 of this state shall adopt rules requiring the  
34 reporting of gifts made to its respective members and  
35 their immediate family members and its local officials  
36 and local employees and their immediate family  
37 members. The rules as adopted shall require public  
38 disclosure of the nature, amount, date, and donor of a  
39 gift or gifts from any one donor or donors made to one  
40 of those individuals of food or beverages provided for  
41 immediate consumption in the presence of the donor  
42 which exceed fifteen dollars in value in any one  
43 calendar day. Copies of the rules and reports shall  
44 be filed with the county auditor of the county in  
45 which the political subdivision is located.

46 The secretary of state shall develop a standard  
47 form for public disclosure of gifts in compliance with  
48 this subsection which shall be available at every  
49 county auditor's office without cost."

50 15. Page 9, by inserting after line 13 the

**Page 3**

- 1 following:  
 2 "8. The house of representatives, senate, supreme  
 3 court, and governing body of political subdivisions  
 4 shall adopt rules and the governor shall issue an  
 5 executive order which require an official, employer,  
 6 local official, local employee, member of the general  
 7 assembly, candidate, or legislative employee to report  
 8 the receipt of honoraria. The report shall include  
 9 the nature, amount, date, and payor of the honoraria  
 10 and shall be filed with the same officer as gift  
 11 reports are filed by the twentieth of the month  
 12 following the month in which the honoraria is  
 13 received."  
 14 16. Renumber as necessary.

HANSON of Delaware  
 MULLINS of Kossuth  
 McKEAN of Jones  
 CARPENTER of Polk

HOLVECK of Polk  
 ROSENBERG of Story  
 OSTERBERG of Linn  
 ADAMS of Hamilton  
 JOHNSON of Winneshiek

**H-3810**

- 1 Amend House File 671 as follows:  
 2 1. Page 5, line 26, by inserting after the word  
 3 "agencies" the following: "for three pilot projects,  
 4 one in-community action agencies IV, V, and XI".

BUHR of Polk  
 HAMMOND of Story

**H-3813**

- 1 Amend House File 671 as follows:  
 2 1. Page 27, by inserting after line 16 the  
 3 following:  
 4 "i. If House File 603 is enacted by the Seventy-  
 5 second General Assembly, 1987 Session, and becomes  
 6 law, the department shall allocate from the funds  
 7 appropriated in this subsection to the Iowa finance  
 8 authority the amount of one hundred thousand (100,000)  
 9 dollars, or so much thereof as is necessary, to be  
 10 used for the grant program for the homeless for the  
 11 construction, rehabilitation, or expansion of group  
 12 home shelter for the homeless."  
 13 2. Renumber as necessary.

JOCHUM of Dubuque

**H-3815**

- 1 Amend Senate File 274 as passed by the Senate as  
 2 follows:

3 1. Title page by striking lines 1 through 7 and  
 4 inserting the following: "An Act relating to the  
 5 exporting of Iowa agricultural products and  
 6 commodities, by providing for the establishment of an  
 7 Iowa export trading board, by authorizing the  
 8 department of agriculture and land stewardship to  
 9 establish inspection standards and procedures, a  
 10 certified Iowa agricultural products program, and an  
 11 agricultural products data collection bank, and  
 12 providing penalties."

KREMER of Buchanan

H—3820

1 Amend House File 671 as follows:  
 2 1. Page 76, by inserting after line 14 the  
 3 following:  
 4 "Sec. 427. Section 602.6107, unnumbered paragraph  
 5 1, Code 1987, is amended to read as follows:  
 6 For all judicial purposes except as provided in  
 7 section 602.6109, the state is divided into eight nine  
 8 judicial districts as follows:  
 9 Sec. 428. Section 602.6107, subsection 2, Code  
 10 1987, is amended to read as follows:  
 11 2. The second district consists of the counties of  
 12 Mitchell, Floyd, Butler, Bremer, Worth, Winnebago,  
 13 Hancock, Cerro Gordo, and Franklin, Wright, Humboldt,  
 14 Pocahontas, Sac, Calhoun, Webster, Hamilton, Carroll,  
 15 Greene, Hardin, Marshall, Story, and Boone.  
 16 Sec. 429. Section 602.6107, Code 1987, is amended  
 17 by adding the following new subsection:  
 18 NEW SUBSECTION. 9. The ninth district consists of  
 19 the counties of Wright, Humboldt, Pocahontas, Sac,  
 20 Calhoun, Webster, Hamilton, Carroll, Greene, Hardin,  
 21 Marshall, Story, and Boone.  
 22 Sec. 430. Section 602.6109, subsection 2,  
 23 paragraph c, Code 1987, is amended to read as follows:  
 24 c. Election district 2A 2 consists of the counties  
 25 of Mitchell, Floyd, Butler, Bremer, Worth, Winnebago,  
 26 Hancock, Cerro Gordo, and Franklin.  
 27 Sec. 431. Section 602.6109, subsection 2,  
 28 paragraph d, Code 1987, is amended by striking the  
 29 paragraph and renumbering the remaining paragraphs.  
 30 Sec. 432. Section 602.6109, subsection 2, Code  
 31 1987, is amended by adding the following new  
 32 paragraph:  
 33 NEW PARAGRAPH.  
 34 n. Election district 9 consists of the counties of  
 35 Wright, Humboldt, Pocahontas, Sac, Calhoun, Webster,  
 36 Hamilton, Carroll, Greene, Hardin, Marshall, Story,  
 37 and Boone.  
 38 Sec. 433. TRANSITION. The membership of district

39 judicial nominating commissions for judicial election  
40 districts 2 and 9 shall be as provided in chapter 46,  
41 subject to the following transition provisions:  
42 1. Those nominating commissioners of judicial  
43 election district 2 who are residents of Wright,  
44 Humboldt, Pocahontas, Sac, Calhoun, Webster, Hamilton,  
45 Carroll, Greene, Hardin, Marshall, Story, or Boone  
46 county shall be disqualified from serving in election  
47 district 2 on January 1, 1988, and their offices shall  
48 be deemed vacant. The vacancies created shall be  
49 filled as provided in section 46.5 for the remainder  
50 of the unexpired terms.

**Page 2**

1 2. After January 1, 1988 the governor shall  
2 appoint five eligible electors of judicial nominating  
3 district 9 to the district judicial nominating  
4 commission for terms commencing immediately upon  
5 appointment. Two of the appointees shall serve terms  
6 ending January 31, 1991, two of the appointees shall  
7 serve terms ending January 31, 1993, and the remaining  
8 appointee shall serve a term ending January 31, 1995,  
9 as determined by the governor. At the end of these  
10 terms and each six years thereafter the governor shall  
11 appoint commissioners pursuant to section 46.3.

12 3. After January 1, 1988 elective judicial  
13 nominating commissioners for judicial district 9 shall  
14 be elected as provided in chapter 46 to terms of  
15 office commencing immediately upon election. One of  
16 those elected shall serve a term ending January 31,  
17 1991, two shall serve terms ending January 31, 1993,  
18 and two shall serve terms ending January 31, 1995, as  
19 determined by the drawing of lots by the persons  
20 elected. At the end of these terms and every six  
21 years thereafter elective commissioners shall be  
22 elected pursuant to chapter 46.

23 Sec. 434. As soon as practicable after the  
24 effective date of this Act, the supreme court  
25 administrator shall recompute the number of judgeships  
26 to which each of the judicial election districts as  
27 redefined in this Act is entitled as provided in  
28 section 602.6201. The administrator shall submit the  
29 results of this recomputation to the judges of the  
30 supreme court as soon as it is completed. The supreme  
31 court shall reassign judges between judicial districts  
32 as necessary to maintain continuity of judicial  
33 business within the judicial election districts which  
34 are affected by this Act. Commencing on the effective  
35 date of this Act, vacancies within the judicial  
36 election districts as redefined in this Act shall be  
37 determined and filled according to and subject to the

38 conditions contained in section 602.6201.  
 39 For purposes of the recomputations required by this  
 40 section, the supreme court administrator shall  
 41 determine the average filings for the latest three-  
 42 year period by reallocating the actual filings during  
 43 the three-year period to the judicial election  
 44 districts as they would have existed during the three-  
 45 year period if this Act had been in continuous effect  
 46 throughout the three-year period during which those  
 47 filings occurred.  
 48 Sec. 435. Sections 427 through 434 of this Act  
 49 take effect January 1, 1988."  
 50 2. By renumbering as required by this amendment.

KOENIGS of Mitchell

H-3858

1 Amend House File 671 as follows:  
 2 1. Page 67, line 33, by striking the word "five"  
 3 and inserting the following: "six".

RENAUD of Polk

H-3859

1 Amend amendment, H-3823, to House File 671 as  
 2 follows:  
 3 1. Page 1, by striking lines 2 through 45 and  
 4 inserting the following:  
 5 "\_\_\_\_\_. Page 23, line 2, by striking the figure  
 6 "29,000,000" and inserting the following:  
 7 "29,006,594".  
 8 \_\_\_\_\_. Page 23, line 15, by striking the figure  
 9 "62,517,500" and inserting the following:  
 10 "63,025,636".  
 11 \_\_\_\_\_. Page 23, by striking lines 18 through 27 and  
 12 inserting the following: "needs for one person at one  
 13 hundred seventy-three dollars, for two persons at  
 14 three hundred forty-two dollars, for three persons at  
 15 four hundred four dollars, for four persons at four  
 16 hundred sixty-nine dollars, for five persons at five  
 17 hundred twenty dollars, for six persons at five  
 18 hundred seventy-eight dollars, for seven persons at  
 19 six hundred thirty-five dollars, for eight persons at  
 20 six hundred ninety-three dollars, for nine persons at  
 21 seven hundred forty-nine dollars, for ten persons at  
 22 eight hundred nineteen dollars, and for each  
 23 additional person eighty-two dollars."  
 24 \_\_\_\_\_. Page 24, by inserting after line 30 the  
 25 following:  
 26 "\_\_\_\_\_. Effective April 1, 1988, the department  
 27 shall liberalize its resource policies in the aid to  
 28 families with dependent children program by excluding

29 the value of income producing property of self-  
 30 employed individuals to the extent allowed by the  
 31 United States department of health and human  
 32 services."

33 \_\_\_\_\_. By striking page 24, line 31 through page  
 34 25, line 6.

35 \_\_\_\_\_. Page 28, line 4, by striking the figure  
 36 "137,982,500" and inserting the following:  
 37 "138,449,146".

38 \_\_\_\_\_. Page 29, line 33, by striking the figure  
 39 "2,550,000" and inserting the following: "2,559,275".

40 \_\_\_\_\_. Page 37, by inserting after line 10 the  
 41 following:

42 "Sec. 203A. ADDITIONAL FUNDING. Notwithstanding  
 43 1986 Iowa Acts, chapter 1246, section 111, subsection  
 44 7, there is appropriated from the moneys appropriated  
 45 to the obstetrical patient care fund to the department  
 46 of human services for the fiscal year beginning July  
 47 1, 1987 and ending June 30, 1988 four hundred twenty-  
 48 three thousand (423,000) dollars or so much thereof as  
 49 is necessary to supplement the funds appropriated in  
 50 section 203, subsection 1, of this Act." "

MULLINS of Kossuth  
 BRANSTAD of Winnebago

H-3873

1 Amend House File 674 as follows:

- 2 1. Page 1, by striking lines 1 through 34.
- 3 2. By renumbering as necessary.

SHERZAN of Polk  
 RENAUD of Polk

H-3879

1 Amend Senate File 496, as amended, passed, and  
 2 reprinted by the Senate, as follows:

3 1. Page 2, by inserting after line 15 the  
 4 following:

5 "Sec. \_\_\_\_\_. Section 97B.49, Code 1987, is amended  
 6 by adding the following new subsection:

7 NEW SUBSECTION. 15. a. Notwithstanding sections  
 8 of this chapter relating to eligibility for and  
 9 determination of retirement benefits, a vested member  
 10 who is or has been employed as a peace officer of the  
 11 department of transportation under section 321.477,  
 12 and who retires on or after July 1, 1987 and at the  
 13 time of retirement is at least sixty years of age, and  
 14 has completed at least twenty-five years of service as  
 15 a peace officer in this state, may elect to receive,  
 16 in lieu of the receipt of any benefits under  
 17 subsection 5, a monthly retirement allowance equal to

18 one-twelfth of fifty percent of the member's three-  
19 year average covered wage as a peace officer of the  
20 department of transportation, with benefits payable  
21 during the member's lifetime.

22 For the purpose of this subsection, "service as a  
23 peace officer" means service as a peace officer of the  
24 department of transportation, marshal or police  
25 officer of a city, sheriff or deputy sheriff,  
26 conservation peace officer, traffic weight officer  
27 employed by the highway commission prior to the  
28 creation of the department of transportation, vehicle  
29 regulation investigator employed by the department of  
30 public safety prior to the creation of the department  
31 of transportation, or peace officer employed by the  
32 Iowa state commerce commission prior to the creation  
33 of the department of transportation.

34 b. A peace officer of the department of  
35 transportation who retires on or after July 1, 1987,  
36 and has not completed twenty-five years of membership  
37 service as required under this subsection is eligible  
38 to receive a monthly retirement allowance equal to  
39 one-twelfth of fifty percent of the member's three-  
40 year average covered wage as a peace officer of the  
41 department of transportation multiplied by a fraction  
42 of years of service as a peace officer. For the  
43 purpose of this subsection, "fraction of years of  
44 service" means a number, not to exceed one, equal to  
45 the sum of the years of membership service as a peace  
46 officer, divided by twenty-five years. On or after  
47 July 1, 1987, if the peace officer of the department  
48 of transportation has not reached sixty years of age  
49 at retirement, the monthly retirement allowance shall  
50 be reduced by five-tenths of one percent per month for

## Page 2

1 each month that the peace officer's retirement  
2 precedes the date on which the peace officer of the  
3 department of transportation attains sixty years of  
4 age. The annual contribution necessary to pay for the  
5 additional benefits provided in this paragraph, shall  
6 be paid by the employer and employee in the same  
7 proportion that employer and employee contributions  
8 are made under section 97B.11.

9 c. There is appropriated annually from the road  
10 use tax fund to the Iowa department of personnel, an  
11 actuarially determined amount sufficient to pay for  
12 the benefits provided in paragraph "a" and for the  
13 employer portion of the benefits provided in paragraph  
14 "b". The amount is in addition to the contribution  
15 paid by the employer under section 97B.11."

H-3881

1 Amend Senate File 496, as amended, passed, and  
2 reprinted by the Senate, as follows:

3 1. Page 2, by inserting after line 15, the  
4 following:

5 "Sec. \_\_\_\_\_. Section 97B.49, Code 1987, is amended  
6 by adding the following new subsection:

7 NEW SUBSECTION. 15. a. Notwithstanding other  
8 provisions of this chapter, a member who is or has  
9 been employed by the division of fire protection of  
10 the department of public safety as a fire marshal and  
11 who retires on or after July 1, 1987, and at the time  
12 of retirement is at least sixty years of age and has  
13 completed at least twenty-five years of membership  
14 service as a fire marshal, may elect to receive, in  
15 lieu of the receipt of any benefits under subsection  
16 5, a monthly retirement allowance equal to one-twelfth  
17 of fifty percent of the member's three-year average  
18 covered wage as a fire marshal, with benefits payable  
19 during the member's lifetime.

20 A fire marshal who retires on or after July 1,  
21 1987, and has not completed twenty-five years of  
22 membership service as required under this subsection  
23 is eligible to receive a monthly retirement allowance  
24 equal to one-twelfth of fifty percent of the member's  
25 three-year average covered wage as a fire marshal  
26 multiplied by a fraction of years of service as a fire  
27 marshal. For the purpose of this subsection,  
28 "fraction of years of service" means a number, not to  
29 exceed one, equal to the sum of the years of  
30 membership service as a fire marshal, divided by  
31 twenty-five years. On or after July 1, 1987, if the  
32 fire marshal has not reached sixty years of age at  
33 retirement, the monthly retirement allowance shall be  
34 reduced by five-tenths of one percent per month for  
35 each month that the fire marshal's retirement precedes  
36 the date on which the fire marshal attains sixty years  
37 of age.

38 b. The employer and each employee eligible for  
39 benefits under this subsection shall annually  
40 contribute an actuarially determined amount specified  
41 by the department, as a percentage of covered wages,  
42 that is necessary to pay for the additional benefits  
43 provided by this subsection. The annual contribution  
44 in excess of the employer and employee contributions  
45 required in section 97B.11 shall be paid by the  
46 employer and the employee in the same proportion that  
47 the employer and employee contributions are made under  
48 section 97B.11.

49 c. There is appropriated from the general fund of  
50 the state to the department from funds not otherwise

## Page 2

1 appropriated an amount sufficient to pay the employer  
2 share of the cost of the additional benefits provided  
3 in this subsection.

4 d. For the purposes of this section, "fire  
5 marshal" means fire marshal, assistant fire marshal,  
6 and fire marshal inspector."

KREMER of Buchanan

H-3886

1 Amend Senate File 496, as amended, passed, and  
2 reprinted by the Senate, as follows:

3 1. Page 2, by inserting after line 15, the  
4 following:

5 "Sec. \_\_\_\_\_. Section 97B.49, subsection 10,  
6 unnumbered paragraph 1, Code 1987, is amended to read  
7 as follows:

8 Notwithstanding sections of this chapter relating  
9 to eligibility for and determination of retirement  
10 benefits, a vested member who is or has been employed  
11 as a correctional officer by the Iowa department of  
12 corrections and who retires on or after July 1, 1986  
13 and at the time of retirement is at least sixty years  
14 of age and has completed at least thirty years of  
15 membership service as a correctional officer, may  
16 elect to receive, in lieu of the receipt of benefits  
17 under subsection 5 of this section, a monthly  
18 retirement allowance equal to one-twelfth of fifty  
19 percent of the member's three-year average covered  
20 wage as a correctional officer, with benefits payable  
21 during the member's lifetime.

22 A correctional officer who retires on or after July  
23 1, 1987 and has not completed twenty-five years of  
24 membership service as required under this subsection  
25 is eligible to receive a monthly retirement allowance  
26 equal to one-twelfth of fifty percent of the member's  
27 three-year average covered wage as a correctional  
28 officer multiplied by the fraction of years of service  
29 as a correctional officer. For the purpose of this  
30 subsection, "fraction of years of service" means a  
31 number, not to exceed one, equal to the sum of the  
32 years of membership service as a correctional officer,  
33 divided by thirty years. On or after July 1, 1987, if  
34 the correctional officer has not reached sixty years  
35 of age at retirement, the monthly retirement allowance  
36 shall be reduced by five-tenths of one percent per  
37 month for each month that the correctional officer's  
38 retirement precedes the date on which the correctional  
39 officer attains sixty years of age.

McKEAN of Jones  
SPEAR of Lee

H-3897

- 1 Amend House File 674 as follows:
- 2 1. Page 2, line 1, by inserting after the word
- 3 "winnings" the following: "of one thousand dollars or
- 4 more".

BRAMMER of Linn

H-3902

- 1 Amend House File 669 as follows:
- 2 1. Page 1, lines 12 and 13, by striking the words
- 3 "alcoholism and drug dependence,".

BISIGNANO of Polk  
MULLINS of Kossuth

H-3905

- 1 Amend Senate File 484 as follows:
- 2 1. By striking everything after the enacting
- 3 clause and inserting the following:
- 4 "Section 1. FINDINGS. The general assembly finds
- 5 and declares that it is in the public interest that
- 6 high quality medical and hospital services be
- 7 available to the citizens of Iowa at reasonable costs.
- 8 It is essential to the public interest to assure
- 9 continuing availability of medical care to encourage
- 10 competent physicians to enter into and remain in the
- 11 practice of medicine in this state. It is in the
- 12 public interest to assure that funds are available to
- 13 compensate an injured party while providing for the
- 14 availability of medical liability insurance.
- 15 The general assembly further finds and declares
- 16 that a critical situation exists impacting on the
- 17 accessibility and affordability of quality health care
- 18 for Iowa citizens because of the high cost and
- 19 impending unavailability of medical malpractice
- 20 insurance. Physicians in certain speciality and high-
- 21 risk areas are increasingly choosing no longer to
- 22 provide these services as a result of the potential
- 23 liability and the high cost and uncertain availability
- 24 of medical liability insurance.
- 25 The general assembly further finds that to assure
- 26 the uninterrupted delivery of affordable health care
- 27 services to the citizens of Iowa it is necessary to
- 28 carefully balance the interest of persons who are
- 29 damaged by medical accidents and the interest of all
- 30 persons, who may be in need of future medical care, in
- 31 keeping medical liability insurance affordable and
- 32 available in this state. The general assembly further
- 33 finds that without medical liability insurance,
- 34 physicians, other health care providers, and hospitals

35 cannot provide health care services to the public.  
 36 The general assembly further finds that the present  
 37 critical situation has resulted in a decrease in the  
 38 availability of certain health care services and that  
 39 this problem of availability will become more severe  
 40 unless addressed. Physicians are discontinuing their  
 41 practices and leaving Iowa.

42 The general assembly further finds and declares it  
 43 is necessary and essential that the provisions of this  
 44 Act be enacted in order to provide for the health and  
 45 welfare of the people of Iowa. It is the intent of  
 46 this Act to protect the health and welfare of the  
 47 people of this state by assuring the availability of  
 48 health care services.

49 Sec. 2. NEW SECTION. 147B.1 SHORT TITLE.

50 This Act shall be known as the "Iowa Patient

**Page 2**

1 Compensation Fund Act".

2 Sec. 3. NEW SECTION. 147B.2 PUBLIC POLICY.

3 It is the policy of this state to assure the avail-  
 4 ability of quality medical and hospital services to  
 5 the citizens of Iowa, and to effectuate that policy it  
 6 is essential to assure the availability of medical  
 7 liability insurance so that competent physicians will  
 8 enter into and remain in the practice of medicine in  
 9 this state. This chapter shall be construed to carry  
 10 out this policy.

11 Sec. 4. NEW SECTION. 147B.3 DEFINITIONS.

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

14 1. "Administrator" means the patient compensation  
 15 fund administrator.

16 2. "Commissioner" means the commissioner of  
 17 insurance.

18 3. "Fund" means the patient compensation fund.

19 4. "Health care practitioner" means a health care  
 20 provider other than a hospital.

21 5. "Health care provider" means a physician and  
 22 surgeon licensed pursuant to chapter 148; an osteopath  
 23 licensed pursuant to chapter 150; an osteopathic  
 24 physician and surgeon licensed pursuant to chapter  
 25 150A; an association, partnership, or professional  
 26 corporation composed of or owned by such persons; a  
 27 hospital and an employee of such person, association,  
 28 partnership, professional corporation, or hospital.

29 6. "Hospital" means a hospital licensed pursuant  
 30 to chapter 135B.

31 7. "Medical malpractice" means acts or omissions  
 32 of a health care practitioner in the practice of the  
 33 practitioner's profession or occupation or acts or

34 omissions of a hospital in patient treatment or care,  
35 including but not limited to negligence, failure to  
36 provide care, breach of contract relating to providing  
37 care, or claim based upon failure to obtain informed  
38 consent for an operation or treatment.

39 Sec. 5. NEW SECTION. 147B.4 QUALIFIED PROVIDER.

40 1. A health care practitioner is qualified to  
41 participate under this chapter if the health care  
42 practitioner does both of the following:

43 a. Files with the commissioner proof that the  
44 health care practitioner is insured with an insurance  
45 company admitted to this state under a policy of  
46 medical liability insurance providing the following  
47 coverage for medical malpractice:

48 (1) Coverage pursuant to subparagraph part (a) or  
49 (b) per occurrence in an amount of one hundred percent  
50 for all sums required to be paid up to and including

**Page 3**

1 one hundred thousand dollars and ten percent of all  
2 sums required to be paid in excess of one hundred  
3 thousand dollars but not exceeding one million  
4 dollars:

5 (a) Under a claims-made form of medical  
6 malpractice insurance for each claim made during the  
7 term of the policy.

8 (b) Under an occurrence form of medical  
9 malpractice insurance for each claim arising out of an  
10 occurrence during the policy period.

11 (2) Coverage pursuant to subparagraph part (a) or  
12 (b) in the aggregate of three hundred thousand dollars  
13 for all occurrences:

14 (a) Under a claims-made form of medical  
15 malpractice liability insurance for all claims made  
16 during the term of the policy.

17 (b) Under an occurrence form of medical  
18 malpractice insurance for all claims arising out of  
19 all occurrences during the policy period.

20 b. Pays a surcharge or special surcharge levied on  
21 health care practitioners pursuant to section 147B.8,  
22 subsection 2, or section 147B.9.

23 2. A hospital is qualified to participate under  
24 this chapter if the hospital does both of the  
25 following:

26 a. Files with the commissioner proof that the  
27 hospital is insured with an insurance company admitted  
28 to this state under a policy of medical liability  
29 insurance providing the following coverage for medical  
30 malpractice:

31 (1) Coverage pursuant to subparagraph part (a) or  
32 (b) per occurrence in an amount of one hundred percent

33 for all sums required to be paid up to and including  
 34 one hundred thousand dollars and ten percent of all  
 35 sums required to be paid in excess of one hundred  
 36 thousand dollars but not exceeding one million  
 37 dollars:  
 38 (a) Under a claims-made form of medical  
 39 malpractice insurance for each claim made during the  
 40 term of the policy.  
 41 (b) Under an occurrence form of medical  
 42 malpractice insurance for each claim arising out of an  
 43 occurrence during the policy period.  
 44 (2) Coverage pursuant to subparagraph part (a) or  
 45 (b) in the aggregate of one million dollars for all  
 46 occurrences:  
 47 (a) Under a claims-made form of medical  
 48 malpractice liability insurance for all claims made  
 49 during the term of the policy.  
 50 (b) Under an occurrence form of medical

**Page 4**

1 malpractice insurance for all claims arising out of  
 2 all occurrences during the policy period.  
 3 b. Pays a surcharge or special surcharge levied on  
 4 hospitals pursuant to section 147B.8, subsection 2, or  
 5 section 147B.9.  
 6 3. Coverage required under subsections 1 and 2  
 7 shall be adjusted in the same manner as provided in  
 8 section 147B.7, subsection 3.  
 9 4. The commissioner may permit qualification of a  
 10 health care practitioner who has retired or ceased  
 11 practicing in this state, if the health care  
 12 practitioner files proof of insurance and pays any  
 13 surcharge or special surcharge levied as required in  
 14 subsection 1.  
 15 5. A health care provider may qualify to  
 16 participate under this chapter with respect to all  
 17 medical malpractice claims made subsequent to the  
 18 health care provider's qualification. A health care  
 19 provider is not eligible to qualify under this chapter  
 20 with respect to a medical malpractice claim made prior  
 21 to the time of the health care provider's  
 22 qualification.  
 23 6. If at any time prior to the health care  
 24 provider's qualification under this section the health  
 25 care provider was insured under an occurrence form of  
 26 policy of medical liability insurance for all  
 27 occurrences during the term of that policy, for an  
 28 occurrence of alleged medical malpractice occurring  
 29 during the time that policy was in effect, this  
 30 chapter applies only to claims for alleged medical  
 31 malpractice covered under the occurrence policy to the

32 extent the judgment or settlement exceeds the limits  
33 of that policy.

34 **Sec. 6. NEW SECTION. 147B.5 PATIENT ELECTION TO**  
35 **BE BOUND.**

36 1. This chapter applies to all occurrences of  
37 alleged medical malpractice occurring prior to the  
38 effective date of this Act for which a medical  
39 malpractice claim has not been made unless the patient  
40 elects not to be bound under this chapter for the  
41 prior occurrence. A patient may elect not to be bound  
42 under this chapter with respect to an occurrence of  
43 alleged medical malpractice occurring prior to the  
44 effective date of this Act by filing an election with  
45 the commissioner and providing notice to any health  
46 care provider alleged to be liable for the occurrence  
47 within one hundred eighty days of the effective date  
48 of this Act according to rules adopted by the  
49 commissioner. Failure to provide the required notice  
50 is deemed to be evidence of the patient's election to

**Page 5**

1 be bound by this chapter for a prior occurrence.

2 2. A patient's exclusive remedy against a health  
3 care provider qualifying under section 147B.4 for  
4 medical malpractice occurring after the effective date  
5 of this Act is the remedy provided for under this  
6 chapter unless the patient has elected not to be bound  
7 by the remedies provided for in this chapter. A  
8 patient may elect not to be bound under this chapter  
9 by filing an election with the commissioner, pursuant  
10 to rules adopted by the commissioner, in advance of  
11 the treatment, act, or omission upon which a claim may  
12 be based, and notifying the health care provider of  
13 the election within a reasonable time before any  
14 treatment begins. Failure to provide the required  
15 notice is deemed to be evidence of the patient's  
16 election to be bound by this chapter. An election by  
17 a patient not to be bound by this chapter is effective  
18 for a period of two years after filing unless the  
19 election is withdrawn. The patient may withdraw the  
20 election in writing at any time by filing the  
21 withdrawal with the commissioner.

22 3. A qualified health care provider must provide a  
23 patient with notice that the health care provider is  
24 qualified under this chapter prior to any treatment,  
25 and must inform the patient of the patient's right to  
26 elect not to be bound by this chapter.

27 **Sec. 7. NEW SECTION. 147B.6 LIABILITY OF FUND.**

28 Subject to section 147B.4, subsection 6, the fund  
29 is liable on a following form basis for all sums  
30 required to be paid in excess of the coverage provided

31 by the health care provider's medical liability  
32 insurance specified in section 147B.4, subsection 1 or  
33 2, in a medical malpractice action against a health  
34 care provider qualified to participate under this  
35 chapter by a patient who has elected to be bound under  
36 this chapter with respect to an occurrence within the  
37 state of Iowa to which this chapter applies, except as  
38 provided in section 147B.7.

39 Sec. 8. NEW SECTION. 147B.7 LIMITATION ON  
40 RECOVERY.

41 1. Except as provided in subsection 3, the total  
42 amount recoverable from all liable health care  
43 providers and the fund for an occurrence to which this  
44 chapter applies resulting in an injury or death of a  
45 patient arising out of medical malpractice shall not  
46 exceed one million dollars.

47 2. Except as provided in subsection 3, a health  
48 care provider qualified under this chapter is not  
49 liable to a patient who has elected to be covered by  
50 this chapter for an amount in excess of one hundred

**Page 6**

1 thousand dollars plus ten percent of all sums required  
2 to be paid in excess of one hundred thousand dollars  
3 but not exceeding one million dollars for all claims  
4 or causes of action for medical malpractice arising  
5 from an occurrence to which this chapter applies.  
6 Subject to limits in this section, an amount due from  
7 a judgment or settlement which is in excess of the  
8 liability of all liable health care providers shall be  
9 paid from the fund pursuant to section 147B.8.

10 3. a. The commissioner shall determine on or  
11 after July 1 but on or before December 31 of each year  
12 an amount by which the total amount recoverable under  
13 subsection 1 and an amount by which the maximum  
14 liability of a health care provider under subsection 2  
15 are adjusted for the calendar year beginning eighteen  
16 months after the July 1 date on which the adjusted  
17 amounts can first be determined. The amount of the  
18 adjustment is equal to the product of the amount  
19 determined for the previous calendar year and the  
20 percentage rate of change in the consumer price index  
21 for goods and services published by the United States  
22 department of labor for the fiscal year ending on June  
23 30 immediately preceding the July 1 date on which the  
24 adjusted amounts can first be determined. However, if  
25 the percentage rate of change in the consumer price  
26 index is less than five percent, adjustments shall not  
27 be made under this paragraph.

28 b. If adjustments are not made under paragraph "a"  
29 for one or more years, the commissioner shall

30 determine a cumulative percentage rate of change and  
31 when that cumulative percentage rate of change is five  
32 percent or greater the commissioner shall determine  
33 the adjusted amounts for the next rate adjustment  
34 year.

35 c. The commissioner shall publish on or before  
36 December 31 preceding the next rate adjustment year  
37 any adjusted amounts which will apply to the next rate  
38 adjustment year.

39 Sec. 9. NEW SECTION. 147B.8 PATIENT COMPENSATION  
40 FUND.

41 1. A patient compensation fund is created for the  
42 purposes stated in this chapter. The fund and income  
43 from the fund shall be deposited with the treasurer of  
44 state to be used for the payment of qualifying claims  
45 under this chapter, and the fund is appropriated for  
46 that purpose. The fund shall not be used for purposes  
47 other than those of this chapter. Appropriations from  
48 the fund are not subject to reversion under section  
49 8.33.

50 2. An annual surcharge shall be levied on all

**Page 7**

1 qualified health care providers. The surcharge for a  
2 health care provider is determined by the commissioner  
3 subject to the following limitations:

4 a. The annual surcharge shall not exceed fifty  
5 percent of the annual premium paid by the health care  
6 provider for maintenance of current medical liability  
7 insurance as provided in section 147B.4, including the  
8 cost of reinsurance under section 147B.12.

9 b. The charge shall not exceed the amount  
10 necessary to maintain the fund in an amount determined  
11 by the commissioner to be actuarially adequate.

12 3. The surcharge due under this section is due and  
13 payable within thirty days after the surcharge has  
14 been levied on the qualified health care provider.

15 4. If the annual surcharge under this section is  
16 not paid within the time specified in subsection 3, b,  
17 the qualification of the health care provider shall be  
18 suspended until the annual surcharge is paid. The  
19 suspension is not effective as to patients claiming  
20 against the health care provider unless, at least  
21 thirty days before the effective date of the  
22 suspension, a written notice giving the date upon  
23 which the suspension becomes effective has been  
24 provided by the commissioner to the health care  
25 provider and notice of the suspension has been given  
26 to a patient prior to any treatment.

27 5. All actual expenses of collecting, protecting,  
28 and administering the fund shall be paid from the

29 fund, including necessary costs of outside legal  
30 counsel. The attorney general is not responsible for  
31 legal defense of the fund.

32 **Sec. 10. NEW SECTION. 147B.9 SPECIAL SURCHARGE.**

33 The commissioner may, at any time, analyze the fund  
34 to determine if the amount in the fund is inadequate  
35 to pay in full all claims allowed or to be allowed  
36 during the calendar year. If the fund is determined  
37 to be inadequate, the commissioner may levy a special  
38 surcharge on all health care providers who have  
39 qualified under this chapter on the date of the  
40 special surcharge or at any time during the preceding  
41 twelve months and the special surcharge shall be in an  
42 amount proportionate to the surcharge each health care  
43 provider has paid to the fund. The special surcharge  
44 shall be an amount sufficient to permit full payment  
45 of all claims allowed against the fund during a  
46 calendar year, but shall not exceed fifty percent of  
47 the annual premium paid by the health care provider  
48 for maintenance of current medical liability insurance  
49 as provided in section 147B.4. The special surcharge  
50 shall be levied against all health care providers who

**Page 8**

1 have qualified under this chapter. The special sur-  
2 charge is due and payable within thirty days after the  
3 special surcharge is levied.

4 If the special surcharge under this section is not  
5 paid within the time specified, the qualification of  
6 the health care provider shall be suspended until the  
7 special surcharge is paid. The suspension is not  
8 effective as to patients claiming against the health  
9 care provider unless, at least thirty days before the  
10 effective date of the suspension, a written notice  
11 giving the date upon which the suspension becomes  
12 effective has been provided by the commissioner to the  
13 health care provider and notice of the suspension has  
14 been given to a patient prior to any treatment.

15 **Sec. 11. NEW SECTION. 147B.10 STRUCTURED**  
16 **JUDGMENTS.**

17 1. As used in this section, unless the context  
18 requires otherwise:

19 a. "Future injuries" means all legal harm relating  
20 to an injury which the trier of fact determines will  
21 be incurred by the injured party subsequent to the  
22 entry of judgment.

23 b. "Injured person" means the person during whose  
24 medical treatment or care the acts or omissions of  
25 medical malpractice are determined to have occurred.

26 c. "Injured party" means a party plaintiff to a  
27 medical malpractice action, and includes the injured

28 person if that person is a party to the action.

29 d. "Injury" means a legal harm for which damages  
30 are recoverable in an action arising under this  
31 chapter.

32 2. In a medical malpractice action against a  
33 health care provider arising under this chapter, the  
34 verdict shall be itemized to distribute the monetary  
35 damages, if any, between past loss and future loss.  
36 In a trial to the court, the court shall itemize its  
37 findings in accordance with this section.

38 3. The court, in a medical malpractice action  
39 arising under this chapter in which a damage award for  
40 future injuries to a party exceeds one hundred  
41 thousand dollars, shall enter a judgment ordering the  
42 award to the party to be paid in periodic payments,  
43 subject to the limitations contained in this section.  
44 The court shall make a specified finding as to the  
45 dollar amount of regular payments which will be  
46 required to compensate the party periodically for loss  
47 of future income and future noneconomic harm, based  
48 upon the life expectancy of the party and the damages  
49 awarded. The periodic payments shall reflect interest  
50 in accordance with annuity principles. The judgment

**Page 9**

1 shall specify the recipient of the periodic payments,  
2 the dollar amount of each payment, the interval  
3 between payments, and the number of payments required  
4 to be made. The judgment shall specify the amount of  
5 and the purposes for which the balance of the judgment  
6 awarded for the future care and treatment of the party  
7 may be used.

8 4. Attorney fees of the party receiving an award,  
9 if payable out of the judgment, shall be assessed by  
10 the court and applied pro rata against amounts awarded  
11 for past injuries and for future injuries. The amount  
12 determined by the court to be payable out of damages  
13 for future injuries shall be deducted by the court  
14 from the amount to be ordered paid as provided in this  
15 subsection, and shall be deducted pro rata from those  
16 amounts awarded, if any, for loss of future income,  
17 future expenses for care and treatment, and future  
18 noneconomic harm. The amount of attorney fees  
19 attributable to the award for future injuries shall be  
20 payable upon entry of judgment.

21 5. If a judgment has been entered ordering  
22 periodic payments pursuant to this section, the health  
23 care provider's insurer shall pay to the fund the  
24 amount for which the insurer is liable under this  
25 chapter, after apportionment of costs of defense, for  
26 distribution by the fund to the party receiving the

27 award.

28 6. If a judgment has been entered ordering  
 29 periodic payments pursuant to this section, the fund  
 30 shall make the payments as ordered or, alternatively,  
 31 the fund may purchase an annuity from an insurance  
 32 company admitted to Iowa sufficient to make the  
 33 periodic payments.

34 7. If the party receiving the award dies, amounts  
 35 to be paid for loss of future income are payable to  
 36 those persons to whom the party receiving the award  
 37 owed a duty of support. If the party receiving the  
 38 award dies prior to payment of the amounts for other  
 39 than loss of future income, the judgment is satisfied  
 40 upon the payment of all obligations incurred up to the  
 41 time of death and of the expenses of final illness and  
 42 reasonable burial expenses.

43 8. Except with respect to amounts representing  
 44 loss of future income, a judgment for future injuries  
 45 is a contingent award, and the right to payment vests  
 46 only at such times and in such amounts as accrue  
 47 pursuant to the order specifying the amount of  
 48 periodic payments and the interval of those payments.

49 9. The district court shall retain jurisdiction of  
 50 a medical malpractice action in which the judgment in

**Page 10**

1 the action orders periodic payments, and upon the  
 2 death of the party receiving the award in the case of  
 3 an award for loss of future income, the dependents of  
 4 the decedent or any other interested party to the  
 5 action or a representative of an interested party, may  
 6 petition the court for a modification of the judgment  
 7 for a redesignation of the recipient of the payments,  
 8 in accordance with the rights of persons established  
 9 by this section. Unless otherwise ordered, the  
 10 redesignated recipients of payments for loss of future  
 11 income shall be paid in those amounts and at those  
 12 intervals specified in the original judgment.  
 13 Payments shall continue until the remaining amounts  
 14 designated for that purpose have been paid, or until  
 15 the death of those dependents, whichever occurs first.  
 16 If the last surviving dependent dies prior to  
 17 depletion of the amount specified for loss of future  
 18 income, the judgment is deemed satisfied upon payment  
 19 of amounts accrued up to the time of death.

20 **Sec. 12. NEW SECTION. 147B.11 COSTS OF DEFENSE.**

21 1. The fund may employ the services of outside  
 22 legal counsel to defend the fund against claims and to  
 23 assist the health care provider's insurer in defending  
 24 the claim.

25 2. The fund may by agreement with the health care

26 provider's insurer, allow the health care provider's  
 27 insurer to provide a defense for a claim against the  
 28 health care provider and the fund. The fund and the  
 29 health care provider's insurer may agree to any  
 30 apportionment of the costs of defense.

31 Sec. 13. NEW SECTION. 147B.12 REINSURANCE.

32 The commissioner may cause all or any part of the  
 33 potential liability of the fund to be reinsured, if  
 34 reinsurance is available on a fair and reasonable  
 35 basis. The cost of the reinsurance shall be paid by  
 36 the fund and the fact of the reinsurance shall be  
 37 taken into account in determining the surcharge under  
 38 section 147B.8, subsection 2, or the special surcharge  
 39 under section 147B.9.

40 Sec. 14. NEW SECTION. 147B.13 NOTICE –  
 41 APPLICATION FEE.

42 1. Prior to consideration for coverage pursuant to  
 43 this chapter, a health care provider shall first give  
 44 notice to the commissioner of the provider's intention  
 45 to apply for coverage. The notice of intention shall  
 46 be accompanied by a one-time application fee of fifty  
 47 dollars for health care providers and five hundred  
 48 dollars for hospitals.

49 2. Funds received by the commissioner pursuant to  
 50 subsection 1 shall only be expended for purposes of

**Page 11**

1 payment of the reasonable expenses incurred or to be  
 2 incurred in the implementation of this chapter.

3 3. To the extent that funds received pursuant to  
 4 subsection 1 are in excess of the expenses of  
 5 implementation of this chapter, the commissioner shall  
 6 transfer such excess funds to the fund.

7 4. Notice and application fees received subsequent  
 8 to the implementation of this chapter shall be placed  
 9 in the fund upon receipt.

10 Sec. 15. NEW SECTION. 147B.14 PATIENT  
 11 COMPENSATION FUND ADMINISTRATOR.

12 The commissioner may appoint an administrator to  
 13 perform all duties and responsibilities pursuant to  
 14 this chapter. The administrator shall serve as  
 15 administrator at the pleasure of the commissioner.  
 16 The salary and expenses of the administrator shall be  
 17 paid from the fund.

18 Sec. 16. NEW SECTION. 147B.15 ADMINISTRATION.

19 The commissioner shall either provide staff  
 20 services necessary for the operation of this chapter  
 21 or may contract with an insurance company licensed to  
 22 do business in this state, or both, to perform any  
 23 administrative duties and responsibilities of the  
 24 commissioner pursuant to this chapter. The

25 commissioner shall retain supervisory control over all  
26 matters for which a contract is entered into. All  
27 reasonable costs and charges incurred in the  
28 administration of this chapter shall be paid from the  
29 fund.

30 The administrator and all persons employed or  
31 contracted with to provide staff services necessary  
32 for the operation of this chapter shall not be  
33 considered employees of the state except for purposes  
34 of chapter 25A.

35 Sec. 17. NEW SECTION. 147B.16 RECIPROCITY.

36 The commissioner may enter into reciprocity  
37 agreements with the authorized representatives of any  
38 jurisdiction to allow health care providers from that  
39 jurisdiction to become qualified health care providers  
40 for purposes of the fund and to the extent that a  
41 claim against the health care provider arises in this  
42 state.

43 An agreement shall only be entered into with a  
44 jurisdiction to the same extent as the other  
45 jurisdiction allows Iowa health care providers to  
46 participate in a similar program in the other  
47 jurisdiction. The agreement shall include any  
48 conditions, restrictions, and privileges the  
49 commissioner deems necessary.

50 Sec. 18. NEW SECTION. 147B.17 ANNUAL REPORT.

**Page 12**

1 The commissioner shall, pursuant to rules issued by  
2 the commissioner, on or before the first day of  
3 February of each year, provide to the chairs, vice  
4 chairs, and ranking members of the senate standing  
5 committees on judiciary and commerce, and the house of  
6 representatives standing committees on judiciary and  
7 law enforcement, and small business and commerce, a  
8 report regarding claims filed against the fund and  
9 claims closed involving the fund for the previous  
10 calendar year. The report shall contain to the extent  
11 the information is available the following  
12 information:

13 1. Parties to the claims.

14 2. Cause or causes of action.

15 3. Amounts reserved or paid per claim, including  
16 the present value for structured settlements or  
17 awards.

18 4. Legal fees, expert witness fees, court costs,  
19 or other associated costs of judgments or decrees per  
20 claim.

21 5. Other claims information as deemed necessary by  
22 the commissioner.

23 Sec. 19. NEW SECTION. 147B.18 RULES.

24 The commissioner shall establish rules relating to  
 25 the administration of this chapter as deemed necessary  
 26 by the commissioner to promote the efficient operation  
 27 of this chapter in accordance with its terms and  
 28 intent.

29 Sec. 20. Notwithstanding section 4.12, if any pro-  
 30 vision of this Act is held invalid, the whole Act is  
 31 invalid, and to this end the provisions of the Act are  
 32 not severable.

33 Sec. 21. This Act takes effect upon enactment, and  
 34 the commissioner shall take all actions necessary to  
 35 implement the provisions of this Act on or before  
 36 January 1, 1988."

HARBOR of Mills  
 ROYER of Page  
 SCHNEKLOTH of Scott  
 CHAPMAN of Linn

GRONINGA of Cerro Gordo  
 SKOW of Guthrie  
 OLLIE of Clinton  
 SHOULTZ of Black Hawk  
 RUNNING of Linn

H—3909

1 Amend Senate File 471 as amended, passed, and  
 2 reprinted by the Senate as follows:

3 1. Page 1, line 7, by inserting after the word  
 4 "involve" the following: "negligence,".

5 2. Page 1, line 20, by inserting after the word  
 6 "for" the following: "negligent acts or".

7 3. Page 2, line 18, by inserting after the word  
 8 "for" the following: "negligent acts or".

9 4. Page 2, line 32, by inserting after the word  
 10 "for" the following: "negligent acts or".

11 5. Page 3, line 13, by inserting after the word  
 12 "for" the following: "negligent acts or".

13 6. Page 3, line 25, by inserting after the word  
 14 "for" the following: "negligent acts or".

15 7. Page 4, line 1, by inserting after the word  
 16 "for" the following: "negligent acts or".

17 8. Page 4, line 14, by inserting after the word  
 18 "for" the following: "negligent acts or".

19 9. Page 4, line 29, by inserting after the word  
 20 "for" the following: "negligent acts or".

21 10. Page 5, line 7, by inserting after the word  
 22 "for" the following: "negligent acts or".

23 11. Page 5, line 25, by inserting after the word  
 24 "for" the following: "negligent acts or".

25 12. Page 6, line 16, by inserting after the word  
 26 "for" the following: "a negligent act or".

27 13. Page 7, line 14, by inserting after the word  
 28 "for" the following: "negligent acts or".

29 14. Page 7, line 29, by inserting after the word  
 30 "for" the following: "negligent acts or".

31 15. Page 8, by inserting after line 17 the

32 following:  
 33 "Sec. 21. For the purpose of this Act,  
 34 "negligence" means the omission to do something which  
 35 a reasonable person, guided by those ordinary  
 36 considerations which ordinarily regulate human  
 37 affairs, would do, or the doing of something which a  
 38 reasonable and prudent person would not do."

ROSENBERG of Story

H-3917

1 Amend Senate File 484 as amended, passed, and  
 2 reprinted by the Senate as follows:  
 3 1. Page 3, by inserting after line 10 the  
 4 following:  
 5 "5. Any health care provider having two successful  
 6 medical malpractice claims made against the health  
 7 care provider in a five-year period, and paid in part  
 8 by the fund, shall immediately be placed on probation  
 9 by the board of medical examiners for a period of two  
 10 years."

JAY of Appanoose

H-3918

1 Amend Senate File 484 as amended, passed, and  
 2 reprinted by the Senate as follows:  
 3 1. Page 2, by inserting after line 22 the  
 4 following:  
 5 "c. Files with the commissioner an agreement to  
 6 reduce fees to patients by the same percentage that  
 7 the health care provider realizes as a reduction in  
 8 the cost of liability insurance coverage."

BRAMMER of Linn

H-3919

1 Amend Senate File 484 as amended, passed, and  
 2 reprinted by the Senate as follows:  
 3 1. Page 4, by inserting after line 2 the  
 4 following:  
 5 "4. A patient's election not to be bound shall not  
 6 justify denial of treatment. Denial of treatment to a  
 7 patient making an election not to be bound is presumed  
 8 to be due to the patient's election."

McKINNEY of Dallas

H-3920

1 Amend Senate File 484 as amended, passed and  
 2 reprinted by the Senate as follows:  
 3 1. Page 6, by inserting after line 30 the

4 following:

5 "Sec. \_\_\_\_\_. NEW SECTION. 147B.11 MEDICAL  
6 LIABILITY INSURANCE PROFITS.

7 The commissioner shall establish rules which shall  
8 limit the profits of an insurance company admitted to  
9 this state to not more than seven percent on all  
10 policies of medical liability insurance sold in this  
11 state."

ROSENBERG of Story

H—3921

1 Amend Senate File 484 as amended, passed, and  
2 reprinted by the Senate as follows:

3 1. Page 2, by inserting after line 22 the fol-  
4 lowing:

5 "c. Files with the commissioner an agreement to  
6 accept the rates established by the federal Medicare  
7 program pursuant to Title XVIII of the federal Social  
8 Security Act as one hundred percent of the fee for the  
9 health care provider's services provided to Medicare-  
10 eligible patients."

JAY of Appanoose

H—3922

1 Amend Senate File 274 as passed by the Senate as  
2 follows:

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

5 "Section 1. NEW SECTION. 543B.1 IOWA SEAL GRAIN.

6 A seal for grain shall be created under the  
7 direction of the department of agriculture and land  
8 stewardship to identify grain of the highest quality  
9 produced in Iowa, which shall be known as "Iowa Seal"  
10 grain. The department shall certify that grain  
11 inspected, graded, and marked with the Iowa Seal may  
12 be marketed as the highest quality grain produced in  
13 the state.

14 Iowa Seal grain shall satisfy all of the following  
15 requirements:

16 1. The department must supervise all procedures  
17 used to inspect and grade the grain.

18 2. The grain's quality must equal U.S. No. 2 grade  
19 or better as established by the federal grain  
20 inspection service, United States department of  
21 agriculture.

22 3. The moisture content must be no more than  
23 thirteen and one-half percent of the weight of the  
24 grain portion tested.

25 4. The amount of broken or damaged grain must be  
26 no more than four percent of the weight of the grain

27 portion tested.

28 5. The amount of foreign substances must be no  
29 more than two percent of the weight of the grain  
30 portion tested.

31 6. All determinations of grain quality shall be  
32 based on a portion of the grain that must have a  
33 minimum test weight of fifty-six pounds.

34 The department of agriculture and land stewardship  
35 shall adopt rules under chapter 17A to provide methods  
36 of identifying and marking Iowa Seal grain, to prevent  
37 any misleading use of the Iowa Seal, and as necessary  
38 or advisable to fully implement this section.

39 A violation of a rule adopted by the department of  
40 agriculture and land stewardship to implement this  
41 section is a simple misdemeanor. A fraudulent use of  
42 the term "Iowa Seal grain" or of the identifying mark  
43 for Iowa Seal grain, or a deliberately misleading or  
44 unwarranted use of the term or identifying mark is a  
45 serious misdemeanor."

46 2. Title page, by striking lines 2 through 7 and  
47 inserting the following: "the grading and marking of  
48 Iowa Seal grain, and providing penalties."

STUELAND of Clinton

H-3923

1 Amend the Senate amendment, H-3839, to House File  
2 411 as follows:

3 1. Page 4, by inserting after line 33 the  
4 following:

5 "\_\_\_\_\_. Page 2, line 24, by inserting after the  
6 word "operator." the following: "However, assessable  
7 grain does not include grain purchased by an Iowa  
8 licensed grain dealer from another licensed grain  
9 dealer, regardless of which jurisdiction licenses the  
10 other grain dealer." "

KOENIGS of Mitchell

H-3924

1 Amend the amendment, H-3687, to Senate File 162, as  
2 amended, passed, and reprinted by the Senate, as  
3 follows:

4 1. Page 1, by striking lines 47 and 48 and  
5 inserting the following: "toward a narrowly defined  
6 audience."

7 2. Page 4, by striking lines 15 through 17 and  
8 inserting the following: "services in this state.  
9 Not later than January 1, 1988, the board shall  
10 transmit to the general assembly a progress report  
11 concerning the development of the design plan. The  
12 design plan shall be adopted by the board not later

13 than January 1, 1989, and shall be updated at least  
 14 every two years thereafter. Copies of the design plan  
 15 and updated design plan shall be made available to the  
 16 governor and members of the general assembly upon  
 17 request. The plan shall include a list of public'.

BLANSHAN of Greene

H-3927

1 Amend Senate File 484, as amended, passed, and  
 2 reprinted by the Senate, as follows:  
 3 1. Page 1, line 7, by inserting after the word  
 4 "insurance." the following: "The general assembly  
 5 further finds that it is in the public interest that  
 6 statistical data be obtained so that an analysis of  
 7 the cause of unavailability and unaffordability of  
 8 liability insurance be undertaken in an attempt to  
 9 determine the cause of such problems so that a long-  
 10 term solution can be found."

JAY of Appanoose

H-3928

1 Amend Senate File 484, as amended, passed, and re-  
 2 printed by the Senate, as follows:  
 3 1. By striking page 1, line 33 through page 2,  
 4 line 7.  
 5 2. Renumber as necessary.

JAY of Appanoose

H-3929

1 Amend the amendment, H-3905, to Senate File 484, as  
 2 amended, passed, and reprinted by the Senate, as  
 3 follows:  
 4 1. Page 2, line 15, by inserting after the word  
 5 "administrator" the following: "appointed pursuant to  
 6 section 147B.8".

JAY of Appanoose

H-3930

1 Amend the amendment, H-3905, to Senate File 484, as  
 2 amended, passed, and reprinted by the Senate, as  
 3 follows:  
 4 1. Page 12, by inserting after line 28 the  
 5 following:  
 6 "Sec. \_\_\_\_\_. NEW SECTION. 147B.19 DISCIPLINARY  
 7 PROCEDURES.  
 8 1. A health care provider participating under this  
 9 plan who has two claims paid under the fund in a five-  
 10 year period shall be placed on probation by the board

11 of medical examiners, and shall be required to attend  
 12 not less than fifteen hours of continuing education in  
 13 the area of care that caused the claims. No provider  
 14 shall, during this probationary period, practice the  
 15 area of medicine which was the subject of the claims  
 16 without the supervision of a medical specialist in  
 17 that area.

18 2. Any health care provider participating in this  
 19 plan who has a total of five claims paid by the fund  
 20 shall be barred from practicing in this state.”  
 21 2. Renumber as necessary.

JAY of Appanoose

H—3932

1 Amend amendment, H—3905, to Senate File 484 as  
 2 amended, passed and reprinted by the Senate as  
 3 follows:  
 4 1. Page 2, line 42, by striking the word “both”  
 5 and inserting the following: “all”.  
 6 2. Page 3, by inserting after line 22 the  
 7 following:  
 8 “c. Agrees to treat victims of medical negligence  
 9 at the current rate paid in this state pursuant to  
 10 Title XIX of the federal Social Security Act.”

JAY of Appanoose

H—3933

1 Amend amendment, H—3905, to Senate File 484 as  
 2 amended, passed, and reprinted by the Senate, as  
 3 follows:  
 4 1. Page 2, by striking lines 31 through 38 and  
 5 inserting the following:  
 6 “7. “Malpractice” or “professional negligence”  
 7 means the failure of a health care provider, in  
 8 rendering professional services, to perform according  
 9 to standards of due care recognized generally in the  
 10 medical community. Each term includes the failure to  
 11 use ordinary and reasonable care, skill, and knowledge  
 12 ordinarily possessed and used under like circumstances  
 13 by members of the profession engaged in a similar  
 14 practice.”  
 15 2. Renumber as necessary.

JAY of Appanoose

H—3934

1 Amend the amendment, H—3905, to Senate File 484, as  
 2 amended, passed, and reprinted by the Senate, as  
 3 follows:  
 4 1. Page 10, by inserting after line 19 the

5 following:

6 "Sec. \_\_\_\_\_. NEW SECTION. 147B.10A SETTLEMENT BY  
7 HEALTH CARE PROVIDER, HOSPITAL, OR FUND.

8 If at any time the health care provider, hospital,  
9 the health care provider's or hospital's insurance  
10 carrier, or the fund tenders payment to the plaintiff  
11 of any sum for the purpose of settlement, the act of  
12 payment is considered to be the admission of liability  
13 by the health care provider."

14 2. Renumber as necessary.

JAY of Appanoose

H-3935

1 Amend the amendment, H-3905, to Senate File 484, as  
2 amended, passed, and reprinted by the Senate, as  
3 follows:

4 1. Page 5, by inserting after line 26 the follow-  
5 ing:

6 "4. An election under this chapter does not apply  
7 to any action brought by a patient based upon an  
8 expressed or implied contract assuring results."

JAY of Appanoose

H-3936

1 Amend the amendment, H-3905, to Senate File 484, as  
2 amended, passed, and reprinted by the Senate, as  
3 follows:

4 1. Page 2, by striking lines 19 through 28 and  
5 inserting the following:

6 "\_\_\_\_\_. "Health care provider" means a person  
7 licensed or certified under chapter 148, 150A, or 152  
8 to provide in this state professional health care  
9 services to an individual during that individual's  
10 medical care, treatment, or confinement."

11 2. Renumber as necessary.

JAY of Appanoose

H-3937

1 Amend Senate File 484 as amended, passed, and  
2 reprinted by the Senate, as follows:

3 1. By striking page 8, line 1.

JAY of Appanoose

H-3938

1 Amend the amendment, H-3905, to Senate File 484, as  
2 amended, passed, and reprinted by the Senate, as  
3 follows:

4 1. Page 1, line 24, by inserting after the word

5 "insurance." the following: "The general assembly  
6 further finds that it is in the public interest that  
7 statistical data be obtained so that an analysis of  
8 the cause of unavailability and unaffordability of  
9 liability insurance be undertaken in an attempt to  
10 determine the cause of such problems so that a long-  
11 term solution can be found."

JAY of Appanoose

H-3939

1 Amend Senate File 484 as amended, passed, and  
2 reprinted by the Senate, as follows:  
3 1. Page 2, by inserting after line 10 the  
4 following:  
5 "6. "Malpractice" or "professional negligence"  
6 means the failure of a health care provider, in  
7 rendering professional services, to perform according  
8 to standards of due care recognized generally in the  
9 medical community. Each term includes the failure to  
10 use ordinary and reasonable care, skill, and knowledge  
11 ordinarily possessed and used under like circumstances  
12 by members of the profession engaged in a similar  
13 practice."  
14 2. Renumber as necessary.

JAY of Appanoose

H-3940

1 Amend Senate File 484, as amended, passed, and  
2 reprinted by the Senate, as follows:  
3 1. Page 1, by striking lines 23 through 27 and  
4 inserting the following:  
5 "1. "Health care provider" means a person licensed  
6 or certified under chapter 148, 150A, or 152 to  
7 provide in this state professional health care  
8 services to an individual during that individual's  
9 medical care, treatment, or confinement."  
10 2. Renumber as necessary.

JAY of Appanoose

H-3941

1 Amend Senate File 484, as amended, passed, and re-  
2 printed by the Senate, as follows:  
3 1. Page 4, by inserting after line 2 the follow-  
4 ing:  
5 "4. An election under this chapter does not apply  
6 to any action brought by a patient based upon an  
7 expressed or implied contract assuring results."

JAY of Appanoose

H-3942

1 Amend Senate File 484, as amended, passed, and  
2 reprinted by the Senate, as follows:

3 1. Page 5, by inserting after line 27 the  
4 following:

5 "Sec. \_\_\_\_\_. NEW SECTION. 147B.6A SETTLEMENT BY  
6 HEALTH CARE PROVIDER, HOSPITAL, OR FUND.

7 If at any time the health care provider, hospital,  
8 the health care provider's or hospital's insurance  
9 carrier, or the fund tenders payment to the plaintiff  
10 of any sum for the purpose of settlement, the act of  
11 payment is considered to be the admission of liability  
12 by the health care provider."

13 2. Renumber as necessary.

JAY of Appanoose

H-3943

1 Amend the amendment, H-3905, to Senate File 484 as  
2 amended, passed, and reprinted by the Senate, as  
3 follows:

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

6 "An election to be bound under this section shall  
7 not affect an action against a health care provider or  
8 hospital which is based upon res ipsa loquitur."

JAY of Appanoose

H-3944

1 Amend Senate File 484, as amended, passed, and  
2 reprinted by the Senate, as follows:

3 1. Page 5, by inserting after line 27 the  
4 following:

5 "Sec. \_\_\_\_\_. NEW SECTION. 147B.6A EVIDENCE OF  
6 ADVANCE PAYMENT NOT CONSTRUED AS ADMISSION TO  
7 LIABILITY.

8 A payment made by a health care provider or the  
9 health care provider's insurer to or for the patient  
10 or any other person on the patient's behalf in advance  
11 of a final determination of liability shall not be  
12 construed as an admission of liability for injuries or  
13 damages suffered in an action brought pursuant to this  
14 chapter. In the event of any advance payment, the  
15 court shall reduce the judgment to the plaintiff by an  
16 amount equal to the advance payment. If the advance  
17 payment exceeds the liability of the defendant, the  
18 court shall order any adjustment necessary to equalize  
19 the amount under which each defendant is obligated to  
20 pay but in no case shall an advance in excess of the  
21 amount found to be due be repayable to the health care

22 provider making the advance.”

23 2. Renumber as necessary.

JAY of Appanoose

H-3945

1 Amend Senate File 484, as amended, passed, and re-  
2 printed by the Senate, as follows:

3 1. Page 6, by inserting after line 30 the  
4 following:

5 “Sec. \_\_\_\_\_ NEW SECTION. 147B.11 DISCIPLINARY  
6 PROCEDURES.

7 1. A health care provider participating under this  
8 plan who has two claims paid under the fund in a five-  
9 year period shall be placed on probation by the board  
10 of medical examiners, and shall be required to attend  
11 not less than fifteen hours of continuing education in  
12 the area of care that caused the claims. No provider  
13 shall, during this probationary period, practice the  
14 area of medicine which was the subject of the claims  
15 without the supervision of a medical specialist in  
16 that area.

17 2. Any health care provider participating in this  
18 plan who has a total of five claims paid by the fund  
19 shall be barred from practicing in this state.”

20 2. Renumber as necessary.

JAY of Appanoose

H-3946

1 Amend Senate File 484 as amended, passed and  
2 reprinted by the Senate as follows:

3 1. Page 2, line 14, by inserting after the word  
4 “does” the following: “all of”.

5 2. Page 2, by inserting after line 22 the  
6 following:

7 “c. Agrees to treat victims of medical negligence  
8 at the current rate paid in this state pursuant to  
9 Title XIX of the federal Social Security Act.”

JAY of Appanoose

H-3947

1 Amend Senate File 484, as amended, passed, and re-  
2 printed by the Senate, as follows:

3 1. Page 2, by striking lines 8 through 10 and in-  
4 serting the following:

5 “5. “Commissioner” means the commissioner of in-  
6 surance.

7 6. “Administrator” means the compensation fund  
8 administrator appointed pursuant to section 147B.8.”

9 2. Renumber as necessary.

JAY of Appanoose

H-3948

1 Amend the amendment, H-3905, to Senate File 484, as  
2 amended, passed, and reprinted by the Senate, as  
3 follows:

4 1. Page 8, by inserting after line 14 the  
5 following:

6 "Sec. \_\_\_\_\_. NEW SECTION. 147B.9A EVIDENCE OF  
7 ADVANCE PAYMENT NOT CONSTRUED AS ADMISSION TO  
8 LIABILITY.

9 A payment made by a health care provider or the  
10 health care provider's insurer to or for the patient  
11 or any other person on the patient's behalf in advance  
12 of a final determination of liability shall not be  
13 construed as an admission of liability for injuries or  
14 damages suffered in an action brought pursuant to this  
15 chapter. In the event of any advance payment, the  
16 court shall reduce the judgment to the plaintiff by an  
17 amount of the advance payment. If the advance payment  
18 exceeds the liability of the defendant, the court  
19 shall order any adjustment necessary to equalize the  
20 amount under which each defendant is obligated to pay  
21 but in no case shall an advance in excess of the  
22 amount found to be due be repayable to the health care  
23 provider making the advance."

24 2. Renumber as necessary.

JAY of Appanoose

H-3949

1 Amend Senate File 484 as amended, passed, and  
2 reprinted by the Senate, as follows:

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

5 "An election to be bound under this section shall  
6 not affect an action against a health care provider or  
7 hospital which is based upon res ipsa loquitur."

JAY of Appanoose

H-3953

1 Amend amendment, H-3905, to Senate File 484 as  
2 amended, passed, and reprinted by the Senate, as  
3 follows:

4 1. Page 10, by inserting after line 19 the  
5 following:

6 "Sec. \_\_\_\_\_. NEW SECTION. 147B.10A FRIVOLOUS  
7 ACTIONS.

8 In all cases against a health care provider or  
9 hospital for malpractice or professional negligence,  
10 the court may, upon application by the prevailing  
11 party, in its discretion and in an amount determined

12 in its discretion, tax as costs payable to the  
 13 prevailing party, the reasonable costs of preparation  
 14 and trial, including reasonable attorney fees and the  
 15 reasonable loss of earnings by the prevailing party  
 16 occasioned by the trial, if the court finds that the  
 17 losing party did not have a reasonable chance of  
 18 recovery or a reasonable chance of a successful  
 19 defense. The taxation of any cost under this section  
 20 is the sole responsibility of the named parties and is  
 21 not to be considered a cost of defense or a portion of  
 22 the insurance coverage provided to either party which  
 23 thereby reduces the amount of coverage available for  
 24 the payment of any judgment rendered against that  
 25 party."

26 2. Renumber as necessary.

HANSEN of Woodbury

H-3954

1 Amend the amendment, H-3905, to Senate File 484, as  
 2 amended, passed, and reprinted by the Senate, as  
 3 follows:

4 1. Page 5, by inserting after line 26 the fol-  
 5 lowing:

6 "4. A copy of any notice provided for under this  
 7 section must be provided to the patient or the  
 8 patient's guardian and signed, receipted for, and  
 9 witnessed by an employee of a health care provider or  
 10 hospital after the notice is explained to the patient  
 11 by the employee. If the patient is not provided a  
 12 copy of the notice, the election is invalid."

HANSEN of Woodbury

H-3955

1 Amend amendment, H-3905, to Senate File 484 as  
 2 amended, passed, and reprinted by the Senate, as  
 3 follows:

4 1. Page 10, by inserting after line 19 the  
 5 following:

6 "Sec. \_\_\_\_\_. NEW SECTION. 147B.10A ATTORNEY FEES -  
 7 DEFENSE COSTS.

8 Coverage for medical malpractice under the fund and  
 9 liability policies posted for proof of financial  
 10 responsibility shall include defense costs and  
 11 allocation for loss adjustment expense if such  
 12 benefits in any way reduce the coverage available to  
 13 provide for payment of judgments by an insured party."

14 2. Renumber as necessary.

HANSEN of Woodbury

H—3956

- 1 Amend Senate File 484, as amended, passed, and  
 2 reprinted by the Senate, as follows:  
 3 1. Page 2, line 20, by inserting after the word  
 4 "effective." the following: "Financial responsibility  
 5 may be proven by providing a certified copy of a  
 6 professional liability insurance policy currently in  
 7 force with annual proof of renewal, the posting of a  
 8 bond, or the payment of cash."

DODERER of Johnson

H—3957

- 1 Amend Senate File 484 as amended, passed and  
 2 reprinted by the Senate, as follows:  
 3 1. Page 7, by striking lines 12 through 35.  
 4 2. Renumber as necessary.

DODERER of Johnson

H—3958

- 1 Amend Senate File 484, as amended, passed, and re-  
 2 printed by the Senate, as follows:  
 3 1. Page 4, by inserting after line 2 the fol-  
 4 lowing:  
 5 "4. A copy of any notice provided for under this  
 6 section must be provided to the patient or the  
 7 patient's guardian and signed, receipted for, and  
 8 witnessed by an employee of a health care provider or  
 9 hospital after the notice is explained to the patient  
 10 by the employee. If the patient is not provided a  
 11 copy of the notice, the election is invalid."

DODERER of Johnson

H—3959

- 1 Amend Senate File 484 as amended, passed, and  
 2 reprinted by the Senate, as follows:  
 3 1. Page 5, by inserting after line 27 the  
 4 following:  
 5 "Sec. \_\_\_\_\_. NEW SECTION. 147B.6A ATTORNEY FEES —  
 6 DEFENSE COSTS.  
 7 Coverage for medical malpractice under the fund and  
 8 liability policies posted for proof of financial  
 9 responsibility shall include defense costs and  
 10 allocation for loss adjustment expense if such  
 11 benefits in any way reduce the coverage available to  
 12 provide for payment of judgments by an insured party."  
 13 2. Renumber as necessary.

DODERER of Johnson

H-3960

- 1 Amend the amendment, H-3905, to Senate File 484, as  
2 amended, passed, and reprinted by the Senate, as  
3 follows:  
4 1. By striking page 3, line 23 through page 4,  
5 line 5, and inserting the following:  
6 "2. A hospital is qualified to participate under  
7 this chapter if the hospital files with the  
8 commissioner proof of financial responsibility in the  
9 same manner as is provided for a health care  
10 provider."

McKINNEY of Dallas

H-3961

- 1 Amend Senate File 484 as amended, passed and  
2 reprinted by the Senate, as follows:  
3 1. Page 6, by inserting after line 30 the  
4 following:  
5 "Sec. \_\_\_\_\_. NEW SECTION. 147B.11 LIMITATION ON  
6 APPLICABILITY.  
7 Section 147.136, section 614.1, subsection 9, and  
8 section 668.4 shall not apply to any health care  
9 provider not participating under this chapter."  
10 2. By renumbering as necessary.

McKINNEY of Dallas

H-3962

- 1 Amend the amendment, H-3905, to Senate File 484, as  
2 amended, passed, and reprinted by the Senate, as  
3 follows:  
4 1. By striking page 2, line 43, through page 3,  
5 line 19 and inserting the following:  
6 "a. Files with the commissioner proof of financial  
7 responsibility in an amount of two hundred thousand  
8 dollars per occurrence. The health care provider is  
9 qualified as long as the required proof of financial  
10 responsibility remains effective. Financial  
11 responsibility may be proven by providing a certified  
12 copy of a professional liability insurance policy  
13 currently in force with annual proof of renewal, the  
14 posting of a bond, or the payment of cash."

McKINNEY of Dallas

H-3963

- 1 Amend amendment, H-3905, to Senate File 484 as  
2 amended, passed and reprinted by the Senate, as  
3 follows:  
4 1. Page 12, by inserting after line 28 the

- 5 following:  
 6 "Sec. \_\_\_\_\_, NEW SECTION. 147B.19 LIMITATION ON  
 7 APPLICABILITY.  
 8 Section 147.136, section 614.1, subsection 9, and  
 9 section 668.4 shall not apply to any health care  
 10 provider not participating under this chapter."  
 11 2. By renumbering as necessary.

McKINNEY of Dallas

H—3964

- 1 Amend Senate File 484, as amended, passed, and  
 2 reprinted by the Senate, as follows:  
 3 1. Page 2, by striking lines 23 through 29 and  
 4 inserting the following:  
 5 "2. A hospital is qualified to participate under  
 6 this chapter if the hospital files with the  
 7 commissioner proof of financial responsibility in the  
 8 same manner as is provided for a health care  
 9 provider."

McKINNEY of Dallas

H—3965

- 1 Amend the amendment, H—3905, to Senate File 484, as  
 2 amended, passed, and reprinted by the Senate, as  
 3 follows:  
 4 1. Page 1, by inserting after line 48 the fol-  
 5 lowing:  
 6 "The general assembly further finds the situation  
 7 of availability and affordability of medical  
 8 malpractice insurance to be so critical that this Act  
 9 is specifically designed to make insurance more  
 10 available and affordable and therefore to make health  
 11 care services more available and affordable to Iowa  
 12 consumers."

DODERER of Johnson

H—3966

- 1 Amend Senate File 484 as amended, passed, and  
 2 reprinted by the Senate, as follows:  
 3 1. Page 5, by striking line 5 and inserting the  
 4 following: "determine if the amount of the fund is  
 5 adequate to pay in".

HANSEN of Woodbury

H—3967

- 1 Amend the amendment, H—3905, to Senate File 484 as  
 2 amended, passed, and reprinted by the Senate, as  
 3 follows:

- 4 1. Page 12, by inserting after line 36 the  
 5 following:  
 6 "Sec. \_\_\_\_\_. It is deemed that this Act should  
 7 reduce medical liability insurance premiums by fifty  
 8 percent and substantially reduce the need for  
 9 defensive medicine practices. On the effective date  
 10 of this Act all health care providers participating  
 11 under this Act shall reduce their charges to their  
 12 patients by no less than twenty percent."  
 13 2. Renumber as necessary.

McKINNEY of Dallas

H-3968

- 1 Amend Senate File 484 as amended, passed and  
 2 reprinted by the Senate as follows:  
 3 1. Page 4, by inserting after line 2 the  
 4 following:  
 5 "4. An election under this chapter shall not apply  
 6 to any action brought by a patient based upon an  
 7 expressed or implied contract assuring results."

HANSEN of Woodbury

H-3969

- 1 Amend Senate File 484 as amended, passed, and  
 2 reprinted by the Senate, as follows:  
 3 1. Page 5, by inserting after line 27 the  
 4 following:  
 5 "Sec. \_\_\_\_\_. NEW SECTION. 147B.6A FRIVOLOUS  
 6 ACTIONS.  
 7 In all cases against a health care provider or  
 8 hospital for malpractice or professional negligence,  
 9 the court may, upon application by the prevailing  
 10 party, in its discretion and in an amount determined  
 11 in its discretion, tax as costs payable to the  
 12 prevailing party, the reasonable costs of preparation  
 13 and trial, including reasonable attorney fees and the  
 14 reasonable loss of earnings by the prevailing party  
 15 occasioned by the trial, if the court finds that the  
 16 losing party did not have a reasonable chance of  
 17 recovery or a reasonable chance of a successful  
 18 defense. The taxation of any cost under this section  
 19 is the sole responsibility of the named parties and is  
 20 not to be considered a cost of defense or a portion of  
 21 the insurance coverage provided to either party which  
 22 thereby reduces the amount of coverage available for  
 23 the payment of any judgment rendered against that  
 24 party."  
 25 2. Renumber as necessary.

HANSEN of Woodbury

## H-3970

- 1 Amend amendment, H-3905, to Senate File 484 as
- 2 amended, passed and reprinted by the Senate as
- 3 follows:
- 4 1. Page 7, line 34, by striking the word
- 5 "inadequate" and inserting the following: "adequate".

McKINNEY of Dallas

## H-3971

- 1 Amend amendment, H-3905, to Senate File 484 as
- 2 amended, passed and reprinted by the Senate as
- 3 follows:
- 4 1. Page 5, by inserting after line 26 the
- 5 following:
- 6 "4. An election under this chapter shall not apply
- 7 to any action brought by a patient based upon an
- 8 expressed or implied contract assuring results."

McKINNEY of Dallas

## H-3972

- 1 Amend amendment, H-3905, to Senate File 484 as
- 2 amended, passed and reprinted by the Senate as
- 3 follows:
- 4 1. Page 5, line 46, by striking the word "one"
- 5 and inserting the following: "two".

McKINNEY of Dallas

## H-3973

- 1 Amend amendment, H-3905, to Senate File 484 as
- 2 amended, passed and reprinted by the Senate as
- 3 follows:
- 4 1. Page 1, by striking lines 15 through 24.

McKINNEY of Dallas

## H-3974

- 1 Amend Senate File 484 as amended, passed and
- 2 reprinted by the Senate as follows:
- 3 1. Page 1, by striking lines 2 through 7.
- 4 2. Page 1, line 8, by striking the word
- 5 "further".

HANSEN of Woodbury

## H-3975

- 1 Amend amendment, H-3905, to Senate File 484 as
- 2 amended, passed and reprinted by the Senate as
- 3 follows:
- 4 1. By striking page 1, line 49 through page 2,

- 5 line 1 and inserting the following:
- 6 "Sec. \_\_\_\_\_. NEW SECTION. 147B.1 SHORT TITLE.
- 7 This Act shall be known as the "Health Care
- 8 Provider Assistance Act".
- 9 2. Renumber as necessary.

McKINNEY of Dallas

H-3976

- 1 Amend Senate File 484 as amended, passed and
- 2 reprinted by the Senate as follows:
- 3 1. Page 1, by striking lines 17 through 19 and
- 4 inserting the following:
- 5 "Sec. \_\_\_\_\_. NEW SECTION. 147B.1 SHORT TITLE.
- 6 This Act shall be known as the "Health Care
- 7 Provider Assistance Act".
- 8 2. Renumber as necessary.

HANSEN of Woodbury

H-3977

- 1 Amend amendment, H-3905, to Senate File 484 as
- 2 amended, passed and reprinted by the Senate as
- 3 follows:
- 4 1. Page 2, line 25, by inserting after the figure
- 5 "150A;" the following: "a dentist licensed pursuant
- 6 to chapter 153;"

McKINNEY of Dallas

H-3978

- 1 Amend amendment, H-3905, to Senate File 484 as
- 2 amended, passed and reprinted by the Senate as
- 3 follows:
- 4 1. Page 12, by inserting after line 22 the
- 5 following:
- 6 "6. The report shall be a public record."

McKINNEY of Dallas

H-3979

- 1 Amend Senate File 484 as amended, passed and
- 2 reprinted by the Senate as follows:
- 3 1. Page 6, by inserting after line 10 the
- 4 following:
- 5 "6. The report shall be a public record."

HANSEN of Woodbury

H-3980

- 1 Amend amendment, H-3905, to Senate File 484 as
- 2 amended, passed, and reprinted by the Senate, as

3 follows:

4 1. Page 12, by inserting after line 22 the  
5 following:

6 "Sec. \_\_\_\_\_. NEW SECTION. 147B.17A REPORT TO  
7 HEALTH DATA COMMISSION.

8 1. A health care provider, when giving notice to  
9 the commissioner of the provider's intention to apply  
10 for coverage under the fund, shall provide to the  
11 health data commission and the commissioner, before  
12 coverage under the fund is effective, information  
13 concerning both of the following:

14 a. Proof and amount of medical liability insurance  
15 premiums paid by the health care provider for the  
16 three years prior to the year for which application  
17 for coverage has been made, and the coverage provided.

18 b. A schedule of fees charged by the health care  
19 provider for the three years prior to the year for  
20 which application for coverage has been made.

21 2. A qualified health care provider shall provide  
22 to the health data commission and the commissioner  
23 after January 1 but before March 1 of each year  
24 information required to be reported in subsection 1.  
25 The information in this report shall be for the  
26 preceding calendar year.

27 3. The commissioner shall certify to the  
28 administrator the names of those health care providers  
29 complying with subsections 1 and 2.

30 4. Health care providers shall reduce fees charged  
31 to patients by an amount equal to the reduced cost of  
32 medical liability insurance, including any surcharge  
33 or special surcharge, as evidenced by the reports  
34 filed pursuant to subsections 1 and 2."

35 2. Renumber as necessary.

SWARTZ of Marshall

H—3981

1 Amend the amendment, H—3905, to Senate File 484 as  
2 amended, passed, and reprinted by the Senate, as

3 follows:

4 1. Page 6, by inserting after line 38 the  
5 following:

6 "4. If a judgment has been entered for an injured  
7 person, as defined in section 147B.10, which exceeds  
8 the amount recoverable as determined under this sec-  
9 tion, the injured person may file a claim pursuant to  
10 chapter 25 for the amount in excess of the amount  
11 recoverable."

12 2. Page 12, by inserting after line 28 the  
13 following:

14 "Sec. \_\_\_\_\_. Section 25.1, Code 1987, is amended to  
15 read as follows:

## 16 25.1 RECEIPT, INVESTIGATION, AND REPORT.

17 When a claim is filed or made against the state, on  
18 which in the judgment of the director of management  
19 the state would be liable except for the fact of its  
20 sovereignty or which has no appropriation available  
21 for its payment, the director of management shall  
22 deliver said claim to the state appeal board. The  
23 state appeal board shall make a record of the receipt  
24 of said claim and forthwith deliver same to the  
25 special assistant attorney general for claims who  
26 shall, with a view to determining the merits and  
27 legality thereof, fully investigate said claim,  
28 including the facts upon which it is based and report  
29 in duplicate findings and conclusions of law to the  
30 state appeal board. Notwithstanding this section, any  
31 claim made for an amount recoverable pursuant to  
32 section 147B.7, subsection 4, shall be delivered  
33 directly to the state appeal board.

34 Sec. \_\_\_\_\_. Section 25.2, Code 1987, is amended to  
35 read as follows:

36 25.2 EXAMINATION OF REPORT – APPROVAL OR  
37 REJECTION – PAYMENT.

38 The state appeal board with the recommendation of  
39 the special assistant attorney general for claims may  
40 approve or reject claims against the state of less  
41 than ten years covering the following: Outdated  
42 warrants; outdated sales and use tax refunds; license  
43 refunds; additional agricultural land tax credits;  
44 outdated invoices; fuel and gas tax refunds; outdated  
45 homestead and veterans' exemptions; outdated funeral  
46 service claims; tractor fees; registration permits;  
47 outdated bills for merchandise; services furnished to  
48 the state; claims by any county or county official  
49 relating to the personal property tax credit; and  
50 refunds of fees collected by the state; and amounts

**Page 2**

1 recoverable pursuant to section 147B.7, subsection 4.  
2 Payments authorized by the state appeal board shall be  
3 paid from the appropriation or fund of original  
4 certification of the claim, except, that if such  
5 appropriation or fund has since reverted under section  
6 8.33 or the claim is made for an amount recoverable  
7 pursuant to section 147B.7, subsection 4, then such  
8 payment authorized by the state appeal board shall be  
9 out of any money in the state treasury not otherwise  
10 appropriated. Notwithstanding the provisions of this  
11 section, the state comptroller may reissue outdated  
12 warrants."

H-3983

1 Amend Senate File 484 as amended, passed, and  
2 reprinted by the Senate, as follows:

3 1. By striking page 3, line 11, through page 4,  
4 line 2, and inserting the following:

5 "Sec. \_\_\_\_\_. NEW SECTION. 147B.4 PATIENT ELECTION  
6 TO BE BOUND.

7 1. A patient's exclusive remedy against a health  
8 care provider qualifying under section 147B.4 for  
9 medical malpractice occurring after the effective date  
10 of this Act is the remedy provided for under this  
11 chapter unless the patient has elected not to be bound  
12 by the remedies provided for in this chapter. A  
13 patient may elect not to be bound under this chapter  
14 by filing an election with the commissioner, pursuant  
15 to rules adopted by the commissioner, in advance of  
16 the treatment, act, or omission upon which a claim may  
17 be based, and notifying the health care provider of  
18 the election within a reasonable time before any  
19 treatment begins. Failure to provide the required  
20 notice is deemed to be evidence of the patient's  
21 election to be bound by this chapter. The patient may  
22 withdraw the election in writing at any time by filing  
23 the withdrawal with the commissioner.

24 2. A qualified health care provider must provide a  
25 patient with notice that the health care provider is  
26 qualified under this chapter prior to any treatment,  
27 and must inform the patient of the patient's right to  
28 elect not to be bound by this chapter.

29 3. If any health care provider refuses to treat a  
30 patient electing not to be bound under this section,  
31 any injury or damage sustained by that patient shall  
32 be presumed to be caused by the health care provider's  
33 refusal to treat."

34 2. Renumber as necessary.

JAY of Appanoose

H-3984

1 Amend the amendment, H-3905, to Senate File 484 as  
2 amended, passed, and reprinted by the Senate, as  
3 follows:

4 1. By striking page 4, line 34, through page 5,  
5 line 26, and inserting the following:

6 "Sec. \_\_\_\_\_. NEW SECTION. 147B.5 PATIENT ELECTION  
7 TO BE BOUND.

8 1. A patient's exclusive remedy against a health  
9 care provider qualifying under section 147B.4 for  
10 medical malpractice occurring after the effective date  
11 of this Act is the remedy provided for under this  
12 chapter unless the patient has elected not to be bound

13 by the remedies provided for in this chapter. A  
 14 patient may elect not to be bound under this chapter  
 15 by filing an election with the commissioner, pursuant  
 16 to rules adopted by the commissioner, in advance of  
 17 the treatment, act, or omission upon which a claim may  
 18 be based, and notifying the health care provider of  
 19 the election within a reasonable time before any  
 20 treatment begins. Failure to provide the required  
 21 notice is deemed to be evidence of the patient's  
 22 election to be bound by this chapter. The patient may  
 23 withdraw the election in writing at any time by filing  
 24 the withdrawal with the commissioner.

25 2. A qualified health care provider must provide a  
 26 patient with notice that the health care provider is  
 27 qualified under this chapter prior to any treatment,  
 28 and must inform the patient of the patient's right to  
 29 elect not to be bound by this chapter.

30 3. If any health care provider refuses to treat a  
 31 patient electing not to be bound under this section,  
 32 any injury or damage sustained by that patient shall  
 33 be presumed to be caused by the health care provider's  
 34 refusal to treat."

35 2. Renumber as necessary.

ROSENBERG of Story

H-3985

1 Amend Senate File 484 as amended, passed and  
 2 reprinted by the Senate as follows:

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

5 "Sec. \_\_\_\_\_. NEW SECTION. 147B.4A VICTIM  
 6 QUALIFICATION FOR ASSISTANCE.

7 Any victim of medical negligence deemed to have  
 8 been damaged in excess of the limits of liability as  
 9 provided in section 147B.7 shall immediately be  
 10 qualified for state assistance through the department  
 11 of human services."

12 2. By renumbering as necessary.

JAY of Appanoose

H-3986

1 Amend amendment, H-3905, to Senate File 484 as  
 2 amended, passed and reprinted by the Senate as  
 3 follows:

4 1. Page 12, by inserting after line 36 the  
 5 following:

6 "Sec. \_\_\_\_\_. The provisions of this Act shall not  
 7 apply to any occurrence before January 1, 1988."

8 2. Renumber as necessary.

JAY of Appanoose

H-3987

1 Amend the amendment, H-3905, to Senate File 484 as  
 2 amended, passed, and reprinted by the Senate, as  
 3 follows:

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

6 "8. A "claim is made" when a patient informs a  
 7 health care provider in person orally, in writing, or  
 8 by the patient's attorney that the patient believes  
 9 the health care provider is liable for an act of  
 10 medical malpractice. A claim is also made when a  
 11 patient brings a legal action against a health care  
 12 provider or providers."

JAY of Appanoose

H-3988

1 Amend Senate File 484 as amended, passed, and  
 2 reprinted by the Senate, as follows:

3 1. Page 6, by inserting after line 10 the  
 4 following:

5 "Sec. \_\_\_\_\_. NEW SECTION. 147B.7A HEALTH CARE  
 6 PROVIDER INFORMATION.

7 The administrator, upon the request of any person,  
 8 shall provide the person without charge with the  
 9 following information regarding any health care  
 10 provider who has qualified under this Act:

11 a. The name of all insurance carriers which  
 12 currently insure the health care provider or which  
 13 have insured the health care provider, whether by  
 14 claims-made or occurrence-type coverage.

15 b. The term of each policy.  
 16 c. The limits of each policy."  
 17 2. Renumber as necessary.

BRAMMER of Linn

H-3989

1 Amend Senate File 484 as amended, passed and  
 2 reprinted by the Senate as follows:

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

5 "Sec. \_\_\_\_\_. The provisions of this Act shall not  
 6 apply to any occurrence before January 1, 1988."

7 2. Renumber as necessary.

ROSENBERG of Story

H-3990

1 Amend Senate File 484 as amended, passed, and  
 2 reprinted by the Senate, as follows:

3 1. Page 2, by inserting after line 10 the  
 4 following:  
 5 "6. A "claim is made" when a patient informs a  
 6 health care provider in person orally, in writing, or  
 7 by the patient's attorney that the patient believes  
 8 the health care provider is liable for an act of  
 9 medical malpractice. A claim is also made when a  
 10 patient brings a legal action against a health care  
 11 provider or providers."

ROSENBERG of Story

H-3991

1 Amend the amendment, H-3905, to Senate File 484 as  
 2 amended, passed, and reprinted by the Senate, as  
 3 follows:  
 4 1. Page 12, by inserting after line 22 the  
 5 following:  
 6 "Sec. \_\_\_\_\_. NEW SECTION. 147B.17A HEALTH CARE  
 7 PROVIDER INFORMATION.  
 8 The administrator, upon the request of any person,  
 9 shall provide the person without charge with the  
 10 following information regarding any health care  
 11 provider who has qualified under this Act:  
 12 a. The name of all insurance carriers which  
 13 currently insure the health care provider or which  
 14 have insured the health care provider, whether by  
 15 claims-made or occurrence-type coverage.  
 16 b. The term of each policy.  
 17 c. The limits of each policy."  
 18 2. Renumber as necessary.

ROSENBERG of Story

H-3992

1 Amend amendment, H-3905, to Senate File 484 as  
 2 amended, passed and reprinted by the Senate as  
 3 follows:  
 4 1. Page 6, by inserting after line 38 the  
 5 following:  
 6 "Sec. \_\_\_\_\_. NEW SECTION. 147B.7A VICTIM  
 7 QUALIFICATION FOR ASSISTANCE.  
 8 Any victim of medical negligence deemed to have  
 9 been damaged in excess of the limits of liability as  
 10 provided in section 147B.7 shall immediately be  
 11 qualified for state assistance through the department  
 12 of human services."  
 13 2. By renumbering as necessary.

ROSENBERG of Story

## H—3993

- 1 Amend amendment, H—3905, to Senate File 484 as  
 2 amended, passed and reprinted by the Senate as  
 3 follows:  
 4 1. Page 6, by inserting after line 38 the  
 5 following:  
 6 "4. This chapter shall not be construed to prevent  
 7 a claimant from recovering full policy limits from any  
 8 health care providers' insurance carrier or carriers  
 9 which have issued policies and collected premiums  
 10 permitting full recovery."  
 11 2. Renumber as necessary.

JAY of Appanoose

## H—3994

- 1 Amend amendment, H—3905, to Senate File 484 as  
 2 amended, passed and reprinted by the Senate as  
 3 follows:  
 4 1. Page 5, line 50, by striking the word "one"  
 5 and inserting the following: "two".  
 6 2. Page 6, by striking lines 1 through 5 and  
 7 inserting the following: "thousand dollars."  
 8 3. Page 6, by inserting after line 38 the  
 9 following:  
 10 "4. Payment by the primary insurance provider of  
 11 the limit of its liability constitutes conclusive  
 12 proof of liability."

JAY of Appanoose

## H—3995

- 1 Amend amendment, H—3905, to Senate File 484 as  
 2 amended, passed and reprinted by the Senate as  
 3 follows:  
 4 1. By striking page 5, line 39, through page 6,  
 5 line 38.  
 6 2. By striking page 8, line 17 through page 10,  
 7 line 19 and inserting the following:  
 8 "Any judgment rendered against a health care  
 9 provider or hospital participating under this chapter  
 10 which exceeds one million dollars shall be paid as  
 11 follows:  
 12 1. The first one million dollars shall be paid at  
 13 the time of judgment unless appeal is taken.  
 14 2. Any amount awarded in excess of one million  
 15 dollars shall be structured under terms agreeable to  
 16 all parties to the action after payment of attorney  
 17 fees and court costs."  
 18 3. By renumbering as necessary.

ROSENBERG of Story

H-3996

1 Amend the amendment, H-3905, to Senate File 484 as  
2 amended, passed, and reprinted by the Senate, as  
3 follows:

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

6 "The one hundred eighty days during which a patient  
7 may file an election with the commissioner and notify  
8 the health care provider is tolled until the health  
9 care provider has notified all patients treated in the  
10 last ten years in writing of the patients' rights not  
11 to be bound. The notice shall be sent by certified  
12 mail, restricted delivery to the addressee only, to  
13 the patient's last known address as shown by the  
14 health care provider's records.

15 The notice shall include verbatim the definition of  
16 medical malpractice as defined in this chapter and  
17 shall inform the patient that if the patient believes  
18 a claim of medical malpractice exists against the  
19 health care provider that the patient has one hundred  
20 eighty days to elect not to be bound by this chapter.  
21 The notice shall include verbatim the provisions of  
22 section 147B.5."

ROSENBERG of Story

H-3997

1 Amend Senate File 484 as amended, passed, and  
2 reprinted by the Senate, as follows:

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

5 "Sec. \_\_\_\_\_. It is deemed that this Act should  
6 reduce medical liability insurance premiums by fifty  
7 percent and substantially reduce the need for  
8 defensive medicine practices. On the effective date  
9 of this Act all health care providers participating  
10 under this Act shall reduce their charges to their  
11 patients by no less than twenty percent."

12 2. Renumber as necessary.

BRAMMER of Linn

H-3998

1 Amend Senate File 484 as amended, passed, and  
2 reprinted by the Senate, as follows:

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

5 "5. Each health care provider seeking to qualify  
6 under this chapter shall disclose to the administrator  
7 information concerning all policies held at any time  
8 by the health care provider which are occurrence form

9 medical liability insurance policies. The information  
 10 shall include the name of the insurance carrier, the  
 11 policy number, the policy period, and the policy  
 12 limits."  
 13 2. Renumber as necessary.

BRAMMER of Linn

H-3999

1 Amend the amendment, H-3905, to Senate File 484 as  
 2 amended, passed, and reprinted by the Senate, as  
 3 follows:  
 4 1. Page 4, by inserting after line 33 the  
 5 following:  
 6 "7. Each health care provider seeking to qualify  
 7 under this chapter shall disclose to the administrator  
 8 information concerning all policies held at any time  
 9 by the health care provider which are occurrence form  
 10 medical liability insurance policies. The information  
 11 shall include the name of the insurance carrier, the  
 12 policy number, the policy period, and the policy  
 13 limits."  
 14 2. Renumber as necessary.

ROSENBERG of Story

H-4008

1 Amend House File 677 as follows:  
 2 1. Page 27, line 23, by striking the words "which  
 3 was refunded".

CONNOLLY of Dubuque

H-4009

1 Amend the amendment, H-3905, to Senate File 484 as  
 2 amended, passed, and reprinted by the Senate, as  
 3 follows:  
 4 1. Page 1, line 4, by inserting after the word  
 5 "FINDINGS." the following: "The general assembly  
 6 finds and declares that it is in the public interest  
 7 that the availability of competent health care  
 8 services be assured and that a mechanism exists for  
 9 providing total compensation of persons injured as a  
 10 result of medical malpractice."  
 11 2. Page 1, line 4, by inserting after the word  
 12 "assembly" the following: "further".  
 13 3. Page 6, by inserting after line 38 the  
 14 following:  
 15 "4. If a judgment has been entered for an injured  
 16 person, as defined in section 147B.10, which exceeds  
 17 the amount recoverable as determined under this sec-  
 18 tion, the injured person may file a claim pursuant to

19 chapter 25 for the amount in excess of the amount  
20 recoverable."

21 4. Page 12, by inserting after line 22 the  
22 following:

23 "Sec. \_\_\_\_\_. NEW SECTION. 147B.17A REPORT TO  
24 HEALTH DATA COMMISSION.

25 1. A health care provider, when giving notice to  
26 the commissioner of the provider's intention to apply  
27 for coverage under the fund, shall provide to the  
28 health data commission and the commissioner, before  
29 coverage under the fund is effective, information  
30 concerning both of the following:

31 a. Proof and amount of medical liability insurance  
32 premiums paid by the health care provider for the  
33 three years prior to the year for which application  
34 for coverage has been made, and the coverage provided.

35 b. A schedule of fees charged by the health care  
36 provider for the three years prior to the year for  
37 which application for coverage has been made.

38 2. A qualified health care provider shall provide  
39 to the health data commission and the commissioner  
40 after January 1 but before March 1 of each year  
41 information required to be reported in subsection 1.  
42 The information in this report shall be for the  
43 preceding calendar year.

44 3. The commissioner shall certify to the  
45 administrator the names of those health care providers  
46 complying with subsections 1 and 2.

47 4. Health care providers shall reduce fees charged  
48 to patients by an amount equal to the reduced cost of  
49 medical liability insurance, including any surcharge  
50 or special surcharge, as evidenced by the reports

**Page 2**

1 filed pursuant to subsections 1 and 2."

2 5. Page 12, by inserting after line 28 the  
3 following:

4 "Sec. \_\_\_\_\_. Section 25.1, Code 1987, is amended to  
5 read as follows:

6 **25.1 RECEIPT, INVESTIGATION, AND REPORT.**

7 When a claim is filed or made against the state, on  
8 which in the judgment of the director of management  
9 the state would be liable except for the fact of its  
10 sovereignty or which has no appropriation available  
11 for its payment, the director of management shall  
12 deliver said claim to the state appeal board. The  
13 state appeal board shall make a record of the receipt  
14 of said claim and forthwith deliver same to the  
15 special assistant attorney general for claims who  
16 shall, with a view to determining the merits and  
17 legality thereof, fully investigate said claim,

18 including the facts upon which it is based and report  
 19 in duplicate findings and conclusions of law to the  
 20 state appeal board. Notwithstanding this section, any  
 21 claim made for an amount recoverable pursuant to  
 22 section 147B.7, subsection 4, shall be delivered  
 23 directly to the state appeal board.

24 Sec. \_\_\_\_\_. Section 25.2, Code 1987, is amended to  
 25 read as follows:

26 25.2 EXAMINATION OF REPORT – APPROVAL OR  
 27 REJECTION – PAYMENT.

28 The state appeal board with the recommendation of  
 29 the special assistant attorney general for claims may  
 30 approve or reject claims against the state of less  
 31 than ten years covering the following: Outdated  
 32 warrants; outdated sales and use tax refunds; license  
 33 refunds; additional agricultural land tax credits;  
 34 outdated invoices; fuel and gas tax refunds; outdated  
 35 homestead and veterans' exemptions; outdated funeral  
 36 service claims; tractor fees; registration permits;  
 37 outdated bills for merchandise; services furnished to  
 38 the state; claims by any county or county official  
 39 relating to the personal property tax credit; and  
 40 refunds of fees collected by the state; and amounts  
 41 recoverable pursuant to section 147B.7, subsection 4.  
 42 Payments authorized by the state appeal board shall be  
 43 paid from the appropriation or fund of original  
 44 certification of the claim, except, that if such  
 45 appropriation or fund has since reverted under section  
 46 8.33 or the claim is made for an amount recoverable  
 47 pursuant to section 147B.7, subsection 4, then such  
 48 payment authorized by the state appeal board shall be  
 49 out of any money in the state treasury not otherwise  
 50 appropriated. Notwithstanding the provisions of this

**Page 3**

1 section, the state comptroller may reissue outdated  
 2 warrants.”

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

SWARTZ of Marshall

H-4010

1 Amend the amendment, H-3905, to Senate File 484, as  
 2 amended, passed, and reprinted by the Senate, as  
 3 follows:

4 1. Page 12, by inserting after line 28 the  
 5 following:

6 “Sec. \_\_\_\_\_. The commissioner shall make a  
 7 determination after January 1, 1989 but no later than  
 8 July 1, 1989 as to whether the enactment of this Act

- 9 impacts factors which affect the cost of medical  
 10 liability insurance such that a mandatory rollback of  
 11 premium rates is warranted.  
 12 The commissioner shall also require an immediate  
 13 fifteen percent rollback of workers' compensation  
 14 premium rates pursuant to the commissioner's denial of  
 15 a rate increase request, issued April 16, 1987."  
 16 2. Renumber as necessary.

HANSEN of Woodbury

H-4011

- 1 Amend Senate File 484 as amended, passed and  
 2 reprinted by the Senate as follows:  
 3 1. Page 8, by inserting after line 1 the  
 4 following:  
 5 "Sec. \_\_\_\_\_. Notwithstanding section 4.12, if any  
 6 provision of this Act is held invalid, the whole Act  
 7 is invalid, and to this end the provisions of the Act  
 8 are not severable.  
 9 Sec. \_\_\_\_\_. This Act takes effect upon enactment,  
 10 and the commissioner shall take all actions necessary  
 11 to implement the provisions of this Act on or before  
 12 January 1, 1988."  
 13 2. Renumber as necessary.

HANSEN of Woodbury

H-4012

- 1 Amend Senate File 484 as amended, passed, and  
 2 reprinted by the Senate, as follows:  
 3 1. Page 6, by inserting after line 10 the  
 4 following:  
 5 "Sec. \_\_\_\_\_. NEW SECTION. 147B.17A DISCLOSURE OF  
 6 CLAIMS.  
 7 1. All medical liability claims settled or  
 8 adjudicated to final judgment against a health care  
 9 provider and any liability claim closed without  
 10 payment during the calendar year shall be reported to  
 11 the commissioner by the health care provider or the  
 12 provider's medical liability insurer. The report  
 13 shall be submitted to the commissioner on or before  
 14 the first day of February for claims for the previous  
 15 calendar year.  
 16 2. The reports shall contain all of the following  
 17 information:  
 18 a. Nature of each claim and damages asserted.  
 19 b. Amount of settlement or judgment, if any.  
 20 c. Professional and legal issues asserted with  
 21 regard to each claim.  
 22 d. Specialty of each health care provider against  
 23 whom each claim is filed and closed.

24 3. The reports shall be transmitted to the board  
 25 of medical examiners. A report containing all the  
 26 information included in the individual reports shall  
 27 be made available to the public by the board for each  
 28 calendar year."

29 2. Page 8, by inserting after line 1 the  
 30 following:

31 "Sec. \_\_\_\_\_. The commissioner shall collect  
 32 information concerning all claims initiated and  
 33 settled or adjudicated to final judgment or closed  
 34 without payment against any health care provider  
 35 currently licensed to practice in this state for the  
 36 ten-year period preceding the effective date of this  
 37 Act. This report shall be made available to the  
 38 public no later than January 1, 1989."

39 3. Renumber as necessary.

HANSEN of Woodbury

H-4013

1 Amend amendment, H-3905, to Senate File 484 as  
 2 amended, passed and reprinted by the Senate as  
 3 follows:

4 1. Page 8, by inserting after line 14 the  
 5 following:

6 "Sec. \_\_\_\_\_. **NEW SECTION. 147B.9A EVIDENCE OF**  
 7 **PREVIOUS PAYMENT OR FUTURE RIGHT OF PAYMENT.**

8 1. In an action brought pursuant to this chapter  
 9 seeking damages for personal injury, the court shall  
 10 permit evidence and argument as to the previous  
 11 payment or future right of payment of actual economic  
 12 losses incurred or to be incurred as a result of the  
 13 personal injury for necessary medical care,  
 14 rehabilitation services, and custodial care except to  
 15 the extent that the previous payment or future right  
 16 of payment is pursuant to a state or federal program  
 17 or from assets of the claimant or the members of the  
 18 claimant's immediate family.

19 2. Evidence of the existence of insurance  
 20 applicable to the damages sought and the amount of  
 21 coverage available shall be permitted by the court.

22 3. If evidence and argument regarding previous  
 23 payments or future rights of payment is permitted  
 24 pursuant to subsection 1, the court shall also permit  
 25 evidence and argument as to the costs to the claimant  
 26 of procuring the previous payments or future rights of  
 27 payment and as to any existing rights of in-  
 28 demnification or subrogation relating to the previous  
 29 payments or future rights of payment.

30 4. If evidence or argument is permitted pursuant  
 31 to subsection 1, 2, or 3, the court shall, unless  
 32 otherwise agreed to by all parties, instruct the jury

33 to answer special interrogatories or, if there is no  
34 jury, shall make findings indicating the effect of  
35 such evidence or argument on the verdict.”  
36 2. By renumbering as necessary.

HANSEN of Woodbury

H-4014

1 Amend Senate File 484, as amended, passed, and  
2 reprinted by the Senate, as follows:  
3 1. Page 8, by inserting after line 1 the  
4 following:  
5 “Sec. \_\_\_\_\_. The commissioner shall make a  
6 determination after January 1, 1989 but no later than  
7 July 1, 1989 as to whether the enactment of this Act  
8 impacts factors which affect the cost of medical  
9 liability insurance such that a mandatory rollback of  
10 premium rates is warranted.  
11 The commissioner shall also require an immediate  
12 fifteen percent rollback of workers' compensation  
13 premium rates pursuant to the commissioner's denial of  
14 a rate increase request, issued April 16, 1987.”  
15 2. Renumber as necessary.

HANSEN of Woodbury

H-4015

1 Amend the amendment, H-3905, to Senate File 484 as  
2 amended, passed and reprinted by the Senate as  
3 follows:  
4 1. Page 12, by inserting after line 28 the  
5 following:  
6 “Sec. \_\_\_\_\_. NEW SECTION. 147B.19 MEDICAL REVIEW  
7 PANEL ESTABLISHED.  
8 A medical review board is established to review all  
9 malpractice claims against qualified health care  
10 providers.  
11 Sec. \_\_\_\_\_. NEW SECTION. 147B.20 PANEL MEMBERS -  
12 SELECTION.  
13 1. The medical review panel consists of one  
14 attorney admitted to practice law in this state and  
15 three physicians who hold unlimited licenses under the  
16 laws of this state to practice medicine. The attorney  
17 shall act in an advisory capacity and as chairperson  
18 of the panel, but shall have no vote.  
19 2. The medical review panel shall be selected in  
20 the following manner:  
21 a. All physicians engaged in the active practice  
22 of medicine in this state, whether in the teaching  
23 profession or otherwise, who hold a license to  
24 practice medicine, shall be available for selection.  
25 b. Each party to the action has the right to

26 select one physician and, upon selection, the  
 27 physician is required to serve. The two physicians  
 28 selected shall select the third physician panelist.  
 29 If one of the health care providers involved is a  
 30 hospital, a fourth panelist shall be selected who is a  
 31 hospital administrator selected by the hospital.

32 c. If more than one plaintiff or defendant is  
 33 involved, only one physician or hospital administrator  
 34 shall be selected per side. The plaintiff has the  
 35 right to select one physician and the defendant has  
 36 the right to select one physician.

37 d. A panelist selected shall serve except that,  
 38 for good cause shown, the panelist may be excused. To  
 39 show good cause for relief from serving, the panelist  
 40 is required to serve an affidavit upon a judge of a  
 41 court having jurisdiction over the claim when filed.  
 42 The affidavit shall set out the facts showing that  
 43 service would constitute an unreasonable burden or  
 44 undue hardship. The court may excuse the proposed  
 45 panelist from serving.

46 e. Within twenty days after receipt of  
 47 notification of a proposed panelist by the plaintiff,  
 48 the defendant shall select a proposed panelist and  
 49 advise the plaintiff or the plaintiff's attorney.

50 f. Within twenty days of receipt of notice of any

**Page 2**

1 selection, written challenge, without cause, may be  
 2 made to the panel member. Upon challenge, a party  
 3 shall select another panelist. If multiple plaintiffs  
 4 or defendants are unable to agree on a physician  
 5 panelist or if two challenges are made and submitted,  
 6 the judge shall submit a list consisting of three  
 7 qualified panelists and each side shall strike one and  
 8 the remaining member shall serve in place of the  
 9 challenged panelist designated by the party.

10 g. The parties may agree on the attorney member of  
 11 the panel or, if no agreement can be reached, five  
 12 proposed attorney members shall be designated by the  
 13 judge having jurisdiction of the cause. The parties  
 14 shall each strike two persons alternately with the  
 15 claimant striking first until both sides have stricken  
 16 two persons and the remaining person shall be the  
 17 attorney member of the panel.

18 3. If the members of the medical review panel have  
 19 not been selected within one hundred twenty days  
 20 following filing of the petition or complaint, the  
 21 court may select members of the panel and set a  
 22 specific date for the hearing.

23 Sec. \_\_\_\_\_. NEW SECTION. 147B.21 EVIDENCE  
 24 CONSIDERED - DEPOSITIONS.

25 1. The evidence considered by the medical review  
26 panel shall be promptly submitted by the parties in  
27 written form only. If any party to the proceedings  
28 fails to submit evidence within a reasonable time  
29 after notice from the panel requesting the evidence,  
30 the panel may proceed to decide the matter on the  
31 evidence previously submitted. The determination of  
32 reasonable time shall be made by the panel. The  
33 evidence submitted may consist of medical charts, X  
34 rays, laboratory test results, excerpts of treatises,  
35 depositions of witnesses, including the parties, and  
36 any other form of evidence allowable by the medical  
37 review panel.

38 2. Depositions of parties and witnesses may be  
39 taken prior to the convening of the panel and prior to  
40 the commencement of the action but the attorney for  
41 the medical care provider shall be furnished with a  
42 copy of the petition the claimant proposes to file at  
43 least ten days before any deposition is taken. The  
44 patient has the right to request and receive all  
45 medical and hospital records relating to the case  
46 which would be admissible in evidence in a court of  
47 law. The chairperson of the panel shall advise the  
48 panel relative to any legal question involved in the  
49 review proceeding and shall prepare the opinion of the  
50 panel. A copy of the evidence shall be sent to each

### Page 3

1 member of the panel.

2 3. Either party, after submission of all evidence  
3 and upon ten days' notice to the other side, may  
4 convene the panel at a time and place agreeable to the  
5 members of the panel. Either party may present  
6 argument concerning any matters relevant to issues to  
7 be decided by the panel before the issuance of its  
8 report. The chairperson of the panel shall preside at  
9 all meetings.

10 4. If the members of the medical review panel have  
11 not convened within six months of the initiation of  
12 the proceeding, the judge may order the panel to  
13 convene.

### 14 Sec. \_\_\_\_\_. NEW SECTION. 147B.22 ACCESS TO 15 INFORMATION - WRITTEN OPINION.

16 1. The panel has the right and duty to request all  
17 necessary information. The panel may consult with  
18 medical authorities and may examine reports of the  
19 health care providers as may be necessary to fully  
20 inform itself regarding the issue to be decided. Both  
21 parties have full access to any material submitted to  
22 the panel.

23 2. The panel has the sole duty to express its

24 expert opinion in writing to each of the parties as to  
25 whether or not the evidence supports the conclusion  
26 that the defendant or defendants acted or failed to  
27 act within the appropriate standards of care as  
28 charged in the complaint and as to the issue of  
29 damages proximately caused by failure to act in  
30 accordance with such standards. Any issue relating to  
31 informed consent shall be considered as a charge of  
32 failure to act within the appropriate standard of  
33 care.

34 3. After reviewing all evidence and, unless  
35 waived, after argument by counsel representing either  
36 party, the panel shall, within thirty days, render one  
37 or more of the following expert opinions which shall  
38 be in writing and mailed to each of the parties:

39 a. The evidence supports the conclusion that the  
40 defendant failed to comply with the appropriate  
41 standard of care as charged in the complaint in  
42 specified particulars.

43 b. The evidence supports the conclusion that the  
44 defendant involved met the applicable standard of care  
45 required under the circumstances.

46 c. A material issue of fact exists, not requiring  
47 expert opinion, bearing on liability for consideration  
48 by the court or jury in specified particulars.

49 4. Dollar amounts or percentages of disability  
50 shall not be provided by the panel. A majority vote

**Page 4**

1 of the voting members controls action by the panel.  
2 The report of the panel shall be signed only by the  
3 chairperson who shall certify that the report reflects  
4 the opinion of a majority of the voting members. If  
5 requested, a minority report shall be provided to any  
6 party.

7 Sec. \_\_\_\_\_. **NEW SECTION. 147B.23 REQUEST FOR  
8 REVIEW OF A CLAIM — EFFECT.**

9 1. The filing of the request for review of a claim  
10 tolls the applicable statute of limitations for a  
11 period of ninety days following the issuance of the  
12 opinion by the medical review panel. The request for  
13 review of a claim is deemed filed when a copy of the  
14 request together with a copy of the proposed complaint  
15 is delivered or mailed by certified mail or restricted  
16 certified mail to the director, who shall immediately  
17 forward a copy to each health care provider named as a  
18 defendant at the health care provider's last place of  
19 residence or office.

20 2. The report and any minority report of the  
21 medical review panel are admissible as evidence in any  
22 action subsequently brought by the claimant in a court

23 of law, but the report is not conclusive and either  
 24 party may call any member of the medical review panel  
 25 as a witness. If called, the witness shall be  
 26 required to appear and testify.

27 3. A panelist has absolute immunity from civil  
 28 liability for all communications, findings, opinions,  
 29 and conclusions made in the course and scope of duties  
 30 of the panel.

31 Sec. \_\_\_\_\_. NEW SECTION. 147B.24 COMPENSATION OF  
 32 MEMBERS.

33 Each member of the medical review panel shall be  
 34 paid at the rate of thirty dollars per day for all  
 35 work performed as a member of the panel, exclusive of  
 36 time and services involved if called as a witness to  
 37 testify in court and reasonable expenses incurred.  
 38 Fees of the panel, including expenses, shall be paid  
 39 equally by each side. If a panel member is called as  
 40 an expert witness at the trial the panelist shall be  
 41 paid the customary expert witness fee.

42 Sec. \_\_\_\_\_. NEW SECTION. 147B.25 PROCEEDINGS  
 43 BEFORE PANEL.

44 1. Except for the introduction into evidence of  
 45 the report of the panel, all proceedings before the  
 46 medical review panel, all actions taken by any party  
 47 or party's counsel in preparation for the proceedings,  
 48 and the submission of any matter to the medical review  
 49 panel shall be handled on a confidential basis. The  
 50 hearing shall not be conducted as a public hearing and

Page 5

1 the proceedings before the panel are not matters of  
 2 public record.

3 2. Medical review panels shall be concerned only  
 4 with the determination of the questions set forth in  
 5 section 147B.22. The panels shall not consider or  
 6 report on disputed questions of law."

7 2. Renumber as necessary.

HANSEN of Woodbury

H--4016

1 Amend Senate File 484 as amended, passed and  
 2 reprinted by the Senate as follows:

3 1. Page 6, by inserting after line 30 the  
 4 following:

5 "Sec. \_\_\_\_\_. NEW SECTION. 147B.11 MEDICAL REVIEW  
 6 PANEL ESTABLISHED.

7 A medical review board is established to review all  
 8 malpractice claims against qualified health care  
 9 providers.

10 Sec. \_\_\_\_\_. NEW SECTION. 147B.12 PANEL MEMBERS --

## 11 SELECTION.

12 1. The medical review panel consists of one  
13 attorney admitted to practice law in this state and  
14 three physicians who hold unlimited licenses under the  
15 laws of this state to practice medicine. The attorney  
16 shall act in an advisory capacity and as chairperson  
17 of the panel, but shall have no vote.

18 2. The medical review panel shall be selected in  
19 the following manner:

20 a. All physicians engaged in the active practice  
21 of medicine in this state, whether in the teaching  
22 profession or otherwise, who hold a license to  
23 practice medicine, shall be available for selection.

24 b. Each party to the action has the right to  
25 select one physician and, upon selection, the  
26 physician is required to serve. The two physicians  
27 selected shall select the third physician panelist.  
28 If one of the health care providers involved is a  
29 hospital, a fourth panelist shall be selected who is a  
30 hospital administrator selected by the hospital.

31 c. If more than one plaintiff or defendant is  
32 involved, only one physician or hospital administrator  
33 shall be selected per side. The plaintiff has the  
34 right to select one physician and the defendant has  
35 the right to select one physician.

36 d. A panelist selected shall serve except that,  
37 for good cause shown, the panelist may be excused. To  
38 show good cause for relief from serving, the panelist  
39 is required to serve an affidavit upon a judge of a  
40 court having jurisdiction over the claim when filed.  
41 The affidavit shall set out the facts showing that  
42 service would constitute an unreasonable burden or  
43 undue hardship. The court may excuse the proposed  
44 panelist from serving.

45 e. Within twenty days after receipt of  
46 notification of a proposed panelist by the plaintiff,  
47 the defendant shall select a proposed panelist and  
48 advise the plaintiff or the plaintiff's attorney.

49 f. Within twenty days of receipt of notice of any  
50 selection, written challenge, without cause, may be

**Page 2**

1 made to the panel member. Upon challenge, a party  
2 shall select another panelist. If multiple plaintiffs  
3 or defendants are unable to agree on a physician  
4 panelist or if two challenges are made and submitted,  
5 the judge shall submit a list consisting of three  
6 qualified panelists and each side shall strike one and  
7 the remaining member shall serve in place of the  
8 challenged panelist designated by the party.

9 g. The parties may agree on the attorney member of

10 the panel or, if no agreement can be reached, five  
11 proposed attorney members shall be designated by the  
12 judge having jurisdiction of the cause. The parties  
13 shall each strike two persons alternately with the  
14 claimant striking first until both sides have stricken  
15 two persons and the remaining person shall be the  
16 attorney member of the panel.

17 3. If the members of the medical review panel have  
18 not been selected within one hundred twenty days  
19 following filing of the petition or complaint, the  
20 court may select members of the panel and set a  
21 specific date for the hearing.

22 Sec. \_\_\_\_\_ NEW SECTION. 147B.13 EVIDENCE  
23 CONSIDERED — DEPOSITIONS.

24 1. The evidence considered by the medical review  
25 panel shall be promptly submitted by the parties in  
26 written form only. If any party to the proceedings  
27 fails to submit evidence within a reasonable time  
28 after notice from the panel requesting the evidence,  
29 the panel may proceed to decide the matter on the  
30 evidence previously submitted. The determination of  
31 reasonable time shall be made by the panel. The  
32 evidence submitted may consist of medical charts, X  
33 rays, laboratory test results, excerpts of treatises,  
34 depositions of witnesses, including the parties, and  
35 any other form of evidence allowable by the medical  
36 review panel.

37 2. Depositions of parties and witnesses may be  
38 taken prior to the convening of the panel and prior to  
39 the commencement of the action but the attorney for  
40 the medical care provider shall be furnished with a  
41 copy of the petition the claimant proposes to file at  
42 least ten days before any deposition is taken. The  
43 patient has the right to request and receive all  
44 medical and hospital records relating to the case  
45 which would be admissible in evidence in a court of  
46 law. The chairperson of the panel shall advise the  
47 panel relative to any legal question involved in the  
48 review proceeding and shall prepare the opinion of the  
49 panel. A copy of the evidence shall be sent to each  
50 member of the panel.

**Page 3**

1 3. Either party, after submission of all evidence  
2 and upon ten days' notice to the other side, may  
3 convene the panel at a time and place agreeable to the  
4 members of the panel. Either party may present  
5 argument concerning any matters relevant to issues to  
6 be decided by the panel before the issuance of its  
7 report. The chairperson of the panel shall preside at  
8 all meetings.

9 4. If the members of the medical review panel have  
 10 not convened within six months of the initiation of  
 11 the proceeding, the judge may order the panel to  
 12 convene.

13 Sec. \_\_\_\_\_. NEW SECTION. 147B.14 ACCESS TO  
 14 INFORMATION – WRITTEN OPINION.

15 1. The panel has the right and duty to request all  
 16 necessary information. The panel may consult with  
 17 medical authorities and may examine reports of the  
 18 health care providers as may be necessary to fully  
 19 inform itself regarding the issue to be decided. Both  
 20 parties have full access to any material submitted to  
 21 the panel.

22 2. The panel has the sole duty to express its  
 23 expert opinion in writing to each of the parties as to  
 24 whether or not the evidence supports the conclusion  
 25 that the defendant or defendants acted or failed to  
 26 act within the appropriate standards of care as  
 27 charged in the complaint and as to the issue of  
 28 damages proximately caused by failure to act in  
 29 accordance with such standards. Any issue relating to  
 30 informed consent shall be considered as a charge of  
 31 failure to act within the appropriate standard of  
 32 care.

33 3. After reviewing all evidence and, unless  
 34 waived, after argument by counsel representing either  
 35 party, the panel shall, within thirty days, render one  
 36 or more of the following expert opinions which shall  
 37 be in writing and mailed to each of the parties:

38 a. The evidence supports the conclusion that the  
 39 defendant failed to comply with the appropriate  
 40 standard of care as charged in the complaint in  
 41 specified particulars.

42 b. The evidence supports the conclusion that the  
 43 defendant involved met the applicable standard of care  
 44 required under the circumstances.

45 c. A material issue of fact exists, not requiring  
 46 expert opinion, bearing on liability for consideration  
 47 by the court or jury in specified particulars.

48 4. Dollar amounts or percentages of disability  
 49 shall not be provided by the panel. A majority vote  
 50 of the voting members controls action by the panel.

**Page 4**

1 The report of the panel shall be signed only by the  
 2 chairperson who shall certify that the report reflects  
 3 the opinion of a majority of the voting members. If  
 4 requested, a minority report shall be provided to any  
 5 party.

6 Sec. \_\_\_\_\_. NEW SECTION. 147B.15 REQUEST FOR  
 7 REVIEW OF A CLAIM – EFFECT.

8 1. The filing of the request for review of a claim  
9 tells the applicable statute of limitations for a  
10 period of ninety days following the issuance of the  
11 opinion by the medical review panel. The request for  
12 review of a claim is deemed filed when a copy of the  
13 request together with a copy of the proposed complaint  
14 is delivered or mailed by certified mail or restricted  
15 certified mail to the director, who shall immediately  
16 forward a copy to each health care provider named as a  
17 defendant at the health care provider's last place of  
18 residence or office.

19 2. The report and any minority report of the  
20 medical review panel are admissible as evidence in any  
21 action subsequently brought by the claimant in a court  
22 of law, but the report is not conclusive and either  
23 party may call any member of the medical review panel  
24 as a witness. If called, the witness shall be  
25 required to appear and testify.

26 3. A panelist has absolute immunity from civil  
27 liability for all communications, findings, opinions,  
28 and conclusions made in the course and scope of duties  
29 of the panel.

30 Sec. \_\_\_\_\_. NEW SECTION. 147B.16 COMPENSATION OF  
31 MEMBERS.

32 Each member of the medical review panel shall be  
33 paid at the rate of thirty dollars per day for all  
34 work performed as a member of the panel, exclusive of  
35 time and services involved if called as a witness to  
36 testify in court and reasonable expenses incurred.  
37 Fees of the panel, including expenses, shall be paid  
38 equally by each side. If a panel member is called as  
39 an expert witness at the trial the panelist shall be  
40 paid the customary expert witness fee.

41 Sec. \_\_\_\_\_. NEW SECTION. 147B.17 PROCEEDINGS  
42 BEFORE PANEL.

43 1. Except for the introduction into evidence of  
44 the report of the panel, all proceedings before the  
45 medical review panel, all actions taken by any party  
46 or party's counsel in preparation for the proceedings,  
47 and the submission of any matter to the medical review  
48 panel shall be handled on a confidential basis. The  
49 hearing shall not be conducted as a public hearing and  
50 the proceedings before the panel are not matters of

Page 5

1 public record.

2 2. Medical review panels shall be concerned only  
3 with the determination of the questions set forth in  
4 section 147B.14. The panels shall not consider or  
5 report on disputed questions of law."

6 2. Renumber as necessary.

H-4017

1 Amend the amendment, H-3905, to Senate File 484 as  
2 amended, passed, and reprinted by the Senate, as  
3 follows:

4 1. Page 11, by inserting after line 49 the  
5 following:

6 "Sec. \_\_\_\_\_. NEW SECTION. 147B.16A DISCLOSURE OF  
7 CLAIMS.

8 1. All medical liability claims settled or  
9 adjudicated to final judgment against a health care  
10 provider and any liability claim closed without  
11 payment during the calendar year shall be reported to  
12 the commissioner by the health care provider or the  
13 provider's medical liability insurer. The report  
14 shall be submitted to the commissioner on or before  
15 the first day of February for claims for the previous  
16 calendar year.

17 2. The reports shall contain all of the following  
18 information:

19 a. Nature of each claim and damages asserted.

20 b. Amount of settlement or judgment, if any.

21 c. Professional and legal issues asserted with  
22 regard to each claim.

23 d. Specialty of each health care provider against  
24 whom each claim is filed and closed.

25 3. The reports shall be transmitted to the board  
26 of medical examiners. A report containing all the  
27 information included in the individual reports shall  
28 be made available to the public by the board for each  
29 calendar year."

30 2. Page 12, by inserting after line 28 the  
31 following:

32 "Sec. \_\_\_\_\_. The commissioner shall collect  
33 information concerning all claims initiated and  
34 settled or adjudicated to final judgment or closed  
35 without payment against any health care provider  
36 currently licensed to practice in this state for the  
37 ten-year period preceding the effective date of this  
38 Act. This report shall be made available to the  
39 public no later than January 1, 1989."

40 3. Renumber as necessary.

HANSEN of Woodbury

H-4018

1 Amend the amendment, H-3905, to Senate File 484 as  
2 amended, passed, and reprinted by the Senate, as  
3 follows:

4 1. By striking page 1, line 49 through page 2,  
5 line 1.

6 2. By striking page 2, line 11 through page 12,

7 line 36 and inserting the following:

8 "Sec. \_\_\_\_\_. NEW SECTION. 147B.3 MALPRACTICE  
9 INSURANCE FUND.

10 The state shall establish a medical malpractice  
11 insurance fund which shall be administered by the  
12 division of insurance of the department of commerce.  
13 The fund shall be established by January 1, 1988 and  
14 shall operate under the following conditions:

15 1. Every hospital licensed pursuant to 135B, every  
16 physician and surgeon licensed pursuant to chapter  
17 148, every osteopath licensed pursuant to chapter 150,  
18 and every osteopathic physician and surgeon licensed  
19 pursuant to chapter 150A shall participate.

20 2. The insurance division shall underwrite the  
21 coverage provided by the fund by an initial surcharge  
22 of each hospital and health care provider required to  
23 participate pursuant to subsection 1. The surcharge  
24 is to be allocated on a scale determined equitably by  
25 the division based upon the premiums paid by each  
26 provider.

27 3. The continuing rates charged health care  
28 providers and hospitals shall be determined by  
29 generally accepted actuarial methods using Iowa loss  
30 experience only.

31 4. The division shall classify health care  
32 providers into four classifications based upon the  
33 amount of surgery performed and the risk of diagnostic  
34 and therapeutic services provided or procedures  
35 performed.

36 Sec. \_\_\_\_\_. NEW SECTION. 147B.4 COVERAGE OPTION.

37 A hospital may elect not to participate under this  
38 chapter if the hospital can prove that it has adequate  
39 coverage either through self-insurance or other  
40 insurance as determined and approved by the division.  
41 A hospital may indemnify a health care provider listed  
42 in section 147B.3, subsection 1, and thereby allow  
43 that health care provider to elect not to participate  
44 under this chapter. The indemnification agreement  
45 shall be in conformance with section 147B.5.

46 Sec. \_\_\_\_\_. NEW SECTION. 147B.5 INDEMNIFICATION  
47 AGREEMENT.

48 1. An agreement between a hospital and a health  
49 care provider may be entered into providing that the  
50 hospital shall indemnify the health care provider for

Page 2

1 any liability of the health care provider arising  
2 while the health care provider is providing services  
3 only at the hospital with which the agreement is made.  
4 The agreement may provide that the hospital shall  
5 indemnify the health care provider for liability

- 6 arising from services provided outside of the  
 7 hospital.  
 8 2. Before entering into an agreement pursuant to  
 9 this section, a hospital may require the health care  
 10 provider to provide information regarding all claims  
 11 filed against the health care provider and losses  
 12 resulting from the claims."  
 13 3. By renumbering as necessary.

JAY of Appanoose

H-4019

- 1 Amend House File 677 as follows:  
 2 1. By striking page 14, line 25 through page 15,  
 3 line 13 and inserting the following: "shall be  
 4 credited to the road use tax fund. The net proceeds  
 5 of the excise tax".  
 6 2. By striking page 23, line 12 through page 24,  
 7 line 28.  
 8 3. Title page, lines 2 and 3, by striking the  
 9 words "by the establishment of a commercial network of  
 10 highways funded by an increase in" and inserting the  
 11 following: "by increasing".

KONIGS of Mitchell  
LAGESCHULTE of Bremer

H-4020

- 1 Amend House File 677 as follows:  
 2 1. Page 2, by striking lines 13 through 20.

KONIGS of Mitchell

H-4022

- 1 Amend Senate File 496, as amended, passed, and  
 2 reprinted by the Senate, as follows:  
 3 1. Page 2, by inserting after line 15, the  
 4 following:  
 5 "Sec. \_\_\_\_\_. Section 97B.49, subsection 10,  
 6 unnumbered paragraph 1, Code 1987, is amended to read  
 7 as follows:  
 8 Notwithstanding sections of this chapter relating  
 9 to eligibility for and determination of retirement  
 10 benefits, a vested member who is or has been employed  
 11 as a correctional officer by the Iowa department of  
 12 corrections and who retires on or after July 1, ~~1986~~  
 13 1987 and at the time of retirement is at least sixty  
 14 years of age and has completed at least ~~thirty~~ twenty-  
 15 five years of membership service as a correctional  
 16 officer, may elect to receive, in lieu of the receipt  
 17 of benefits under subsection 5 of this section, a  
 18 monthly retirement allowance equal to one-twelfth of

19 fifty percent of the member's three-year average  
 20 covered wage as a correctional officer, with benefits  
 21 payable during the member's lifetime.

22 A correctional officer who retires on or after July  
 23 1, 1987 and has not completed twenty-five years of  
 24 membership service as required under this subsection  
 25 is eligible to receive a monthly retirement allowance  
 26 equal to one-twelfth of fifty percent of the member's  
 27 three-year average covered wage as a correctional  
 28 officer multiplied by the fraction of years of service  
 29 as a correctional officer. For the purpose of this  
 30 subsection, "fraction of years of service" means a  
 31 number, not to exceed one, equal to the sum of the  
 32 years of membership service as a correctional officer,  
 33 divided by twenty-five years. On or after July 1,  
 34 1987, if the correctional officer has not reached  
 35 sixty years of age at retirement, the monthly  
 36 retirement allowance shall be reduced by five-tenths  
 37 of one percent per month for each month that the  
 38 correctional officer's retirement precedes the date on  
 39 which the correctional officer attains sixty years of  
 40 age.

McKEAN of Jones  
 SPEAR of Lee

H-4025

1 Amend Senate File 455 as passed by the Senate as  
 2 follows:

3 1. Page 1, line 23, by inserting after the word  
 4 "chiropractor" the following: "except that physical  
 5 therapy evaluation and treatment provided in a  
 6 hospital shall be done only upon prior review by an  
 7 authorization of a member of the hospital's medical  
 8 staff".

PETERSON of Carroll  
 TABOR of Jackson

H-4026

1 Amend House File 677 as follows:

2 1. Page 14, line 28, by striking the word "one-  
 3 half" and inserting the following: "forty-five  
 4 hundredths".  
 5 2. Page 14, line 30, by striking the word "one-  
 6 fourth" and inserting the following: "twenty-eight  
 7 hundredths".  
 8 3. Page 14, line 30, by inserting after the word  
 9 "fund," the following: "an amount equal to nine  
 10 hundredths of one cent per gallon to the farm-to-  
 11 market road fund,".  
 12 4. Page 14, line 31, by striking the word "one-  
 13 fourth" and inserting the words "eighteen hundredths".

LAGESCHULTE of Bremer

H-4029

1 Amend House File 677 as follows:

2 1. Page 23, line 8, by striking the word  
3 "aircraft" and inserting the following: "the casual  
4 sales of aircraft".

5 2. Page 27, by inserting after line 29 the fol-  
6 lowing:

7 "Sec. \_\_\_\_\_. Section 5 of this Act takes effect July  
8 1, 1989."

CONNOLLY of Dubuque

H-4030

1 Amend House File 677 as follows:

2 1. By striking page 14, line 27 through page 15,  
3 line 13, and inserting the following: "tax fund,  
4 shall credit to the primary road fund an amount equal  
5 to the revenues collected from the taxes imposed on  
6 motor fuel under section 324.3 the amount of excise  
7 tax collected from one cent per gallon for the period  
8 beginning July 1, 1987 through December 31, 1987, the  
9 amount of excise tax collected from two cents per  
10 gallon for the period beginning January 1, 1988  
11 through June 30, 1988, and the amount of excise tax  
12 collected from three cents per gallon for the period  
13 beginning July 1, 1988 through June 30, 1990. The  
14 treasurer of state, before crediting the above tax  
15 proceeds to the road use tax fund, shall credit to the  
16 primary road fund an amount equal to the revenues  
17 collected from the taxes imposed on special fuel for  
18 diesel engines of motor vehicles under section 324.34  
19 the amount of excise tax collected from one cent per  
20 gallon for the period beginning January 1, 1988  
21 through June 30, 1988, the amount of excise tax  
22 collected from two cents per gallon for the period  
23 beginning July 1, 1988 through December 31, 1988, and  
24 the amount of excise tax collected from three cents  
25 per gallon for the period beginning January 1, 1989  
26 and ending June 30, 1990. The net proceeds of the  
27 excise tax".

28 2. By striking page 23, line 12 through page 24,  
29 line 28.

30 3. Title page, lines 2 and 3, by striking the  
31 words "by the establishment of a commercial network of  
32 highways funded by an increase in" and inserting the  
33 following: "by increasing".

KOENIGS of Mitchell  
LAGESCHULTE of Bremer

H-4031

1 Amend House File 677 as follows:

2 1. By striking page 14, line 27 through page 15,  
3 line 13, and inserting the following: "tax fund,  
4 shall credit to the primary road fund an amount equal  
5 to the revenues collected from the taxes imposed on  
6 motor fuel under section 324.3 the amount of excise  
7 tax collected from one cent per gallon for the period  
8 beginning July 1, 1987 through December 31, 1987, the  
9 amount of excise tax collected from two cents per  
10 gallon for the period beginning January 1, 1988  
11 through June 30, 1988, and the amount of excise tax  
12 collected from three cents per gallon for the period  
13 beginning July 1, 1988 through June 30, 1989. The  
14 treasurer of state, before crediting the above tax  
15 proceeds to the road use tax fund, shall credit to the  
16 primary road fund an amount equal to the revenues  
17 collected from the taxes imposed on special fuel for  
18 diesel engines of motor vehicles under section 324.34  
19 the amount of excise tax collected from one cent per  
20 gallon for the period beginning January 1, 1988  
21 through June 30, 1988, the amount of excise tax  
22 collected from two cents per gallon for the period  
23 beginning July 1, 1988 through December 31, 1988, and  
24 the amount of excise tax collected from three cents  
25 per gallon for the period beginning January 1, 1989  
26 and ending June 30, 1989. The net proceeds of the  
27 excise tax".

28 2. By striking page 23, line 12 through page 24,  
29 line 28.

30 3. Title page, lines 2 and 3, by striking the  
31 words "by the establishment of a commercial network of  
32 highways funded by an increase in" and inserting the  
33 following: "by increasing".

KOENIGS of Mitchell  
LAGESCHULTE of Bremer

H-4032

1 Amend Senate amendment, H-3904, to House File 600  
2 as amended, passed and reprinted by the House as  
3 follows:

4 1. Page 1, by striking lines 3 through 23.

5 2. Page 1, by striking lines 35 through 42.

6 3. Page 3, by striking lines 36 through 47 and  
7 inserting the following: "at the time of the canvass  
8 of the election."

9 4. Page 4, by striking lines 23 through page 17,  
10 line 44.

HANSON of Delaware  
RENKEN of Grundy

H-4034

1 Amend House 677 as follows:

- 2 1. Page 9, lines 14 and 15, by striking the word  
3 and figures "June 30, 1988" and inserting the  
4 following: "December 31, 1988".  
5 2. Page 9, line 16, by striking the word and  
6 figures "July 1, 1988" and inserting the following:  
7 "January 1, 1989".  
8 3. Page 9, line 16, by striking the word and  
9 figures "December 31, 1988" and inserting the  
10 following: "December 31, 1989".  
11 4. Page 9, line 17, by striking the figure "1989"  
12 and inserting the following: "1990".

PLATT of Muscatine  
MUHLBAUER of Crawford

H-4041

1 Amend House File 677 as follows:

- 2 1. By striking page 14, line 27 through page 15,  
3 line 13, and inserting the following: "tax fund,  
4 shall credit to the primary road fund an amount equal  
5 to the revenues collected from the taxes imposed on  
6 motor fuel and gasohol under section 324.3 the amount  
7 of excise tax collected from one cent per gallon for  
8 the period beginning July 1, 1987 and ending December  
9 31, 1987, the amount of excise tax collected from two  
10 cents per gallon for the period beginning January 1,  
11 1988 and ending June 30, 1988, the amount of excise  
12 tax collected from three cents per gallon for the  
13 period beginning July 1, 1988 and ending June 30,  
14 1989, the amount of excise tax collected from two  
15 cents per gallon for the period beginning July 1, 1989  
16 and ending December 31, 1989, and the amount of excise  
17 tax collected from one cent per gallon for the period  
18 beginning January 1, 1990 and ending June 30, 1990.  
19 The treasurer of state, before crediting the above tax  
20 proceeds to the road use tax fund, shall credit to the  
21 primary road fund an amount equal to the revenues  
22 collected from the taxes imposed on special fuel for  
23 diesel engines of motor vehicles under section 324.34  
24 the amount of excise tax collected from one cent per  
25 gallon for the period beginning January 1, 1988 and  
26 ending June 30, 1988, the amount of excise tax  
27 collected from two cents per gallon for the period  
28 beginning July 1, 1988 and ending December 31, 1988,  
29 and the amount of excise tax collected from three  
30 cents per gallon for the period beginning January 1,  
31 1989 and ending December 31, 1989, the amount of  
32 excise tax collected from two cents per gallon for the  
33 period beginning January 1, 1990 and ending June 30,

34 1990, and the amount of excise tax collected from one  
 35 cent per gallon for the period beginning July 1, 1990  
 36 and ending December 31, 1990. The net proceeds of the  
 37 excise tax”.

38 2. By striking page 23, line 12 through page 24,  
 39 line 28.

40 3. Title page, lines 2 and 3, by striking the  
 41 words “by the establishment of a commercial network of  
 42 highways funded by an increase in” and inserting the  
 43 following: “by increasing”.

KOENIGS of Mitchell  
 LAGESCHULTE of Bremer

H-4042

1 Amend House File 677 as follows:

2 1. By striking page 14, line 27 through page 15,  
 3 line 13, and inserting the following: “tax fund,  
 4 shall credit to the primary road fund an amount equal  
 5 to the revenues collected from the taxes imposed on  
 6 motor fuel and gasohol under section 324.3 the amount  
 7 of excise tax collected from one cent per gallon for  
 8 the period beginning July 1, 1987 and ending December  
 9 31, 1987, the amount of excise tax collected from two  
 10 cents per gallon for the period beginning January 1,  
 11 1988 and ending June 30, 1988, the amount of excise  
 12 tax collected from three cents per gallon for the  
 13 period beginning July 1, 1988 and ending June 30,  
 14 1990, the amount of excise tax collected from two  
 15 cents per gallon for the period beginning July 1, 1990  
 16 and ending December 31, 1990, and the amount of excise  
 17 tax collected from one cent per gallon for the period  
 18 beginning January 1, 1991 and ending June 30, 1991.  
 19 The treasurer of state, before crediting the above tax  
 20 proceeds to the road use tax fund, shall credit to the  
 21 primary road fund an amount equal to the revenues  
 22 collected from the taxes imposed on special fuel for  
 23 diesel engines of motor vehicles under section 324.34  
 24 the amount of excise tax collected from one cent per  
 25 gallon for the period beginning January 1, 1988 and  
 26 ending June 30, 1988, the amount of excise tax  
 27 collected from two cents per gallon for the period  
 28 beginning July 1, 1988 and ending December 31, 1988,  
 29 the amount of excise tax collected from three cents  
 30 per gallon for the period beginning January 1, 1989  
 31 and ending December 31, 1990, the amount of excise tax  
 32 collected from two cents per gallon for the period  
 33 beginning January 1, 1991 and ending June 30, 1991,  
 34 and the amount of excise tax collected from one cent  
 35 per gallon for the period beginning July 1, 1991 and  
 36 ending December 31, 1991. The net proceeds of the  
 37 excise tax”.

- 38 2. By striking page 23, line 12 through page 24,  
 39 line 28.  
 40 3. Title page, lines 2 and 3, by striking the  
 41 words "by the establishment of a commercial network of  
 42 highways funded by an increase in" and inserting the  
 43 following: "by increasing".

KOENIGS of Mitchell  
 LAGESCHULTE of Bremer

H-4044

- 1 Amend House File 677 as follows:  
 2 1. Page 3, by striking lines 20 through 32.  
 3 2. Renumber sections and correct internal  
 4 references as necessary.

FULLER of Hardin  
 SVOBODA of Tama

H-4045

- 1 Amend the Senate amendment, H-4038, to House File  
 2 574 as amended, passed, and reprinted by the House, as  
 3 follows:  
 4 1. Page 1, line 4, by striking the word "with".  
 5 2. Page 1, line 20, by striking the word "with".

ROSENBERG of Story

H-4049

- 1 Amend the amendment, H-3735, to Senate File 274, as  
 2 passed by the Senate, as follows:  
 3 1. By striking page 1, line 5 through page 4,  
 4 line 34 and inserting the following:  
 5 "Section 1. NEW SECTION. 542.22 CORN GRADING FOR  
 6 FOREIGN MATERIAL.  
 7 A person who, in connection with the receipt of  
 8 corn from a producer for storage, processing, or sale,  
 9 grades corn for foreign material shall grade the corn  
 10 received not under contract by averaging by weight the  
 11 foreign material in all loads delivered to that person  
 12 by a single producer each calendar day, and shall  
 13 grade the corn received under contract by averaging by  
 14 weight the foreign material in all loads delivered to  
 15 that person under each contract.  
 16 Sec. 2. NEW SECTION. 543.40 CORN GRADING FOR  
 17 FOREIGN MATERIAL.  
 18 A person who, in connection with the receipt of  
 19 corn from a producer for storage, processing, or sale,  
 20 grades corn for foreign material shall grade the corn  
 21 received not under contract by averaging by weight the  
 22 foreign material in all loads delivered to that person  
 23 by a single producer each calendar day, and shall

24 grade the corn received under contract by averaging by  
25 weight the foreign material in all loads delivered to  
26 that person under each contract."  
27 2. Title page, by striking lines 2 through 7 and  
28 inserting the following: "the grading of corn for  
29 foreign material."

SCHNEKLOTH of Scott

H-4050

1 Amend the amendment, H-3735, to Senate File 274 as  
2 passed by the Senate as follows:

3 1. By striking page 1, line 5 through page 4,  
4 line 34 and inserting the following:

5 "Section 1. NEW SECTION. 543B.1 IOWA SEAL GRAIN.

6 A seal for grain shall be created under the  
7 direction of the department of agriculture and land  
8 stewardship to identify grain of the highest quality  
9 produced in Iowa, which shall be known as "Iowa Seal"  
10 grain. The department shall certify that grain  
11 inspected, graded, and marked with the Iowa Seal may  
12 be marketed as the highest quality grain produced in  
13 the state.

14 Iowa Seal grain shall satisfy all of the following  
15 requirements:

16 1. The department must supervise all procedures  
17 used to inspect and grade the grain.

18 2. The grain's quality must equal U.S. No. 2 grade  
19 or better as established by the federal grain  
20 inspection service, United States department of  
21 agriculture.

22 3. The moisture content must be no more than  
23 thirteen and one-half percent of the weight of the  
24 grain portion tested.

25 4. The amount of broken or damaged grain must be  
26 no more than four percent of the weight of the grain  
27 portion tested.

28 5. The amount of foreign substances must be no  
29 more than two percent of the weight of the grain  
30 portion tested.

31 6. All determinations of grain quality shall be  
32 based on a portion of the grain that must have a  
33 minimum test weight of fifty-six pounds.

34 The department of agriculture and land stewardship  
35 shall adopt rules under chapter 17A to provide methods  
36 of identifying and marking Iowa Seal grain, to prevent  
37 any misleading use of the Iowa Seal, and as necessary  
38 or advisable to fully implement this section.

39 A violation of a rule adopted by the department of  
40 agriculture and land stewardship to implement this  
41 section is a simple misdemeanor. A fraudulent use of  
42 the term "Iowa Seal grain" or of the identifying mark

43 for Iowa Seal grain, or a deliberately misleading or  
 44 unwarranted use of the term or identifying mark is a  
 45 serious misdemeanor."

46 2. Title page, by striking lines 2 through 7 and  
 47 inserting the following: "the grading and marking of  
 48 Iowa Seal grain, and providing penalties."

STUELAND of Clinton  
 BENNETT of Ida

H-4051

1 Amend the amendment, H-3735, to Senate File 274 as  
 2 passed by the Senate as follows:

3 1. By striking page 1, line 5 through page 4,  
 4 line 34, and inserting the following:

5 "Section 1. Section 422.43, subsection 11, Code  
 6 1987, is amended to read as follows:

7 11. The following enumerated services are subject  
 8 to the tax imposed on gross taxable services:  
 9 Alteration and garment repair; armored car; automobile  
 10 repair; battery, tire and allied; investment  
 11 counseling, excluding investment services of trust  
 12 departments; bank service charges; barber and beauty;  
 13 boat repair; car wash and wax; carpentry; roof,  
 14 shingle, and glass repair; dance schools and dance  
 15 studios; dry cleaning, pressing, dyeing, and  
 16 laundering; electrical and electronic repair and  
 17 installation; rental of tangible personal property;  
 18 excavating and grading; farm implement repair of all  
 19 kinds; flying service; furniture, rug, upholstery  
 20 repair and cleaning; fur storage and repair; golf and  
 21 country clubs and all commercial recreation; house and  
 22 building moving; household appliance, television, and  
 23 radio repair; jewelry and watch repair; machine  
 24 operator; machine repair of all kinds; motor repair;  
 25 motorcycle, scooter, and bicycle repair; oilers and  
 26 lubricators; office and business machine repair;  
 27 painting, papering, and interior decorating; parking  
 28 facilities; pipe fitting and plumbing; wood  
 29 preparation; licensed executive search agencies;  
 30 private employment agencies, excluding services for  
 31 placing a person in employment where the principal  
 32 place of employment of that person is to be located  
 33 outside of the state; sewing and stitching; shoe  
 34 repair and shoeshine; storage warehousing of raw  
 35 agricultural products except the storage warehousing  
 36 of grain, as defined in section 428.35; telephone  
 37 answering service; test laboratories, except tests on  
 38 humans; termite, bug, roach, and pest eradicators; tin  
 39 and sheet metal repair; turkish baths, massage, and  
 40 reducing salons; weighing; welding; well drilling;  
 41 wrapping, packing, and packaging of merchandise other

42 than processed meat, fish, fowl and vegetables;  
 43 wrecking service; wrecker and towing; cable  
 44 television; campgrounds; carpet and upholstery  
 45 cleaning; gun and camera repair; janitorial and  
 46 building maintenance or cleaning; lawn care,  
 47 landscaping and tree trimming and removal; lobbying  
 48 service; pet grooming; reflexology; security and  
 49 detective services; tanning beds or salons; and water  
 50 conditioning and softening. For purposes of this

**Page 2**

1 subsection, gross taxable services from rental  
 2 includes rents, royalties, and copyright and license  
 3 fees. For purposes of this subsection, "lobbying  
 4 service" means the rendering, furnishing or  
 5 performing, for a fee, salary or other compensation,  
 6 activities which are intended or used for the purpose  
 7 of encouraging the passage, defeat, or modification of  
 8 legislation or for influencing the decision of the  
 9 members of a legislative committee or subcommittee or  
 10 the representing, for a fee, salary or other  
 11 compensation, on a regular basis an organization which  
 12 has as one of its purposes the encouragement of the  
 13 passage, defeat or modification of legislation or the  
 14 influencing of the decision of the members of a  
 15 legislative committee or a subcommittee. "Lobbying  
 16 service" does not include the activities of a federal,  
 17 state, or local government official or employee acting  
 18 within the course of the official's or employee's  
 19 duties or a representative of the news media engaged  
 20 only in the reporting and dissemination of news and  
 21 editorials."

22 2. Title page, by striking lines 1 through 7 and  
 23 inserting the following: "An Act relating to the  
 24 sales, service, and use tax on the storage warehousing  
 25 of grain."

BENNETT of Ida  
 PELLETT of Cass  
 LAGESCHULTE of Bremer

H-4055

1 Amend the Senate amendment, H-3878, to House File  
 2 499, as amended, passed and reprinted by the House as  
 3 follows:

4 1. By striking page 20, line 14 through page 22,  
 5 line 21.

SHOULTZ of Black Hawk  
 PAVICH of Pottawattamie  
 CARPENTER of Polk

HARPER of Black Hawk  
 TEAFORD of Black Hawk  
 DAGGETT of Adams  
 SIEGRIST of Pottawattamie  
 METCALF of Polk

H-4058

- 1 Amend amendment H-3735 to Senate File 274, as
- 2 passed by the Senate, as follows:
- 3 1. Page 1, by striking lines 35 through 38 and
- 4 inserting the following:
- 5 "d. The majority leader of the senate, the
- 6 minority leader of the senate, the speaker of the
- 7 house and the minority leader of the house shall each
- 8 appoint one nonvoting advisory member from the private
- 9 sector. The board shall reflect, to the maximum
- 10 extent practicable, a gender balance."

STUELAND of Clinton

H-4062

- 1 Amend House File 677 as follows:
- 2 1. By striking page 1, line 11 through page 2,
- 3 line 7.
- 4 2. Page 6, line 16, by striking the words
- 5 "railway vehicles,".
- 6 3. Page 6, line 27, by striking the words
- 7 "railway vehicles,".
- 8 4. Page 6, line 32, by striking the words
- 9 "railway vehicle,".
- 10 5. Page 7, lines 7 and 8, by striking the words
- 11 "railway vehicle,".
- 12 6. Page 7, line 12, by striking the words
- 13 "railway vehicle,".
- 14 7. Page 7, line 17, by striking the words
- 15 "railway vehicles,".
- 16 8. Page 7, line 23, by striking the words
- 17 "railway vehicles,".
- 18 9. Page 7, line 26, by striking the words
- 19 "railway vehicle,".
- 20 10. Page 7, lines 29 and 30, by striking the
- 21 words "railway vehicles,".
- 22 11. Page 8, line 11, by striking the words
- 23 "railway vehicles,".
- 24 12. Page 8, line 14, by striking the words
- 25 "railway vehicles,".
- 26 13. Page 9, line 3, by striking the words
- 27 "railway vehicles,".
- 28 14. Page 9, line 6, by striking the words
- 29 "railway vehicle,".
- 30 15. Page 9, line 18, by striking the words
- 31 "railway vehicles and".
- 32 16. Page 9, line 35, by striking the words
- 33 "railway vehicle,".
- 34 17. Page 10, line 7, by striking the words ",
- 35 railway vehicles,".
- 36 18. Page 10, line 24, by striking the words

- 37 "railway vehicle,".
- 38 19. Page 10, line 35, by striking the words
- 39 "railway vehicles,".
- 40 20. Page 11, lines 10 and 11, by striking the
- 41 words ", railway vehicles,".
- 42 21. Page 11, lines 13 and 14, by striking the
- 43 words ", railway vehicles,".
- 44 22. Page 11, line 17, by striking the words "
- 45 railway vehicles,".
- 46 23. Page 12, lines 26 and 27, by striking the
- 47 words "railway vehicle,".
- 48 24. Page 12, line 34, by striking the words "
- 49 railway vehicles,".
- 50 25. Page 13, line 10, by striking the words

**Page 2**

- 1 "railway vehicle,".
- 2 26. Page 13, line 16, by striking the words
- 3 "railway vehicles,".
- 4 27. Page 13, line 25, by striking the words
- 5 "railway vehicle,".
- 6 28. Page 13, line 27, by striking the word
- 7 "vehicle,".
- 8 29. Page 13, line 28, by striking the word
- 9 "vehicle,".
- 10 30. Page 13, line 32, by striking the word
- 11 "vehicle,".
- 12 31. Page 14, line 1, by striking the words
- 13 "railway vehicle,".
- 14 32. Page 14, line 10, by striking the words
- 15 "railway vehicles,".
- 16 33. By striking page 15, line 32 through page 16,
- 17 line 26.
- 18 34. Page 25, by striking lines 2 through 6.
- 19 35. Page 25, by striking lines 13 through 16.
- 20 36. Page 25, by striking lines 34 and 35.
- 21 37. Page 26, by striking lines 8 through 16.
- 22 38. Page 26, by striking lines 29 through 34 and
- 23 inserting the following: "agencies or private
- 24 parties."
- 25 39. Page 27, line 15, by striking the figure "
- 26 327G.19,".
- 27 40. Page 27, by striking line 17.

GRONINGA of Cerro Gordo  
 JAY of Appanoose  
 TABOR of Jackson  
 PARKER of Jasper  
 KOENIGS of Mitchell  
 BLACK of Jasper

H—4064

- 1 Amend House File 677 as follows:
- 2 1. Page 18, by inserting after line 1 the
- 3 following:
- 4 "Sec. \_\_\_\_\_, Section 328.21, Code 1987, is amended
- 5 by adding the following new subsection immediately
- 6 following subsection 4 and renumbering succeeding
- 7 subsections:
- 8 NEW SUBSECTION. 5. The registration fee for an
- 9 aircraft owned and operated by a nonprofit hospital
- 10 located in Iowa is one thousand dollars."
- 11 2. Renumber sections and correct internal
- 12 references as necessary.

LUNDBY of Linn  
CORBETT of Linn

H—4067

- 1 Amend House File 677 as follows:
- 2 1. Page 3, line 15, by striking the word "ten"
- 3 and inserting the following: "five".
- 4 2. Page 3, line 16, by striking the figure "1988"
- 5 and inserting the following: "1987".
- 6 3. Page 3, line 16, by striking the word "eleven"
- 7 and inserting the following: "six".
- 8 4. Page 3, line 18, by striking the word "twelve"
- 9 and inserting the following: "seven".

BLACK of Jasper

H—4068

- 1 Amend House File 677 as follows:
- 2 1. Page 15, by striking lines 16 through 31.
- 3 2. Page 23, lines 8 and 9, by striking the words
- 4 "comprehensive transportation development" and
- 5 inserting the following: "state aviation".
- 6 3. Page 25, by striking lines 17 and 18.
- 7 4. Page 25, by striking line 33.
- 8 5. Page 27, by striking lines 25 through 29.

BLACK of Jasper

H—4080

- 1 Amend House File 677 as follows:
- 2 1. Page 1, by striking lines 1 through 10.
- 3 2. Page 2, by striking lines 27 through 33.
- 4 3. Page 3, by striking lines 14 through 19 and
- 5 inserting the following: "division."
- 6 4. By striking page 3, line 33 through page 8,
- 7 line 33 and inserting the following:
- 8 "Sec. \_\_\_\_\_. Section 324.17, Code 1987, is amended
- 9 by adding the following new unnumbered paragraph:

10 NEW UNNUMBERED PARAGRAPH. Any person who uses  
11 motor fuel for the purpose of operating aircraft and  
12 has paid the tax on the motor fuel directly to the  
13 department or by having the tax added to the price of  
14 the motor fuel and who has a refund permit, may file a  
15 claim for refund with the department and the  
16 department shall refund to the claimant an amount  
17 equal to sixteen cents per gallon, except that the  
18 amount of any refund payable under this division may  
19 be applied by the department against any tax liability  
20 outstanding on the books of the department against the  
21 claimant. The claim for a credit filed under sections  
22 422.110, 422.111, and 422.112 shall be limited to a  
23 credit equal to sixteen cents per gallon on motor fuel  
24 used for the purpose of operating aircraft."

25 5. By striking page 8, line 34 through page 12,  
26 line 15 and inserting the following:

27 "Sec. \_\_\_\_\_. Section 324.34, unnumbered paragraphs 1  
28 and 9, Code 1987, are amended to read as follows:

29 For the privilege of operating motor vehicles in  
30 this state, there is imposed an excise tax on the use,  
31 as defined in section 324.33, of special fuel in a  
32 motor vehicle. The tax rate on special fuel for  
33 diesel engines is ~~sixteen and one-half cents per~~  
34 ~~gallon for the period beginning July 1, 1985 and~~  
35 ~~ending December 31, 1986, is seventeen and one-half~~  
36 ~~cents per gallon for the period beginning January 1,~~  
37 ~~1986 and ending December 31, 1986, and is eighteen and~~  
38 ~~one-half cents per gallon for the period beginning~~  
39 ~~January 1, 1987 and ending December 31, 1987, is~~  
40 ~~nineteen and one-half cents per gallon for the period~~  
41 ~~beginning January 1, 1988 and ending June 30, 1988,~~  
42 ~~and is twenty and one-half cents per gallon beginning~~  
43 ~~July 1, 1988 and ending December 31, 1988, and is~~  
44 ~~twenty-one and one-half cents per gallon beginning~~  
45 ~~January 1, 1989. On all other special fuel the per~~  
46 ~~gallon rate is the same as the motor fuel tax.~~

47 For natural gas used as a special fuel the rate of  
48 tax that is equivalent to the motor fuel tax shall be  
49 ~~thirteen sixteen~~ cents per hundred cubic feet adjusted  
50 to a base temperature of sixty degrees Fahrenheit and

Page 2

1 a pressure of fourteen and seventy-three hundredths  
2 pounds per square inch absolute. The tax on natural  
3 gas shall attach at the time of delivery into  
4 equipment for compressing the gas for subsequent  
5 delivery into the fuel supply tank of a motor vehicle  
6 and shall be paid over to the department by the person  
7 operating the compressing equipment under the  
8 applicable provisions for users or dealers. Natural

- 9 gas used as a special fuel shall be delivered into  
 10 compressing equipment through sealed meters certified  
 11 for accuracy by the department of agriculture and land  
 12 stewardship.”
- 13 6. By striking page 12, line 16 through page 14,  
 14 line 19.
- 15 7. Page 15, by striking lines 13 through 15 and  
 16 inserting the following: “beginning July 1, 1989.”
- 17 8. Page 15, by striking lines 16 through 31.
- 18 9. By striking page 20, line 19 through page 22,  
 19 line 11.
- 20 10. Page 22, by inserting after line 34 the  
 21 following:  
 22 “Sec. \_\_\_\_\_. Section 423.7, Code 1987, is amended by  
 23 adding the following new unnumbered paragraph:  
 24 NEW UNNUMBERED PARAGRAPH. The tax imposed upon the  
 25 use of aircraft shall be paid by the owner of the  
 26 aircraft to the state department of transportation. A  
 27 registration receipt for an aircraft shall not be  
 28 issued until the tax has been paid. The state  
 29 department of transportation shall require every  
 30 applicant for a registration receipt for an aircraft  
 31 to supply information as the director deems necessary  
 32 as to the time of purchase, the purchase price, and  
 33 other information relative to the purchase of the  
 34 aircraft. On or before the tenth day of each month  
 35 the state department of transportation shall remit to  
 36 the department the amount of the taxes collected on  
 37 the use of aircraft during the preceding month.”
- 38 11. Page 23, line 8, by striking the word  
 39 “aircraft” and inserting the following: “the casual  
 40 sales of aircraft”.
- 41 12. Page 23, lines 8 and 9, by striking the words  
 42 “comprehensive transportation development” and  
 43 inserting the following: “state aviation”.
- 44 13. Page 23, line 9, by inserting after the word  
 45 “fund.” the following: “Effective July 1, 1988, all  
 46 revenues arising from the use tax on aircraft shall be  
 47 credited to the state aviation fund.”
- 48 14. By striking page 24, line 29 through page 27,  
 49 line 14.
- 50 15. Page 27, line 15, by striking the figures

**Page 3**

- 1 “327G.19, and 422.112” and inserting the following:  
 2 “and 327G.19”.
- 3 16. Page 27, by striking lines 18 through 29 and  
 4 inserting the following:  
 5 “Sec. \_\_\_\_\_. Section 5 of this Act takes effect July  
 6 1, 1988.”
- 7 17. Amend the title, by striking all of the title

8 after the word "Act" in line 1 and inserting the  
9 following: "relating to transportation funding by  
10 increasing the excise tax rate on motor fuel and  
11 special fuel, creating a commercial network  
12 development fund, providing for the registration of  
13 aircraft and providing effective dates."  
14 18. Renumber sections and correct internal  
15 references as necessary.

CONNOLLY of Dubuque

H-4083

1 Amend Senate File 69, as amended, passed, and re-  
2 printed by the Senate, as follows:

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

5 "Section 1. NEW SECTION. 331.217 DEFINITIONS.

6 As used in this part, unless the context otherwise  
7 requires, "commission" means a charter commission  
8 created under section 331.218.

9 Sec. 2. NEW SECTION. 331.218 CHARTER COMMISSION  
10 CREATED.

11 The board shall upon petition of the number of  
12 eligible electors of the county equal to at least  
13 twenty-five percent of the votes cast in the county at  
14 the preceding election for the office of president of  
15 the United States or governor, create a county charter  
16 commission to study and make recommendations for the  
17 functions, organization, and structure of county  
18 government subject to the requirements and limitations  
19 specified in section 331.224. The recommendations of  
20 the commission shall be presented in the form of a  
21 proposed county charter which shall be submitted to  
22 the qualified electors of the county for approval or  
23 disapproval as provided in section 331.223.

24 Sec. 3. NEW SECTION. 331.219 APPOINTMENT OF  
25 MEMBERSHIP.

26 1. Within forty-five days after the adoption of  
27 the resolution creating the commission, the membership  
28 of the commission shall be appointed as follows:

29 a. Two members shall be appointed by the board  
30 from each list of three names submitted by each of the  
31 following officers:

- 32 (1) County auditor.
- 33 (2) County recorder.
- 34 (3) County treasurer.
- 35 (4) County sheriff.
- 36 (5) County attorney.

37 b. Ten members shall be appointed by the board.  
38 If a city within a county comprises fifty percent or  
39 more of the county's population, five members of those  
40 appointed by the board shall be eligible electors of

41 that city.

42 c. Two members shall be appointed by the board of  
43 trustees of a county hospital.

44 2. Only eligible electors of the county not  
45 holding a city, county, or state office shall be  
46 members of the commission.

47 3. A vacancy on the commission shall be filled by  
48 appointment in the same manner as the original  
49 appointment. The county auditor shall notify the  
50 appropriate appointing authority of the vacancy.

Page 2

1 Sec. 4. NEW SECTION. 331.220 ORGANIZATION AND  
2 EXPENSES.

3 1. Within thirty days after appointment of the  
4 members of the commission, the county auditor shall  
5 give written notice of the date, time, and location of  
6 the first meeting of the commission. At its first  
7 meeting the commission shall organize by electing a  
8 chairperson, vice chairperson, and other officers as  
9 necessary. The commission shall adopt rules governing  
10 the conduct of its meetings, subject to chapter 21.

11 2. The members of the commission shall serve  
12 without compensation, but they are entitled to travel  
13 and other necessary expenses relating to their duties  
14 of office, subject to section 79.9.

15 3. The board shall provide office space, rooms,  
16 supplies, and equipment for the commission and shall  
17 pay the necessary expenses of the commission including  
18 compensation for secretarial, clerical, professional,  
19 and consultant services not to exceed one hundred  
20 thousand dollars. The commission may employ staff as  
21 necessary.

22 4. The expenses of the commission may be paid from  
23 the general fund of the county or from any combination  
24 of public or private funds available for that purpose.

25 Sec. 5. NEW SECTION. 331.221 COMMISSION  
26 PROCEDURES AND REPORTS.

27 1. Within sixty days after its organization, the  
28 commission shall hold at least one public hearing for  
29 the purpose of receiving information and materials  
30 which will assist in the drafting of a county charter.  
31 Notice of the date, time, and place of the hearing  
32 shall be given as provided in chapter 21.

33 2. Within nine months after the organization of  
34 the commission, the commission shall submit a  
35 preliminary report to the board, which report may  
36 include the text of the proposed county charter.  
37 Sufficient copies of the proposed report shall be made  
38 available for distribution to residents of the county  
39 who request a copy. The commission shall hold at

40 least one public hearing after submission of the  
 41 preliminary report to obtain public comment on the  
 42 report.

43 3. Within fifteen months after its organization,  
 44 the commission shall submit its final report to the  
 45 board. The final report shall include the full text  
 46 and an explanation of the proposed charter, any  
 47 comments deemed desirable by the commission, a written  
 48 opinion by the attorney general of this state, stating  
 49 that the proposed charter is not in conflict with  
 50 constitutional or statutory law of this state, and any

**Page 3**

1 minority reports. The final report shall be made  
 2 available to the residents of the county upon request.  
 3 A summary of the final report shall be published in  
 4 the official newspapers of the county.

5 4. The commission is dissolved on the date of the  
 6 general election at which the proposed county charter  
 7 is submitted to the electorate.

8 **Sec. 6. NEW SECTION. 331.222 AMENDMENT TO**  
 9 **CHARTER.**

10 1. The board, by resolution, may submit a proposed  
 11 amendment to the county electorate at a general  
 12 election and the proposed amendment becomes effective  
 13 if approved by a majority of those voting on the  
 14 proposal. The board may propose amendments to the  
 15 charter to the county electorate, but any amendments  
 16 shall be limited to those subjects contained in the  
 17 charter as approved by the voters.

18 2. If a petition signed by eligible electors of  
 19 the county equal in number to at least ten percent of  
 20 the votes cast in the county for the office of  
 21 president of the United States or governor at the  
 22 preceding general election is filed with the board  
 23 proposing an amendment to the charter, the board shall  
 24 submit the proposed amendment to the voters at the  
 25 next general election and the amendment becomes  
 26 effective if approved by a majority of those voting on  
 27 the proposal.

28 3. The submission of an amendment to the county  
 29 electorate is subject to the restrictions of section  
 30 331.223, subsection 3.

31 **Sec. 7. NEW SECTION. 331.223 REFERENDUM -**  
 32 **EFFECTIVE DATE.**

33 1. Upon receipt of a proposed charter or charter  
 34 amendment, the board shall direct the county  
 35 commissioner of elections to submit to the qualified  
 36 electors of the county at the next general election  
 37 the question of whether the proposed charter or  
 38 charter amendment shall be adopted. If a majority of

39 the votes cast on the question is in favor of the  
40 proposal, the proposal is adopted.

41 2. If a county charter or charter amendment is  
42 adopted:

43 a. The proposed charter or charter amendment shall  
44 take effect January 1 following the general election  
45 at which it is approved unless the charter or charter  
46 amendment provides a later effective date. If the  
47 adopted charter or charter amendment provides for a  
48 special election, the board shall direct the county  
49 commissioner of elections to conduct the election.

50 b. The adoption of the charter or charter

**Page 4**

1 amendment does not alter any right or liability of the  
2 county in effect at the time of the election at which  
3 the charter or charter amendment was adopted.

4 c. All departments and agencies shall continue to  
5 operate until replaced.

6 d. All ordinances or resolutions in effect remain  
7 effective until amended or repealed, unless they are  
8 irreconcilable with the charter or charter amendment.

9 e. Upon the effective date of the charter or  
10 charter amendment, the county shall adopt the charter  
11 by ordinance, and shall file a copy of its charter  
12 with the secretary of state, and maintain copies  
13 available for public inspection.

14 3. If a county charter is adopted by the  
15 electorate, a county charter or charter amendment  
16 proposing a change in the number of supervisors under  
17 section 331.224, subsection 2, paragraph "a" shall not  
18 be submitted to the electorate for three years.

19 4. If a proposed county charter is rejected by the  
20 voters, it may not be resubmitted to the voters within  
21 the next four years.

22 **Sec. 8. NEW SECTION. 331.224 COUNTY CHARTER**  
23 **AUTHORIZED — LIMITATIONS.**

24 1. A county may adopt or amend a charter for the  
25 government of the county subject to the requirements  
26 and limitations provided in this part.

27 2. A county charter shall provide for the exercise  
28 of home rule power and authority not inconsistent with  
29 state law and may include, but is not limited to,  
30 provisions for:

31 a. A board of an odd number of members which may  
32 exceed the number of members specified in section  
33 331.201, but not more than seven members.

34 b. A supervisor representation plan for the county  
35 which may differ from the supervisor representation  
36 plans specified in sections 331.206, and 331.208  
37 through 331.210.

38 c. The initial compensation for members of the  
39 board which, thereafter, shall be determined as  
40 provided in section 331.907.

41 d. The method of selecting officers of the board  
42 and fixing their terms of office which may differ from  
43 the requirements of section 331.211.

44 e. Determining meetings of the board and rules of  
45 procedure which may differ from the requirements of  
46 section 331.213 except the meetings shall be scheduled  
47 and conducted in compliance with chapter 21.

48 f. The method of combining the duties of elected  
49 county officials which may differ from the  
50 requirements of section 331.323. If a charter or

Page 5

1 charter amendment proposes to combine the powers and  
2 duties of elected county officials, the charter or  
3 charter amendment shall specifically identify the  
4 officer who will exercise the powers and duties of the  
5 combined office and any future powers and duties  
6 conferred by state law.

7 g. The organization of county departments,  
8 agencies, township boards of trustees, or boards of  
9 trustees of a county hospital in a county having a  
10 population of two hundred fifty thousand or more. The  
11 organization plan may provide for the abolition or  
12 consolidation of a board or commission and the  
13 assumption of its powers and duties by the board of  
14 supervisors or another officer.

15 h. A form of county government specified under  
16 section 331.225.

17 3. A county charter or charter amendment shall not  
18 contain a provision which relates to the levy or  
19 collection of a tax.

20 4. A county charter or charter amendment shall not  
21 contain a provision which relates to the method of  
22 conducting nominations or elections pursuant to  
23 chapters 43 and 49.

24 Sec. 9. NEW SECTION. 331.225 FORMS OF COUNTY  
25 GOVERNMENT

26 1. The forms of county government are:

27 a. Board of supervisors.

28 b. Executive-board.

29 c. Board-manager form.

30 2. A county retains its form of government until  
31 it adopts a different form as provided in this  
32 section.

33 Sec. 10. NEW SECTION. 331.226 COUNTY EXECUTIVE-  
34 BOARD FORM.

35 A county governed by the county executive-board  
36 form has a county executive and five board members

37 elected at large, unless by ordinance a county so  
38 governed chooses to have a county executive elected at  
39 large and an odd number of board members but not less  
40 than five, including at least two board members  
41 elected at large and one board member elected by and  
42 from each district.

43 The county executive is the chief executive officer  
44 of the county, shall exercise all administrative  
45 duties consistent with state law and county ordinances  
46 and shall appoint officers whose offices are provided  
47 by ordinance and for whose official conduct the county  
48 executive shall be responsible. The county executive  
49 is not a member of the board and may not vote as a  
50 member of the board.

**Page 6**

1 Sec. 11. NEW SECTION. 331.227 BOARD-MANAGER  
2 FORMS.

3 A county governed by the board-manager-at-large  
4 form has at least three board members elected at large  
5 for staggered four-year terms. At the first meeting  
6 of the new term following each regular election, the  
7 board shall elect one of the board members to serve as  
8 chairperson, and one to serve as vice chairperson.  
9 The chairperson is a member of the board and may vote  
10 on all matters before the board. As soon as possible  
11 after the beginning of the new term following each  
12 regular county election, the board shall appoint a  
13 manager.

14 A county governed by board-manager-district form  
15 has a board composed of an odd number of not less than  
16 three members elected from designated districts. At  
17 the first meeting of the new term following each  
18 regular election, the board shall elect one of the  
19 board members to serve as chairperson and one to serve  
20 as vice chairperson. The chairperson and other board  
21 members serve four-year staggered terms. The  
22 chairperson is a member of the board and may vote on  
23 all matters before the board. The board shall also  
24 appoint a county manager as soon as possible following  
25 the beginning of the new term.

26 Sec. 12. NEW SECTION. 331.228 COUNTY MANAGER  
27 POWERS AND DUTIES.

28 The board-manager form of government shall be that  
29 form in which the chief administrative officer is  
30 known as the county manager. The manager shall be  
31 appointed for an indefinite period by the county board  
32 solely on the basis of training, experience, and  
33 administrative qualifications, and need not be a  
34 resident of the county at the time of appointment.  
35 The manager may be removed by the county board at any

36 time.

37 When a county adopts a board-manager-at-large or  
38 board-manager-district form of government, the powers  
39 and duties of the county manager shall be specified by  
40 county ordinance.

41 Sec. 13. NEW SECTION. 331.229 ABANDONMENT OF  
42 FORM OF GOVERNMENT.

43 A county may abandon an optional form of government  
44 by approving an alternative form of government as  
45 provided in this division. A form of government shall  
46 not be abandoned until six years have elapsed after  
47 the date of referendum at which the form was adopted.

48 Sec. 14. Section 39.18, Code 1987, is amended by  
49 adding the following new unnumbered paragraph:  
50 NEW UNNUMBERED PARAGRAPH. In lieu of the election

Page 7

1 of township trustees, a county charter may provide for  
2 the exercise of their powers and duties by the board  
3 of supervisors or other governing body of the county  
4 or another officer.

5 Sec. 15. Section 39.22, Code 1987, is amended by  
6 adding the following new unnumbered paragraph:  
7 NEW UNNUMBERED PARAGRAPH. In lieu of the election  
8 of township clerks, a county charter may provide for  
9 the exercise of their powers and duties by another  
10 county officer or employee.

11 Sec. 16. Section 331.101, subsection 1, Code 1987,  
12 is amended to read as follows:

13 1. "Board" means the board of supervisors or other  
14 governing body of a county.

15 Sec. 17. Section 331.201, Code 1987, is amended by  
16 adding the following new subsection:

17 NEW SUBSECTION. 5. This section does not apply to  
18 a board otherwise constituted under a county charter.

19 Sec. 18. Section 331.501, Code 1987, is amended by  
20 adding the following new subsection:

21 NEW SUBSECTION. 4. Subsections 1 and 3 do not  
22 apply to the office of county auditor if the office is  
23 otherwise constituted under a county charter.

24 Sec. 19. Section 331.551, Code 1987, is amended by  
25 adding the following new subsection:

26 NEW SUBSECTION. 4. Subsections 1 and 3 do not  
27 apply to the office of county treasurer if the office  
28 is otherwise constituted under a county charter.

29 Sec. 20. Section 331.601, Code 1987, is amended by  
30 adding the following new subsection:

31 NEW SUBSECTION. 4. Subsections 1 and 3 do not  
32 apply to the office of county recorder if the office  
33 is otherwise constituted under a county charter.

34 Sec. 21. Section 331.651, Code 1987, is amended by

35 adding the following new subsection:

36 NEW SUBSECTION. 4. Subsections 1 and 3 do not  
37 apply to the office of county sheriff if the office is  
38 otherwise constituted under a county charter.

39 Sec. 22. Section 331.751, Code 1987, is amended by  
40 adding the following new subsection:

41 NEW SUBSECTION. 4. Subsections 1 and 3 do not  
42 apply to the office of county attorney if the office  
43 is otherwise constituted under a county charter.

44 Sec. 23. Section 347.9, Code 1987, is amended by  
45 adding the following new unnumbered paragraph:

46 NEW UNNUMBERED PARAGRAPH. In lieu of the election  
47 of hospital trustees, a county charter may provide for  
48 the exercise of their powers and duties by the board  
49 of supervisors or other governing body of the county,  
50 or as provided in the charter."

**Page 8**

1 2. Title page, by striking lines 1 through 3 and  
2 inserting the following: "An Act authorizing a county  
3 to establish a county charter commission, specifying  
4 the powers and duties of the charter commission, and  
5 providing for the adoption of a county charter."

HATCH of Polk

**H-4084**

1 Amend amendment, H-3905, to Senate File 484 as  
2 amended, passed and reprinted by the Senate, as  
3 follows:

4 1. By striking page 1, line 1 through page 12,  
5 line 36, and inserting the following:

6 "Amend Senate File 484 as amended, passed and  
7 reprinted by the Senate as follows:

8 \_\_\_\_\_ By striking everything after the enacting  
9 clause and inserting the following:

10 "Section 1. NEW SECTION. 147B.1 SHORT TITLE.

11 This Act shall be known as the "Iowa Patient  
12 Compensation Fund Act".

13 Sec. 2. NEW SECTION. 147B.2 PUBLIC POLICY.

14 It is the policy of this state to assure the avail-  
15 ability of quality medical and hospital services to  
16 the citizens of Iowa, and to effectuate that policy it  
17 is essential to assure the availability of medical  
18 liability insurance so that competent physicians will  
19 enter into and remain in the practice of medicine in  
20 this state. This chapter shall be construed to carry  
21 out this policy.

22 Sec. 3. NEW SECTION. 147B.3 DEFINITIONS.

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

- 25 1. "Administrator" means the patient compensation  
 26 fund administrator.
- 27 2. "Commissioner" means the commissioner of  
 28 insurance.
- 29 3. "Fund" means the patient compensation fund.
- 30 4. "Health care practitioner" means a health care  
 31 provider other than a hospital.
- 32 5. "Health care provider" means a physician and  
 33 surgeon licensed pursuant to chapter 148; an osteopath  
 34 licensed pursuant to chapter 150; an osteopathic  
 35 physician and surgeon licensed pursuant to chapter  
 36 150A; a dentist licensed pursuant to chapter 153; an  
 37 association, partnership, or professional corporation  
 38 composed of or owned by such persons; a hospital and  
 39 an employee of such person, association, partnership,  
 40 professional corporation, or hospital.
- 41 6. "Hospital" means a hospital licensed pursuant  
 42 to chapter 135B.
- 43 7. "Medical malpractice" means acts or omissions  
 44 of a health care practitioner in the practice of the  
 45 practitioner's profession or occupation or acts or  
 46 omissions of a hospital in patient treatment or care,  
 47 including but not limited to negligence, failure to  
 48 provide care, breach of contract relating to providing  
 49 care, or claim based upon failure to obtain informed  
 50 consent for an operation or treatment.

Page 2

- 1 Sec. 4. NEW SECTION. 147B.4 QUALIFIED PROVIDER.
- 2 1. A health care practitioner is qualified to  
 3 participate under this chapter if the health care  
 4 practitioner does all of the following:
- 5 a. Files with the commissioner proof that the  
 6 health care practitioner is insured with an insurance  
 7 company admitted to this state under a policy of  
 8 medical liability insurance providing the following  
 9 coverage for medical malpractice:
- 10 (1) Coverage pursuant to subparagraph part (a) or  
 11 (b) per occurrence in an amount of one hundred percent  
 12 for all sums required to be paid up to and including  
 13 one hundred thousand dollars and ten percent of all  
 14 sums required to be paid in excess of one hundred  
 15 thousand dollars but not exceeding one million  
 16 dollars:
- 17 (a) Under a claims-made form of medical  
 18 malpractice insurance for each claim made during the  
 19 term of the policy.
- 20 (b) Under an occurrence form of medical  
 21 malpractice insurance for each claim arising out of an  
 22 occurrence during the policy period.
- 23 (2) Coverage pursuant to subparagraph part (a) or

- 24 (b) in the aggregate of five hundred seventy thousand  
25 dollars for all occurrences:
- 26 (a) Under a claims-made form of medical  
27 malpractice liability insurance for all claims made  
28 during the term of the policy.
- 29 (b) Under an occurrence form of medical  
30 malpractice insurance for all claims arising out of  
31 all occurrences during the policy period.
- 32 b. Pays a surcharge or special surcharge levied on  
33 health care practitioners pursuant to section 147B.6,  
34 subsection 2, or section 147B.9.
- 35 c. Agrees to treat victims of medical negligence  
36 for injuries resulting from such negligent acts at the  
37 current rate paid in this state pursuant to Title XIX  
38 of the federal Social Security Act.
- 39 2. A hospital is qualified to participate under  
40 this chapter if the hospital does both of the  
41 following:
- 42 a. Files with the commissioner proof that the  
43 hospital is insured with an insurance company admitted  
44 to this state under a policy of medical liability  
45 insurance providing the following coverage for medical  
46 malpractice:
- 47 (1) Coverage pursuant to subparagraph part (a) or  
48 (b) per occurrence in an amount of one hundred percent  
49 for all sums required to be paid up to and including  
50 one hundred thousand dollars and ten percent of all

**Page 3**

- 1 sums required to be paid in excess of one hundred  
2 thousand dollars but not exceeding one million  
3 dollars:
- 4 (a) Under a claims-made form of medical  
5 malpractice insurance for each claim made during the  
6 term of the policy.
- 7 (b) Under an occurrence form of medical  
8 malpractice insurance for each claim arising out of an  
9 occurrence during the policy period.
- 10 (2) Coverage pursuant to subparagraph part (a) or  
11 (b) in the aggregate of one million dollars for all  
12 occurrences:
- 13 (a) Under a claims-made form of medical  
14 malpractice liability insurance for all claims made  
15 during the term of the policy.
- 16 (b) Under an occurrence form of medical  
17 malpractice insurance for all claims arising out of  
18 all occurrences during the policy period.
- 19 b. Pays a surcharge or special surcharge levied on  
20 hospitals pursuant to section 147B.6, subsection 2, or  
21 section 147B.9.
- 22 3. Coverage required under subsections 1 and 2

23 shall be adjusted in the same manner as provided in  
24 section 147B.8, subsection 3.

25 4. The commissioner may permit qualification of a  
26 health care practitioner who has retired or ceased  
27 practicing in this state, if the health care  
28 practitioner files proof of insurance and pays any  
29 surcharge or special surcharge levied as required in  
30 subsection 1.

31 5. A health care provider may qualify to  
32 participate under this chapter with respect to all  
33 medical malpractice claims made subsequent to the  
34 health care provider's qualification. A health care  
35 provider is not eligible to qualify under this chapter  
36 with respect to a medical malpractice claim made prior  
37 to the time of the health care provider's  
38 qualification.

39 6. If at any time prior to the health care  
40 provider's qualification under this section the health  
41 care provider was insured under an occurrence form of  
42 policy of medical liability insurance for all  
43 occurrences during the term of that policy, for an  
44 occurrence of alleged medical malpractice occurring  
45 during the time that policy was in effect, this  
46 chapter applies only to claims for alleged medical  
47 malpractice covered under the occurrence policy to the  
48 extent the judgment or settlement exceeds the limits  
49 of that policy.

50 Sec. 5. NEW SECTION. 147B.5 PATIENT ELECTION TO

**Page 4**

1 BE BOUND.

2 1. This chapter applies to all occurrences of  
3 alleged medical malpractice occurring prior to the  
4 effective date of this Act for which a medical  
5 malpractice claim has not been made unless the patient  
6 elects not to be bound under this chapter for the  
7 prior occurrence. A patient may elect not to be bound  
8 under this chapter with respect to an occurrence of  
9 alleged medical malpractice occurring prior to the  
10 effective date of this Act by filing an election with  
11 the commissioner and providing notice to any health  
12 care provider alleged to be liable for the occurrence  
13 within one hundred eighty days of the effective date  
14 of this Act according to rules adopted by the  
15 commissioner. Failure to provide the required notice  
16 is deemed to be evidence of the patient's election to  
17 be bound by this chapter for a prior occurrence.

18 2. A patient's exclusive remedy against a health  
19 care provider qualifying under section 147B.4 for  
20 medical malpractice occurring after the effective date  
21 of this Act is the remedy provided for under this

22 chapter unless the patient has elected not to be bound  
 23 by the remedies provided for in this chapter. A  
 24 patient may elect not to be bound under this chapter  
 25 by filing an election with the commissioner, pursuant  
 26 to rules adopted by the commissioner, in advance of  
 27 the treatment, act, or omission upon which a claim may  
 28 be based, and notifying the health care provider of  
 29 the election within a reasonable time before any  
 30 treatment begins. Failure to provide the required  
 31 notice is deemed to be evidence of the patient's  
 32 election to be bound by this chapter. An election by  
 33 a patient not to be bound by this chapter is effective  
 34 for a period of two years after filing unless the  
 35 election is withdrawn. The patient may withdraw the  
 36 election in writing at any time by filing the  
 37 withdrawal with the commissioner.

38 3. A qualified health care provider must provide a  
 39 patient with notice that the health care provider is  
 40 qualified under this chapter prior to any treatment,  
 41 and must inform the patient of the patient's right to  
 42 elect not to be bound by this chapter.

43 Sec. 6. NEW SECTION. 147B.6 PATIENT COMPENSATION  
 44 FUND.

45 1. A patient compensation fund is created for the  
 46 purposes stated in this chapter. The fund and income  
 47 from the fund shall be deposited with the treasurer of  
 48 state to be used for the payment of qualifying claims  
 49 under this chapter, and the fund is appropriated for  
 50 that purpose. The fund shall not be used for purposes

Page 5

1 other than those of this chapter. Appropriations from  
 2 the fund are not subject to reversion under section  
 3 8.33.

4 2. An annual surcharge shall be levied on all  
 5 qualified health care providers. The surcharge for a  
 6 health care provider is determined by the commissioner  
 7 subject to the following limitations:

8 a. The annual surcharge shall not exceed fifty  
 9 percent of the annual premium paid by the health care  
 10 provider for maintenance of current medical liability  
 11 insurance as provided in section 147B.4, including the  
 12 cost of reinsurance under section 147B.12.

13 b. The charge shall not exceed the amount  
 14 necessary to maintain the fund in an amount determined  
 15 by the commissioner to be actuarially adequate.

16 3. The surcharge due under this section is due and  
 17 payable within thirty days after the surcharge has  
 18 been levied on the qualified health care provider.

19 4. If the annual surcharge under this section is  
 20 not paid within the time specified in subsection 3,

21 the qualification of the health care provider shall be  
 22 suspended until the annual surcharge is paid. The  
 23 suspension is not effective as to patients claiming  
 24 against the health care provider unless, at least  
 25 thirty days before the effective date of the  
 26 suspension, a written notice giving the date upon  
 27 which the suspension becomes effective has been  
 28 provided by the commissioner to the health care  
 29 provider and notice of the suspension has been given  
 30 to a patient prior to any treatment.

31 5. All actual expenses of collecting, protecting,  
 32 and administering the fund shall be paid from the  
 33 fund, including necessary costs of outside legal  
 34 counsel. The attorney general is not responsible for  
 35 legal defense of the fund.

36 Sec. 7. NEW SECTION. 147B.7 LIABILITY OF FUND.

37 Subject to section 147B.4, subsection 6, the fund  
 38 is liable on a following form basis for all sums  
 39 required to be paid in excess of the coverage provided  
 40 by the health care provider's medical liability  
 41 insurance specified in section 147B.4, subsection 1 or  
 42 2, in a medical malpractice action against a health  
 43 care provider qualified to participate under this  
 44 chapter by a patient who has elected to be bound under  
 45 this chapter with respect to an occurrence within the  
 46 state of Iowa to which this chapter applies, except as  
 47 provided in section 147B.8. In no event shall the  
 48 fund be liable with respect to an occurrence to which  
 49 this chapter applies for more than ninety percent of  
 50 nine hundred thousand dollars of all sums required to

Page 6

1 be paid in excess of one hundred thousand dollars.

2 Sec. 8. NEW SECTION. 147B.8 LIMITATION ON  
 3 RECOVERY.

4 1. Except as provided in subsection 3, the total  
 5 amount recoverable from all liable health care  
 6 providers and the fund for an occurrence to which this  
 7 chapter applies resulting in an injury or death of a  
 8 patient arising out of medical malpractice shall not  
 9 exceed one million dollars.

10 2. Except as provided in subsection 3, a health  
 11 care provider qualified under this chapter is not  
 12 liable to a patient who has elected to be covered by  
 13 this chapter for an amount in excess of one hundred  
 14 thousand dollars plus ten percent of all sums required  
 15 to be paid in excess of one hundred thousand dollars  
 16 but not exceeding one million dollars for all claims  
 17 or causes of action for medical malpractice arising  
 18 from an occurrence to which this chapter applies.  
 19 Subject to limits in this section, an amount due from

20 a judgment or settlement which is in excess of the  
21 liability of all liable health care providers shall be  
22 paid from the fund pursuant to section 147B.6.  
23 3. a. The commissioner shall determine on or  
24 after July 1 but on or before December 31 of each year  
25 an amount by which the total amount recoverable under  
26 subsection 1 and an amount by which the maximum  
27 liability of a health care provider under subsection 2  
28 are adjusted for the calendar year beginning eighteen  
29 months after the July 1 date on which the adjusted  
30 amounts can first be determined. The amount of the  
31 adjustment is equal to the product of the amount  
32 determined for the previous calendar year and the  
33 percentage rate of change in the consumer price index  
34 for goods and services published by the United States  
35 department of labor for the fiscal year ending on June  
36 30 immediately preceding the July 1 date on which the  
37 adjusted amounts can first be determined. However, if  
38 the percentage rate of change in the consumer price  
39 index is less than five percent, adjustments shall not  
40 be made under this paragraph.

41 b. If adjustments are not made under paragraph "a"  
42 for one or more years, the commissioner shall  
43 determine a cumulative percentage rate of change and  
44 when that cumulative percentage rate of change is five  
45 percent or greater the commissioner shall determine  
46 the adjusted amounts for the next rate adjustment  
47 year.

48 c. The commissioner shall publish on or before  
49 December 31 preceding the next rate adjustment year  
50 any adjusted amounts which will apply to the next rate

**Page 7**

1 adjustment year.

2 4. If a judgment has been entered for an injured  
3 person, as defined in section 147B.10, which exceeds  
4 the amount recoverable as determined under this sec-  
5 tion, the injured person may file a claim pursuant to  
6 chapter 25 for the amount in excess of the amount  
7 recoverable.

8 **Sec. 9. NEW SECTION. 147B.9 SPECIAL SURCHARGE.**

9 The commissioner may, at any time, analyze the fund  
10 to determine if the amount in the fund is inadequate  
11 to pay in full all claims allowed or to be allowed  
12 during the calendar year. If the fund is determined  
13 to be inadequate, the commissioner may levy a special  
14 surcharge on all health care providers who have  
15 qualified under this chapter on the date of the  
16 special surcharge or at any time during the preceding  
17 twelve months and the special surcharge shall be in an  
18 amount proportionate to the surcharge each health care

19 provider has paid to the fund. The special surcharge  
20 shall be an amount sufficient to permit full payment  
21 of all claims allowed against the fund during a  
22 calendar year, but shall not exceed fifty percent of  
23 the annual premium paid by the health care provider  
24 for maintenance of current medical liability insurance  
25 as provided in section 147B.4. The special surcharge  
26 shall be levied against all health care providers who  
27 have qualified under this chapter. The special sur-  
28 charge is due and payable within thirty days after the  
29 special surcharge is levied.

30 If the special surcharge under this section is not  
31 paid within the time specified, the qualification of  
32 the health care provider shall be suspended until the  
33 special surcharge is paid. The suspension is not  
34 effective as to patients claiming against the health  
35 care provider unless, at least thirty days before the  
36 effective date of the suspension, a written notice  
37 giving the date upon which the suspension becomes  
38 effective has been provided by the commissioner to the  
39 health care provider and notice of the suspension has  
40 been given to a patient prior to any treatment.

41 **Sec. 10. NEW SECTION. 147B.9A EVIDENCE OF**  
42 **ADVANCE PAYMENT NOT CONSTRUED AS ADMISSION TO**  
43 **LIABILITY.**

44 A payment made by a health care provider or the  
45 health care provider's insurer to or for the patient  
46 or any other person on the patient's behalf in advance  
47 of a final determination of liability shall not be  
48 construed as an admission of liability for injuries or  
49 damages suffered in an action brought pursuant to this  
50 chapter. In the event of any advance payment, the

Page 8

1 court shall reduce the judgment to the plaintiff by an  
2 amount of the advance payment. If the advance payment  
3 exceeds the liability of the defendant, the court  
4 shall order any adjustment necessary to equalize the  
5 amount under which each defendant is obligated to pay  
6 but in no case shall an advance in excess of the  
7 amount found to be due be repayable to the health care  
8 provider making the advance.

9 **Sec. 11. NEW SECTION. 147B.10 STRUCTURED**  
10 **JUDGMENTS.**

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

13 a. "Future injuries" means all legal harm relating  
14 to an injury which the trier of fact determines will  
15 be incurred by the injured party subsequent to the  
16 entry of judgment.

17 b. "Injured person" means the person during whose

18 medical treatment or care the acts or omissions of  
19 medical malpractice are determined to have occurred.

20 c. "Injured party" means a party plaintiff to a  
21 medical malpractice action, and includes the injured  
22 person if that person is a party to the action.

23 d. "Injury" means a legal harm for which damages  
24 are recoverable in an action arising under this  
25 chapter.

26 2. In a medical malpractice action against a  
27 health care provider arising under this chapter, the  
28 verdict shall be itemized to distribute the monetary  
29 damages, if any, between past loss and future loss.  
30 In a trial to the court, the court shall itemize its  
31 findings in accordance with this section.

32 3. The court, in a medical malpractice action  
33 arising under this chapter in which a damage award for  
34 future injuries to a party exceeds one hundred  
35 thousand dollars, shall enter a judgment ordering the  
36 award to the party to be paid in periodic payments,  
37 subject to the limitations contained in this section.  
38 The court shall make a specified finding as to the  
39 dollar amount of regular payments which will be  
40 required to compensate the party periodically for loss  
41 of future income and future noneconomic harm, based  
42 upon the life expectancy of the party and the damages  
43 awarded. The periodic payments shall reflect interest  
44 in accordance with annuity principles. The judgment  
45 shall specify the recipient of the periodic payments,  
46 the dollar amount of each payment, the interval  
47 between payments, and the number of payments required  
48 to be made. The judgment shall specify the amount of  
49 and the purposes for which the balance of the judgment  
50 awarded for the future care and treatment of the party

#### Page 9

1 may be used.

2 4. Attorney fees of the party receiving an award,  
3 if payable out of the judgment, shall be assessed by  
4 the court and applied pro rata against amounts awarded  
5 for past injuries and for future injuries. The amount  
6 determined by the court to be payable out of damages  
7 for future injuries shall be deducted by the court  
8 from the amount to be ordered paid as provided in this  
9 subsection, and shall be deducted pro rata from those  
10 amounts awarded, if any, for loss of future income,  
11 future expenses for care and treatment, and future  
12 noneconomic harm. The amount of attorney fees  
13 attributable to the award for future injuries shall be  
14 payable upon entry of judgment.

15 5. If a judgment has been entered ordering  
16 periodic payments pursuant to this section, the health

17 care provider's insurer shall pay to the fund the  
 18 amount for which the insurer is liable under this  
 19 chapter, after apportionment of costs of defense, for  
 20 distribution by the fund to the party receiving the  
 21 award.

22 6. If a judgment has been entered ordering  
 23 periodic payments pursuant to this section, the fund  
 24 shall make the payments as ordered or, alternatively,  
 25 the fund may purchase an annuity from an insurance  
 26 company admitted to Iowa sufficient to make the  
 27 periodic payments.

28 7. If the party receiving the award dies, amounts  
 29 to be paid for loss of future income are payable to  
 30 those persons to whom the party receiving the award  
 31 owed a duty of support. If the party receiving the  
 32 award dies prior to payment of the amounts for other  
 33 than loss of future income, the judgment is satisfied  
 34 upon the payment of all obligations incurred up to the  
 35 time of death and of the expenses of final illness and  
 36 reasonable burial expenses.

37 8. Except with respect to amounts representing  
 38 loss of future income, a judgment for future injuries  
 39 is a contingent award, and the right to payment vests  
 40 only at such times and in such amounts as accrue  
 41 pursuant to the order specifying the amount of  
 42 periodic payments and the interval of those payments.

43 9. The district court shall retain jurisdiction of  
 44 a medical malpractice action in which the judgment in  
 45 the action orders periodic payments, and upon the  
 46 death of the party receiving the award in the case of  
 47 an award for loss of future income, the dependents of  
 48 the decedent or any other interested party to the  
 49 action or a representative of an interested party, may  
 50 petition the court for a modification of the judgment

**Page 10**

1 for a redesignation of the recipient of the payments,  
 2 in accordance with the rights of persons established  
 3 by this section. Unless otherwise ordered, the  
 4 redesignated recipients of payments for loss of future  
 5 income shall be paid in those amounts and at those  
 6 intervals specified in the original judgment.  
 7 Payments shall continue until the remaining amounts  
 8 designated for that purpose have been paid, or until  
 9 the death of those dependents, whichever occurs first.  
 10 If the last surviving dependent dies prior to  
 11 depletion of the amount specified for loss of future  
 12 income, the judgment is deemed satisfied upon payment  
 13 of amounts accrued up to the time of death.

14 **Sec. 12. NEW SECTION. 147B.11 COSTS OF DEFENSE.**

15 1. The fund may employ the services of outside

16 legal counsel to defend the fund against claims and to  
 17 assist the health care provider's insurer in defending  
 18 the claim.

19 2. The fund may by agreement with the health care  
 20 provider's insurer, allow the health care provider's  
 21 insurer to provide a defense for a claim against the  
 22 health care provider and the fund. The fund and the  
 23 health care provider's insurer may agree to any  
 24 apportionment of the costs of defense.

25 Sec. 13. NEW SECTION. 147B.12 REINSURANCE.

26 The commissioner may cause all or any part of the  
 27 potential liability of the fund to be reinsured, if  
 28 reinsurance is available on a fair and reasonable  
 29 basis. The cost of the reinsurance shall be paid by  
 30 the fund and the fact of the reinsurance shall be  
 31 taken into account in determining the surcharge under  
 32 section 147B.6, subsection 2, or the special surcharge  
 33 under section 147B.9.

34 Sec. 14. NEW SECTION. 147B.13 NOTICE –  
 35 APPLICATION FEE.

36 1. Prior to consideration for coverage pursuant to  
 37 this chapter, a health care provider shall first give  
 38 notice to the commissioner of the provider's intention  
 39 to apply for coverage. The notice of intention shall  
 40 be accompanied by a one-time application fee of fifty  
 41 dollars for health care providers and five hundred  
 42 dollars for hospitals.

43 2. Funds received by the commissioner pursuant to  
 44 subsection 1 shall only be expended for purposes of  
 45 payment of the reasonable expenses incurred or to be  
 46 incurred in the implementation of this chapter.

47 3. To the extent that funds received pursuant to  
 48 subsection 1 are in excess of the expenses of  
 49 implementation of this chapter, the commissioner shall  
 50 transfer such excess funds to the fund.

**Page 11**

1 4. Notice and application fees received subsequent  
 2 to the implementation of this chapter shall be placed  
 3 in the fund upon receipt.

4 Sec. 15. NEW SECTION. 147B.14 PATIENT  
 5 COMPENSATION FUND ADMINISTRATOR.

6 The commissioner may appoint an administrator to  
 7 perform all duties and responsibilities pursuant to  
 8 this chapter. The administrator shall serve as  
 9 administrator at the pleasure of the commissioner.  
 10 The salary and expenses of the administrator shall be  
 11 paid from the fund.

12 Sec. 16. NEW SECTION. 147B.15 ADMINISTRATION.

13 The commissioner shall either provide staff  
 14 services necessary for the operation of this chapter

15 or may contract with an insurance company licensed to  
16 do business in this state, or both, to perform any  
17 administrative duties and responsibilities of the  
18 commissioner pursuant to this chapter. The  
19 commissioner shall retain supervisory control over all  
20 matters for which a contract is entered into. All  
21 reasonable costs and charges incurred in the  
22 administration of this chapter shall be paid from the  
23 fund.

24 The administrator and all persons employed or  
25 contracted with to provide staff services necessary  
26 for the operation of this chapter shall not be  
27 considered employees of the state except for purposes  
28 of chapter 25A.

29 Sec. 17. NEW SECTION. 147B.16 RECIPROCITY.

30 The commissioner may enter into reciprocity  
31 agreements with the authorized representatives of any  
32 jurisdiction to allow health care providers from that  
33 jurisdiction to become qualified health care providers  
34 for purposes of the fund and to the extent that a  
35 claim against the health care provider arises in this  
36 state.

37 An agreement shall only be entered into with a  
38 jurisdiction to the same extent as the other  
39 jurisdiction allows Iowa health care providers to  
40 participate in a similar program in the other  
41 jurisdiction. The agreement shall include any  
42 conditions, restrictions, and privileges the  
43 commissioner deems necessary.

44 Sec. 18. NEW SECTION. 147B.17 ANNUAL REPORT.

45 The commissioner shall, pursuant to rules issued by  
46 the commissioner, on or before the first day of  
47 February of each year, provide to the chairs, vice  
48 chairs, and ranking members of the senate standing  
49 committees on judiciary and commerce, and the house of  
50 representatives standing committees on judiciary and

**Page 12**

1 law enforcement, and small business and commerce, a  
2 report regarding claims filed against the fund and  
3 claims closed involving the fund for the previous  
4 calendar year. The report shall contain to the extent  
5 the information is available the following

6 information:

- 7 1. Parties to the claims.
- 8 2. Cause or causes of action.
- 9 3. Amounts reserved or paid per claim, including  
10 the present value for structured settlements or  
11 awards.
- 12 4. Legal fees, expert witness fees, court costs,  
13 or other associated costs of judgments or decrees per

14 claim.

15 5. Other claims information as deemed necessary by  
16 the commissioner.

17 6. The report shall be a public record.

18 Sec. 19. NEW SECTION. 147B.17A REPORT TO HEALTH  
19 DATA COMMISSION.

20 It is the intent and expectation of the general  
21 assembly that health care providers will pass on to  
22 patients, third-party payors, and self-insurers,  
23 savings realized by the health care providers  
24 resulting from this Act. The health data commission  
25 shall analyze the physician billing information  
26 collected pursuant to section 145.3, subsection 3,  
27 paragraph "h", to determine whether the savings  
28 resulting from this Act are being passed on. The  
29 health data commission shall report its findings to  
30 the general assembly by July 1, 1989.

31 Sec. 20. NEW SECTION. 147B.18 RULES.

32 The commissioner shall establish rules relating to  
33 the administration of this chapter as deemed necessary  
34 by the commissioner to promote the efficient operation  
35 of this chapter in accordance with its terms and  
36 intent.

37 Sec. 21. Section 25.1, Code 1987, is amended to  
38 read as follows:

39 25.1 RECEIPT, INVESTIGATION, AND REPORT.

40 When a claim is filed or made against the state, on  
41 which in the judgment of the director of management  
42 the state would be liable except for the fact of its  
43 sovereignty or which has no appropriation available  
44 for its payment, the director of management shall  
45 deliver said claim to the state appeal board. The  
46 state appeal board shall make a record of the receipt  
47 of said claim and forthwith deliver same to the  
48 special assistant attorney general for claims who  
49 shall, with a view to determining the merits and  
50 legality thereof, fully investigate said claim,

**Page 13**

1 including the facts upon which it is based and report  
2 in duplicate findings and conclusions of law to the  
3 state appeal board. Notwithstanding this section, any  
4 claim made for an amount recoverable pursuant to  
5 section 147B.8, subsection 4, shall be delivered  
6 directly to the state appeal board.

7 Sec. 22. Section 25.2, Code 1987, is amended to  
8 read as follows:

9 25.2 EXAMINATION OF REPORT – APPROVAL OR  
10 REJECTION – PAYMENT.

11 The state appeal board with the recommendation of  
12 the special assistant attorney general for claims may

13 approve or reject claims against the state of less  
14 than ten years covering the following: Outdated  
15 warrants; outdated sales and use tax refunds; license  
16 refunds; additional agricultural land tax credits;  
17 outdated invoices; fuel and gas tax refunds; outdated  
18 homestead and veterans' exemptions; outdated funeral  
19 service claims; tractor fees; registration permits;  
20 outdated bills for merchandise; services furnished to  
21 the state; claims by any county or county official  
22 relating to the personal property tax credit; and  
23 refunds of fees collected by the state; and amounts  
24 recoverable pursuant to section 147B.8, subsection 4.  
25 Payments authorized by the state appeal board shall be  
26 paid from the appropriation or fund of original  
27 certification of the claim, except, that if such  
28 appropriation or fund has since reverted under section  
29 8.33 or the claim is made for an amount recoverable  
30 pursuant to section 147B.8, subsection 4, then such  
31 payment authorized by the state appeal board shall be  
32 out of any money in the state treasury not otherwise  
33 appropriated. Notwithstanding the provisions of this  
34 section, the state comptroller may reissue outdated  
35 warrants.

36 Sec. 23. FINDINGS. The general assembly finds and  
37 declares that it is in the public interest that the  
38 availability of competent health care services be  
39 assured and that a mechanism exists for providing  
40 total compensation of persons injured as a result of  
41 medical malpractice. The general assembly further  
42 finds and declares that it is in the public interest  
43 that high quality medical and hospital services be  
44 available to the citizens of Iowa at reasonable costs.  
45 It is essential to the public interest to assure  
46 continuing availability of medical care to encourage  
47 competent physicians to enter into and remain in the  
48 practice of medicine in this state. It is in the  
49 public interest to assure that funds are available to  
50 compensate an injured party while providing for the

**Page 14**

1 availability of medical liability insurance.  
2 The general assembly further finds and declares  
3 that a critical situation exists impacting on the  
4 accessibility and affordability of quality health care  
5 for Iowa citizens because of the high cost and  
6 impending unavailability of medical malpractice  
7 insurance. Physicians in certain speciality and high-  
8 risk areas are increasingly choosing no longer to  
9 provide these services as a result of the potential  
10 liability and the high cost and uncertain availability  
11 of medical liability insurance. The general assembly

12 further finds that it is in the public interest that  
 13 statistical data be obtained so that an analysis of  
 14 the cause of unavailability and unaffordability of  
 15 liability insurance be undertaken in an attempt to  
 16 determine the cause of such problems so that a long-  
 17 term solution can be found.

18 The general assembly further finds that to assure  
 19 the uninterrupted delivery of affordable health care  
 20 services to the citizens of Iowa it is necessary to  
 21 carefully balance the interest of persons who are  
 22 damaged by medical accidents and the interest of all  
 23 persons, who may be in need of future medical care, in  
 24 keeping medical liability insurance affordable and  
 25 available in this state. The general assembly further  
 26 finds that without medical liability insurance,  
 27 physicians, other health care providers, and hospitals  
 28 cannot provide health care services to the public.

29 The general assembly further finds that the present  
 30 critical situation has resulted in a decrease in the  
 31 availability of certain health care services and that  
 32 this problem of availability will become more severe  
 33 unless addressed. Physicians are discontinuing their  
 34 practices and leaving Iowa.

35 The general assembly further finds and declares it  
 36 is necessary and essential that the provisions of this  
 37 Act be enacted in order to provide for the health and  
 38 welfare of the people of Iowa. It is the intent of  
 39 this Act to protect the health and welfare of the  
 40 people of this state by assuring the availability of  
 41 health care services.

42 Sec. 24. Notwithstanding section 4.12, if any pro-  
 43 vision of this Act is held invalid, the whole Act is  
 44 invalid, and to this end the provisions of the Act are  
 45 not severable.

46 Sec. 25. This Act takes effect upon enactment, and  
 47 the commissioner shall take all actions necessary to  
 48 implement the provisions of this Act on or before  
 49 January 1, 1988.””

HARBOR of Mills  
 SCHNEKLOTH of Scott  
 ROYER of Page

SWARTZ of Marshall  
 RUNNING of Linn  
 SHOULTZ of Black Hawk  
 SKOW of Guthrie  
 CHAPMAN of Linn

H-4085

- 1 Amend House File 678 as follows:
- 2 1. Page 1, line 32, by inserting after the word
- 3 "residential" the following: ", agricultural,".
- 4 2. Page 1, by striking lines 34 and 35.

BISIGNANO of Polk  
 FEY of Scott

H-4086

- 1 Amend Senate File 511 as amended, passed and
- 2 reprinted by the Senate as follows:
- 3 1. By striking page 82, line 24 through page 83,
- 4 line 34.
- 5 2. Page 84, by striking lines 22 through 24 and
- 6 inserting the following: "enactment."

OLLIE of Clinton

H-4098

- 1 Amend House File 666, as passed by the House as
- 2 follows:
- 3 1. Page 1, line 13, by inserting after the word
- 4 "credit." the following: "Property divided pursuant
- 5 to chapter 598 cannot be modified following the
- 6 division of the property."
- 7 2. Page 1, by inserting after line 20 the
- 8 following:
- 9 "Sec. \_\_\_\_\_. Section 598.21, subsection 8, paragraph
- 10 k, Code 1987, is amended by inserting after unnumbered
- 11 paragraph 2 the following new unnumbered paragraph:
- 12 NEW UNNUMBERED PARAGRAPH. Property divisions made
- 13 under this chapter are not subject to modification."
- 14 3. Page 1, by inserting after line 20 the
- 15 following:
- 16 "Sec. \_\_\_\_\_. This Act is retroactive to January 1,
- 17 1986 and is applicable on or after that date."
- 18 4. Title page, line 3, by inserting after the
- 19 word "marriage" the following: "and making the Act
- 20 retroactive".
- 21 5. By renumbering, relettering, or redesignating
- 22 and correcting internal references as necessary.

Senate Amendment

H-4106

- 1 Amend House File 677 as follows:
- 2 1. Page 1, by inserting after line 10 the
- 3 following:
- 4 "Sec. \_\_\_\_\_. Section 18.115, subsection 9, Code
- 5 1987, is amended by adding the following new
- 6 unnumbered paragraph:
- 7 NEW UNNUMBERED PARAGRAPH. The vehicle dispatcher
- 8 shall also require that state motor vehicles shall be
- 9 operated with ethanol-blended motor fuel, unless the
- 10 vehicle dispatcher determines that the use of ethanol-
- 11 blended motor fuel is impractical or harmful for a
- 12 specific motor vehicle."

SVOBODA of Tama

H-4121

- 1 Amend Senate File 455, as passed by the Senate, as
- 2 follows:
- 3 1. Page 1, line 23, by inserting after the word
- 4 "chiropractor." the following: "A license to practice
- 5 physical therapy does not authorize the licensee to
- 6 diagnose human disease."

PARKER of Jasper

H-4122

- 1 Amend Senate File 455, as passed by the Senate, as
- 2 follows:
- 3 1. Page 1, line 19, by striking the words
- 4 "~~prescription or~~" and inserting the following:
- 5 "prescription or".

PARKER of Jasper

H-4123

- 1 Amend Senate File 455, as passed by the Senate, as
- 2 follows:
- 3 1. Page 1, line 17, by inserting after the word
- 4 "biomechanics" the following: ", but not diagnosis of
- 5 human disease.".

PARKER of Jasper

H-4129

- 1 Amend House File 681 as follows:
- 2 1. Page 8, line 1, by inserting after the word
- 3 "or" the following: "obstetrical or".

MULLINS of Kossuth

H-4135

- 1 Amend House File 681 as follows:
- 2 1. Page 1, by adding after line 21 the following:
- 3 "However, in an emergency, persons from those coun-
- 4 ties may be served in a facility other than University
- 5 of Iowa hospitals and clinics and costs will be billed
- 6 to the indigent patient fund under chapter 255."

HAMMOND of Story

H-4136

- 1 Amend House File 681 as follows:
- 2 1. Page 1, by striking lines 17 through 21.
- 3 2. Page 4, line 1, by inserting after the word "program."
- 4 the following: "In counties in which the maternal and child
- 5 health clinic processes the application, the clinic shall
- 6 notify the county relief office of the outcome of the

7 application process.”

8 3. Page 4, line 21, by inserting after the word  
9 “chapter” the following: “and chapter 255”.

HAMMOND of Story

H-4139

1 Amend amendment, H-4080, to House File 677 as  
2 follows:

3 1. Page 1, line 41, by striking the word and  
4 figures “June 30, 1988” and inserting the following:  
5 “December 31, 1988”.

6 2. Page 1, line 43, by striking the word and  
7 figures “July 1, 1988” and inserting the following:  
8 “January 1, 1989”.

9 3. Page 1, line 43, by striking the word and  
10 figures “December 31, 1988” and inserting the  
11 following: “December 31, 1989”.

12 4. Page 1, line 45, by striking the figure “1989”  
13 and inserting the following: “1990”.

PLATT of Muscatine  
MUHLBAUER of Crawford

H-4147

1 Amend House File 683 as follows:

2 1. Page 2, by striking lines 21 through 25 and  
3 inserting the following: “payment plan on a statewide  
4 basis. The board”.

PETERSEN of Muscatine

H-4150

1 Amend House File 677 as follows:

2 1. Page 2, by inserting after line 20 the fol-  
3 lowing:

4 “Sec. \_\_\_\_\_. Section 312.2, Code 1987, is amended by  
5 adding the following new subsection:

6 NEW SUBSECTION. 18. The treasurer of state,  
7 before making the allotments provided in this section,  
8 shall credit monthly from the road use tax fund to the  
9 bridge construction fund which is created in the  
10 office of the treasurer of state, an amount equal to  
11 one cent of the excise tax collected on motor fuel  
12 beginning July 1, 1987 and one cent of the excise tax  
13 on special fuel beginning January 1, 1988. Of the  
14 moneys credited to the bridge construction fund, one-  
15 half of the revenues shall be allocated for bridge  
16 construction projects on secondary roads and one-half  
17 of the revenues shall be allocated for bridge  
18 construction projects on city streets. These funds  
19 may be used for construction, reconstruction, repair,

20 and maintenance of bridges. Cities and counties shall  
 21 submit requests for these funds for specific projects  
 22 to the state department of transportation which shall  
 23 determine the priority of the projects and shall award  
 24 the funds on this basis. The priority of the projects  
 25 shall be determined on the basis used by the  
 26 department to determine the priority of primary road  
 27 construction projects."

28 2. Page 14, line 27, by striking the word and  
 29 figures "July 1, 1987" and inserting the following:  
 30 "January 1, 1988".

31 3. Page 15, by striking lines 2 and 3 and  
 32 inserting the following: "per gallon for the period".

33 4. Page 15, by striking lines 9 and 10 and  
 34 inserting the following: "per gallon for the".

35 5. Page 15, line 12, by striking the word "three"  
 36 and inserting the following: "two".

37 6. Renumber sections and correct internal  
 38 references as necessary.

FULLER of Hardin

H-4156

1 Amend House File 681 as follows:

2 1. Page 1, line 18, by striking the word

3 "Clinton" and inserting the following: "Linn".

CARPENTER of Polk

H-4160

1 Amend House File 681 as follows:

2 1. Page 1, by striking lines 17 through 21 and

3 inserting the following:

4 "The University of Iowa hospitals and clinics shall  
 5 request to the Iowa department of public health, that  
 6 obstetrical patients be referred to the University of  
 7 Iowa hospitals and clinics if the university and  
 8 department mutually agree that the university needs  
 9 additional obstetrical patients for the appropriate  
 10 education of the students enrolled in the college of  
 11 medicine. The department shall establish a statewide  
 12 lottery system for the random selection of obstetrical  
 13 patients to be provided care at the University of Iowa  
 14 hospitals and clinics under chapter 255 for the period  
 15 of time deemed necessary."

HOLVECK of Polk

JOHNSON of Winneshiek

H-4174

1 Amend House File 677 as follows:

2 1. Page 18, by inserting after line 1 the

3 following:

4 "Sec. \_\_\_\_\_. Section 328.21, Code 1987, is amended  
5 by adding the following new subsection immediately  
6 following subsection 4 and renumbering succeeding  
7 subsections:

8 NEW SUBSECTION. 5. The registration fee for  
9 helicopters owned and operated by nonprofit hospitals  
10 located in Iowa is one thousand dollars."

11 2. Renumber sections and correct internal  
12 references as necessary.

LUNDBY of Linn  
CORBETT of Linn

H-4177

1 Amend House File 677 as follows:

2 1. Page 2, by inserting after line 26 the  
3 following:

4 "Sec. \_\_\_\_\_. Section 321.34, subsection 1, Code  
5 1987, is amended to read as follows:

6 1. PLATES ISSUED. The county treasurer upon  
7 receiving application, accompanied by proper fee, for  
8 registration of a vehicle shall issue to the owner one  
9 registration plate for a motorcycle, motorized  
10 bicycle, truck tractor, trailer, or semitrailer and  
11 one or two registration plates for every other motor  
12 vehicle, as determined by the department. The  
13 registration plates, including special registration  
14 plates, shall be assigned to the owner of a vehicle.  
15 When the owner of a registered vehicle transfers or  
16 assigns ownership of the vehicle to another person,  
17 the owner shall remove the registration plates from  
18 the vehicle. The owner shall forward the plates to  
19 the county treasurer where the vehicle is registered  
20 or the owner may have the plates assigned to another  
21 vehicle within thirty days after transfer, upon  
22 payment of the fees required by law. The owner shall  
23 immediately affix registration plates retained by the  
24 owner to another vehicle owned or acquired by the  
25 owner, providing the owner complies with section  
26 321.46. The department shall adopt rules providing  
27 for the assignment of registration plates to the  
28 transferee of a vehicle for which a credit is allowed  
29 under section 321.46, subsection 6.

30 Sec. \_\_\_\_\_. Section 321.37, unnumbered paragraph 1,  
31 Code 1987, is amended to read as follows:

32 Registration If two registration plates are issued  
33 for a motor vehicle, other than a motorcycle,  
34 motorized bicycle, or a truck tractor, the  
35 registration plates shall be attached to the motor  
36 vehicle, one in the front and the other in the rear.  
37 The registration plate issued for a motorcycle or

38 other vehicle required to be registered hereunder  
 39 shall be attached to the rear of the vehicle. The  
 40 registration plate issued for a truck tractor shall be  
 41 attached to the front of the truck tractor. The  
 42 special plate issued to a dealer shall be attached on  
 43 the rear of the vehicle when operated on the highways  
 44 of this state.”  
 45 2. Renumber sections and correct internal  
 46 references as necessary.

SCHNEKLOTH of Scott  
 JAY of Appanoose

H—4179

1 Amend amendment, H—4143, to House File 681 as  
 2 follows:  
 3 1. Page 11, by inserting after line 24 the  
 4 following:  
 5 “Sec. \_\_\_\_\_. NEW SECTION. 147B.10A ATTORNEY FEES -  
 6 - DEFENSE COSTS.  
 7 Coverage for medical malpractice under the fund and  
 8 liability policies posted for proof of financial  
 9 responsibility shall include defense costs and  
 10 allocation for loss adjustment expense if such  
 11 benefits in any way reduce the coverage available to  
 12 provide for payment of judgments by an insured party.”  
 13 2. Renumber as necessary.

HANSEN of Woodbury

H—4180

1 Amend amendment, H—4143, to House File 681 as  
 2 follows:  
 3 1. Page 11, by inserting after line 24 the  
 4 following:  
 5 “Sec. \_\_\_\_\_. NEW SECTION. 147B.10A FRIVOLOUS  
 6 ACTIONS.  
 7 In all cases against a health care provider or  
 8 hospital for malpractice or professional negligence,  
 9 the court may, upon application by the prevailing  
 10 party, in its discretion and in an amount determined  
 11 in its discretion, tax as costs payable to the  
 12 prevailing party, the reasonable costs of preparation  
 13 and trial, including reasonable attorney fees and the  
 14 reasonable loss of earnings by the prevailing party  
 15 occasioned by the trial, if the court finds that the  
 16 losing party did not have a reasonable chance of  
 17 recovery or a reasonable chance of a successful  
 18 defense. The taxation of any cost under this section  
 19 is the sole responsibility of the named parties and is  
 20 not to be considered a cost of defense or a portion of  
 21 the insurance coverage provided to either party which

22 thereby reduces the amount of coverage available for  
 23 the payment of any judgment rendered against that  
 24 party."

25 2. Renumber as necessary.

HANSEN of Woodbury

H-4181

1 Amend amendment, H-4143, to House File 681 as  
 2 follows:

3 1. Page 9, by inserting after line 19 the  
 4 following:

5 "Sec. \_\_\_\_\_. NEW SECTION. 147B.9B EVIDENCE OF  
 6 PREVIOUS PAYMENT OR FUTURE RIGHT OF PAYMENT.

7 1. In an action brought pursuant to this chapter  
 8 seeking damages for personal injury, the court shall  
 9 permit evidence and argument as to the previous  
 10 payment or future right of payment of actual economic  
 11 losses incurred or to be incurred as a result of the  
 12 personal injury for necessary medical care,  
 13 rehabilitation services, and custodial care except to  
 14 the extent that the previous payment or future right  
 15 of payment is pursuant to a state or federal program  
 16 or from assets of the claimant or the members of the  
 17 claimant's immediate family.

18 2. Evidence of the existence of insurance  
 19 applicable to the damages sought and the amount of  
 20 coverage available shall be permitted by the court.

21 3. If evidence and argument regarding previous  
 22 payments or future rights of payment is permitted  
 23 pursuant to subsection 1, the court shall also permit  
 24 evidence and argument as to the costs to the claimant  
 25 of procuring the previous payments or future rights of  
 26 payment and as to any existing rights of in-  
 27 demnification or subrogation relating to the previous  
 28 payments or future rights of payment.

29 4. If evidence or argument is permitted pursuant  
 30 to subsection 1, 2, or 3, the court shall, unless  
 31 otherwise agreed to by all parties, instruct the jury  
 32 to answer special interrogatories or, if there is no  
 33 jury, shall make findings indicating the effect of  
 34 such evidence or argument on the verdict."

35 2. By renumbering as necessary.

HANSEN of Woodbury

H-4187

1 Amend the amendment, H-4143, to House File 681 as  
 2 follows:

3 1. Page 2, by striking lines 21 through 23 and  
 4 inserting the following:

5 "Sec. \_\_\_\_\_. NEW SECTION. 147B.1 SHORT TITLE.

- 6 This Act shall be known as the "Health Care  
7 Provider Assistance Act."  
8 2. Renumber as necessary.

McKINNEY of Dallas

H-4188

- 1 Amend amendment, H-4143, to House File 681 as  
2 follows:  
3 1. Page 7, line 20, by striking the word "one"  
4 and inserting the following: "two".

McKINNEY of Dallas

H-4189

- 1 Amend the amendment, H-4143, to House File 681 as  
2 follows:  
3 1. Page 1, by striking lines 26 through 42.

McKINNEY of Dallas

H-4191

- 1 Amend the amendment, H-4143, to House File 681 as  
2 follows:  
3 1. By striking page 3, line 50 through page 4,  
4 line 32, and inserting the following:  
5 "2. A hospital is qualified to participate under  
6 this chapter if the hospital files with the  
7 commissioner proof of financial responsibility in the  
8 same manner as is provided for a health care  
9 provider."

McKINNEY of Dallas

H-4192

- 1 Amend amendment, H-4143, to House File 681 as  
2 follows:  
3 1. Page 6, by inserting after line 3 the  
4 following:  
5 "4. An election under this chapter shall not apply  
6 to any action brought by a patient based upon an  
7 expressed or implied contract assuring results."

McKINNEY of Dallas

H-4193

- 1 Amend the amendment, H-4143, to House File 681, as  
2 follows:  
3 1. Page 3, by striking lines 16 through 42 and  
4 inserting the following:  
5 "a. Files with the commissioner proof of financial  
6 responsibility in an amount of two hundred thousand

7 dollars per occurrence. The health care provider is  
 8 qualified as long as the required proof of financial  
 9 responsibility remains effective. Financial  
 10 responsibility may be proven by providing a certified  
 11 copy of a professional liability insurance policy  
 12 currently in force with annual proof of renewal, the  
 13 posting of a bond, or the payment of cash."

McKINNEY of Dallas

H-4205

1 Amend amendment, H-4143, to House File 681, as  
 2 follows:  
 3 1. Page 13, by inserting after line 47 the  
 4 following:  
 5 "Sec. \_\_\_\_\_. NEW SECTION. 147B.19 LIMITATION ON  
 6 APPLICABILITY.  
 7 Section 147.136, section 614.1, subsection 9, and  
 8 section 668.4 shall not apply to any health care  
 9 provider not participating under this chapter."  
 10 2. By renumbering as necessary.

McKINNEY of Dallas

H-4206

1 Amend amendment, H-4143, to House File 681 as  
 2 follows:  
 3 1. Page 8, line 21, by striking the word  
 4 "inadequate" and inserting the following: "adequate".

McKINNEY of Dallas

H-4207

1 Amend the Connolly amendment, H-4080, to House File  
 2 677, as follows:  
 3 1. Page 2, by striking lines 15 and 16, and  
 4 inserting the following:  
 5 "\_\_\_\_\_. By striking page 14, line 20 through page  
 6 15, line 15."

HARBOR of Mills  
 HALVORSON of Clayton  
 ROYER of Page

H-4208

1 Amend House File 677 as follows:  
 2 1. By striking page 14, line 20 through page 15,  
 3 line 15.

HARBOR of Mills  
 HALVORSON of Clayton  
 ROYER of Page

H-4210

- 1 Amend the Fuller amendment, H-4150, to House File  
 2 677, as follows:  
 3 1. Page 1, line 11, by striking the words "one  
 4 cent" and inserting the following: "one-half of one  
 5 cent".  
 6 2. Page 1, line 12, by striking the words "one  
 7 cent" and inserting the following: "one-half of one  
 8 cent".

FULLER of Hardin

H-4219

- 1 Amend the amendment, H-3694, to Senate File 396 as  
 2 amended, passed, and reprinted by the Senate as  
 3 follows:  
 4 1. Page 3, by inserting after line 2 the  
 5 following:  
 6 "11. Solicit proposals from public and private  
 7 agencies to conduct hazardous waste research, and to  
 8 develop and implement storage, treatment, and other  
 9 hazardous waste management practices including but not  
 10 limited to source reduction, recycling, compaction,  
 11 incineration, fuel recovery, and other alternatives to  
 12 land disposal of hazardous waste. In the acceptance  
 13 of a proposal, preference shall be given to Iowa  
 14 agencies pursuant to chapter 72.  
 15 12. Conduct a comprehensive study of the current  
 16 availability of hazardous waste disposal methods and  
 17 sites, the current and projected generation of  
 18 hazardous waste including but not limited to the types  
 19 of hazardous waste generated and the sources of  
 20 hazardous waste generation; alternatives to land  
 21 disposal of hazardous waste including but not limited  
 22 to source reduction, recycling, compaction,  
 23 incineration, and fuel recovery; and integrated  
 24 approaches to pollution management to ensure that the  
 25 problems associated with hazardous waste do not become  
 26 air or water problems; and alternative management and  
 27 financing approaches for a state hazardous waste  
 28 site."

ROSENBERG of Story

H-4224

- 1 Amend House File 658, as passed by the House, as  
 2 follows:  
 3 1. Page 9, by inserting after line 9 the  
 4 following:  
 5 "Sec. \_\_\_\_\_. Section 524.803, subsection 1, Code  
 6 1987, is amended by adding the following new lettered

7 paragraph:

8 NEW LETTERED PARAGRAPH. f. Organize, acquire, or  
9 invest in a subsidiary for the purpose of engaging in  
10 any one or more of the following, subject to the prior  
11 approval of the superintendent:

12 (1) Nondepository activities that a state bank is  
13 authorized to engage in directly under this chapter.

14 (2) Any activity that a bank service corporation  
15 is authorized to engage in under state or federal law  
16 or regulation.

17 (3) Any activity authorized pursuant to section  
18 524.825.

19 Sec. \_\_\_\_\_. NEW SECTION. 524.825 SECURITIES  
20 ACTIVITIES.

21 Subject to the prior approval of the  
22 superintendent, a state bank or a subsidiary of a  
23 state bank organized or acquired pursuant to section  
24 524.803, subsection 1, paragraph "f" may engage in  
25 directly, or may organize, acquire, or invest in a  
26 subsidiary for the purpose of engaging in securities  
27 activities and any aspect of the securities industry,  
28 including, but not limited to, any of the following:

29 1. Issuing, underwriting, selling, or distributing  
30 stocks, bonds, debentures, notes, interest in mutual  
31 funds or money-market-type mutual funds, or other  
32 securities.

33 2. Organizing, sponsoring, and operating one or  
34 more mutual funds.

35 3. Acting as a securities broker-dealer licensed  
36 under chapter 502. The business relating to  
37 securities shall be conducted through, and in the name  
38 of, the broker-dealer. The requirements of chapter  
39 502 apply to any business of the broker-dealer  
40 transacted in this state.

41 A subsidiary engaging in activities authorized by  
42 this section may also engage in any other authorized  
43 activities under section 524.803, subsection 1,  
44 paragraph "f".

45 Sec. \_\_\_\_\_. Section 524.901, subsection 1, Code  
46 1987, is amended by adding the following new lettered  
47 paragraph:

48 NEW LETTERED PARAGRAPH. f. Futures, forward, and  
49 standby contracts to purchase and sell any of the  
50 instruments eligible for state banks' purchase and

Page 2

1 sale, subject to the prior approval of the  
2 superintendent and pursuant to applicable federal laws  
3 and regulations governing such contracts. Purchase  
4 and sale of such contracts shall be conducted in  
5 accordance with safe and sound banking practices and

6 with levels of the activity being reasonably related  
 7 to the state bank's business needs and capacity to  
 8 fulfill its obligations under the contracts.

9 Sec. \_\_\_\_\_. Section 524.901, subsection 1, Code  
 10 1987, is amended by adding the following new lettered  
 11 paragraph:

12 NEW LETTERED PARAGRAPH. g. Bonds and securities  
 13 which are authorized investments under paragraph "a",  
 14 "b", "c", or "d" include investments in an investment  
 15 company or investment trust registered under the  
 16 Investment Company Act of 1940, 15 U.S.C. § 80a, the  
 17 portfolio of which is limited to the United States  
 18 government obligations described in paragraph "a",  
 19 "b", "c", or "d" and to repurchase agreements fully  
 20 collateralized by the United States government  
 21 obligations described in paragraph "a", "b", "c", or  
 22 "d", if the investment company or investment trust  
 23 takes delivery of the collateral either directly or  
 24 through an authorized custodian.

25 Sec. \_\_\_\_\_. Section 524.901, subsection 3, paragraph  
 26 d, Code 1987, is amended to read as follows:

27 d. Shares in a corporation which the state bank is  
 28 authorized to acquire and hold pursuant to section  
 29 524.803, subsection 1, paragraphs "c", "d", and "e".

30 Sec. \_\_\_\_\_. Section 524.901, subsection 3, Code  
 31 1987, is amended by adding the following new lettered  
 32 paragraphs:

33 NEW LETTERED PARAGRAPH. i. Shares of investment  
 34 companies, up to a maximum of twenty percent of  
 35 capital and surplus of the state bank in any one  
 36 company, if the portfolio of such an investment  
 37 company consists wholly of investments in which the  
 38 state bank could invest directly without limitation  
 39 pursuant to this section.

40 NEW LETTERED PARAGRAPH. j. Shares of investment  
 41 companies whose portfolios contain investments which  
 42 are subject to limitations pursuant to this section,  
 43 provided that a state bank's investment in such shares  
 44 does not exceed the limitation set forth in this  
 45 section for the underlying instrument.

46 Sec. \_\_\_\_\_. Section 524.901, Code 1987, is amended  
 47 by adding the following new subsection:

48 NEW SUBSECTION. 6. A state bank may, in the  
 49 exercise of the powers granted in this chapter,  
 50 purchase cash value life insurance contracts which may

Page 3

1 include provisions for the lump sum payment of  
 2 premiums and which may include insurance against the  
 3 loss of the lump sum payment. The cash value life  
 4 insurance contracts purchased from any one company

5 shall not exceed twenty percent of capital and surplus  
6 of the state bank.

7 Sec. \_\_\_\_\_. Section 533.4, subsection 5, Code 1987,  
8 is amended by adding the following new paragraph.

9 **NEW PARAGRAPH.** i. Commercial paper issued by  
10 United States corporations as defined by rule.

11 Sec. \_\_\_\_\_. Section 533.4, subsection 7, Code 1987,  
12 is amended to read as follows:

13 7. Assess fines as may be provided by the bylaws  
14 for failure to make repayments on loans and payments  
15 on shares when due, provided no such fine shall exceed  
16 one percent per month on amounts in arrears or five  
17 cents, whichever is the larger.

18 Sec. \_\_\_\_\_. Section 533.5, Code 1987, is amended by  
19 striking the section and inserting in lieu thereof the  
20 following:

21 533.5 MEMBERSHIP.

22 The membership of a credit union consists of those  
23 persons in the common bond, duly admitted, who have  
24 paid any required one-time or periodic membership fee,  
25 or both, have subscribed to one or more shares, and  
26 have complied with the other requirements specified by  
27 the articles of incorporation and bylaws. To continue  
28 membership, a member must comply with any changes in  
29 the par value of the share. Credit union organization  
30 shall be available to groups of individuals who have a  
31 common bond of association such as, but not limited  
32 to, occupation, common employer, or residence within  
33 specified geographic boundaries. Changes in the  
34 common bond may be made by the board of directors. If  
35 adopted as a policy by the board of directors of a  
36 credit union, members who cease to meet qualifications  
37 of membership may retain their credit union membership  
38 and all membership privileges. Organizations,  
39 incorporated or otherwise, may be members.

40 Sec. \_\_\_\_\_. Section 533.9, unnumbered paragraph 1,  
41 Code 1987, is amended to read as follows:

42 Within five days following the organization meeting  
43 and each annual meeting the directors shall elect from  
44 their own number a chairperson of the board, a vice  
45 chairperson, president and a secretary, of whom the  
46 last two may be the same individual, and also a chief  
47 financial officer whose title shall be designated by  
48 the board of directors, a credit committee of not less  
49 than three members, and an auditing committee of not  
50 less than three members, and may also elect alternate

Page 4

1 members of the credit committee. The board may  
2 appoint an executive committee to act on its behalf  
3 when designated for that purpose. It shall be the

4 duty of the The directors to have general management  
5 of the affairs of the credit union, particularly to:

6 Sec. \_\_\_\_\_. Section 533.9, subsections 1 through 7,  
7 and unnumbered paragraph 2, Code 1987, are amended by  
8 striking the subsections and unnumbered paragraph.

9 Sec. \_\_\_\_\_. Section 533.11, subsections 1 and 2,  
10 Code 1987, are amended to read as follows:

11 1. Make or cause to be made an examination of the  
12 affairs of the credit union at least quarterly semi-  
13 annually, including an audit of its books and, in the  
14 event said if the committee feels such action to be  
15 necessary, it shall call the members together  
16 thereafter after the audit and submit to them its  
17 report.

18 2. Make or cause to be made an annual audit and  
19 report and submit the same it at the annual meeting of  
20 the members.

21 Sec. \_\_\_\_\_. Section 533.34, subsection 1, Code 1987,  
22 is amended to read as follows:

23 1. A state credit union may convert into a federal  
24 credit union with the approval of the administrator of  
25 the national credit union administration and by the  
26 affirmative vote of a majority of the credit union's  
27 members eligible to who vote on the proposal. This  
28 vote, if taken, shall be at a special meeting called  
29 for that purpose and shall be in the manner prescribed  
30 by the bylaws. Any member eligible to vote and not  
31 present at the meeting may, within twenty days after  
32 the date on which the meeting was held, vote in favor  
33 of conversion by signing a statement in a form  
34 satisfactory to the superintendent. This vote shall  
35 have the same force and effect as if cast at the  
36 meeting.

37 Sec. \_\_\_\_\_. Section 533.38, unnumbered paragraph 1,  
38 Code 1987, is amended to read as follows:

39 A corporate central credit union may be  
40 established. Credit unions organized under this  
41 chapter, the Federal Credit Union Act, or any other  
42 credit union act and credit union organizations may be  
43 members. In addition, regulated financial  
44 institutions, nonprofit organizations, and cooperative  
45 organizations may be members to the extent and manner  
46 provided for in the bylaws of the corporate central  
47 credit union. The corporate central credit union  
48 shall have all the powers, restrictions, and  
49 obligations imposed upon, or granted to a credit union  
50 under this chapter, except that the corporate central

Page 5

1 credit union may exercise any of the following  
2 additional powers subject to the adoption of rules by

3 the superintendent pursuant to chapter 17A and with  
4 the prior written approval of the superintendent:

5 Sec. \_\_\_\_\_. NEW SECTION. 533.48 INVESTMENT IN  
6 BANKS OR SAVINGS AND LOAN ASSOCIATIONS.

7 1. INVESTMENTS IN BANKS. A credit union may, with  
8 the prior approval of the superintendent, invest in  
9 the capital stock, obligations, or other securities of  
10 a bank.

11 2. INVESTMENT IN SAVINGS AND LOANS. A credit  
12 union may, with the prior approval of the  
13 superintendent, invest in the capital stock,  
14 obligations, or other securities of a state savings  
15 and loan association.

16 3. FINDINGS REQUIRED. The superintendent shall  
17 not grant an approval under subsection 1 or 2, except  
18 after making one of the following findings:

19 a. Based upon a preponderance of the evidence  
20 presented, the proposed investment will not have the  
21 immediate effect of significantly reducing competition  
22 between depository financial institutions located in  
23 the same community as the institution whose shares  
24 would be acquired.

25 b. Based upon a preponderance of the evidence  
26 presented, the proposed investment would have an  
27 anticompetitive effect as described in paragraph "a",  
28 but other factors, specifically cited, outweigh the  
29 anticompetitive effect so that there would be a net  
30 public benefit as a result of the investment.

31 4. COMPETITION PRESERVED. The subsequent  
32 liquidation of a bank or state savings and loan  
33 association whose shares are acquired under this  
34 section shall not prevent the subsequent incorporation  
35 of another bank or savings and loan association in the  
36 same community, and the superintendent of banking  
37 shall not find the liquidation of such a bank to be  
38 grounds for disapproving the incorporation of another  
39 bank in the same community under section 524.305, and  
40 the superintendent of savings and loan associations  
41 shall not find the liquidation of such a savings and  
42 loan association to be grounds for disapproving the  
43 incorporation of another savings and loan association  
44 in the same community under chapter 534.

45 Sec. \_\_\_\_\_. Section 534.103, subsection 6, Code  
46 1987, is amended to read as follows:

47 6. LIMITED TRUST POWERS. Associations An  
48 association incorporated under this chapter may act as  
49 trustee for trusts which are created or organized in  
50 the United States, and which form part of a stock

## Page 6

1 bonus, pension, or profit sharing plan which qualifies  
2 for special tax treatment under section 401(d) or  
3 subsection (a) of section 408 of the Internal Revenue  
4 Code of 1954, as amended, or as trustee with no active  
5 fiduciary duties, if the funds of such the trust are  
6 invested only in savings accounts or deposits in such  
7 the association or in obligations or securities issued  
8 by such the association. All funds held in such a  
9 fiduciary capacity by any such an association may be  
10 commingled for appropriate purposes of investment, but  
11 individual records shall be kept by the fiduciary for  
12 each participant and shall show in proper detail all  
13 transactions engaged in under the authority of this  
14 subsection.

15 The ~~administrator~~ superintendent is authorized to  
16 grant by special permit to an association the right to  
17 act as trustee, executor, administrator, guardian, or  
18 in any other fiduciary capacity. However, this  
19 authority is available only for periods of time when  
20 federally chartered savings and loan associations  
21 operating in this state are granted similar authority,  
22 and the state authorization is subject to the rights  
23 and limitations established in rules adopted by the  
24 superintendent, which shall be consistent with the  
25 rights and limitations for federally chartered  
26 associations engaged in this type of activity.

27 Sec. \_\_\_\_\_. Section 534.107, Code 1987, is amended  
28 to read as follows:

29 **534.107 EXPENDITURES AND OPERATING EXPENSES.**

30 All expenses for management in conducting the  
31 affairs of an association, excluding the cost of  
32 borrowed money, shall be paid from interest, service  
33 charges and other sources of profit. The said  
34 operating expense for of an association in any one  
35 year shall not exceed three percent for associations  
36 with assets not to exceed eight hundred thousand  
37 dollars and two percent for those over such amount as  
38 shown by the associations in their last annual report  
39 of the association's average assets during that year  
40 without the written approval of the superintendent.

41 Sec. \_\_\_\_\_. Section 534.111, unnumbered paragraph 2,  
42 Code 1987, is amended to read as follows:

43 Every association organized under the provisions of  
44 this chapter shall have and exercise has all the  
45 rights, powers, and privileges pertaining to savings  
46 and to loans not in conflict with the laws of this  
47 state, which are conferred upon federal savings and  
48 loan associations by the Home Owners' Loan Act of  
49 1933, title 12, section 1464, United States Code 12  
50 U.S.C. § 1464, and conferred by regulations adopted by

Page 7

1 the federal home loan bank board and the federal  
2 savings and loan insurance corporation.  
3 Sec. \_\_\_\_\_. NEW SECTION. 534.112 REGULATORY  
4 CAPITAL.

5 An association shall maintain regulatory capital in  
6 the amount required by regulations of the federal  
7 savings and loan insurance corporation. For the  
8 purpose of this section, "regulatory capital" means  
9 the sum of all reserve accounts (except specific  
10 reserves established to offset actual or anticipated  
11 losses), undivided profits, surplus, capital stock,  
12 and any other nonwithdrawable accounts.

13 Sec. \_\_\_\_\_. Section 534.207, subsection 1, paragraph  
14 a, Code 1987, is amended to read as follows:

15 a. Loans secured by first liens or first claims on  
16 residential real estate, participation interests in  
17 groups of loans secured by first liens or first claims  
18 on residential real estate, securities that are  
19 secured by groups of loans secured by first liens or  
20 first claims on residential real estate, or property  
21 improvement loans for the making of improvements upon  
22 residential real property, or a combination of these.

23 Sec. \_\_\_\_\_. Section 534.209, Code 1987, is amended  
24 by striking the section and inserting in lieu thereof  
25 the following:

26 534.209 COMMERCIAL LENDING AND ACCOUNTS.

27 1. An association shall not hold more than forty  
28 percent of its assets in commercial loans and consumer  
29 loans as an annual average based on monthly  
30 computations.

31 2. An association may accept a commercial NOW  
32 account. For the purposes of this subsection, a  
33 "commercial NOW account" is a NOW account, as  
34 authorized by section 534.301, subsection 3, for a  
35 commercial, corporate, business, or agricultural  
36 entity.

37 3. For the purposes of this section, unless the  
38 context otherwise requires:

39 a. "Commercial loan" means a loan to a person  
40 borrowing money for a business or agricultural  
41 purpose.

42 b. "Business purpose" means a loan to a for-profit  
43 entity, or a for-profit activity, including but not  
44 limited to a commercial, service, or industrial  
45 enterprise carried on for profit, or an investment  
46 activity.

47 c. "Agricultural purpose" means as defined in  
48 section 535.13.

49 d. "Commercial loan" does not include a loan  
50 secured by an interest in real estate for the purpose

## Page 8

1 of financing the acquisition of real estate or the  
2 construction of improvements on real estate. In  
3 determining which loans are "commercial loans" the  
4 rules of construction stated in section 535.2,  
5 subsection 2, paragraph "b", apply.

6 4. For the purposes of this section, a lease of  
7 personal property is treated as a commercial loan if a  
8 loan to the lessee to acquire the property would have  
9 been a commercial loan.

10 Sec. \_\_\_\_\_. NEW SECTION. 534.215 FALSE STATEMENT  
11 FOR CREDIT.

12 A person who knowingly does either of the following  
13 is guilty of a fraudulent practice:

14 1. Makes or causes to be made, directly or  
15 indirectly, a false statement in writing with the  
16 intent that the false statement shall be relied upon  
17 by an association for the purpose of procuring the  
18 delivery of property, the payment of cash, or the  
19 receipt of credit in any form, for the benefit of the  
20 person or of any other person in which the person is  
21 interested or for whom the person is acting.

22 2. Procures the delivery of property, the payment  
23 of cash, or the receipt of credit in any form, knowing  
24 that a false statement in writing has been made  
25 concerning the financial condition or means or ability  
26 to pay of the person, or any other person in which the  
27 person is interested or for whom the person is acting,  
28 if the person knew that the association relied or  
29 would rely upon the false written statement.

30 Sec. \_\_\_\_\_. Section 534.307, subsection 2, Code  
31 1987, is amended by striking the subsection.

32 Sec. \_\_\_\_\_. Section 534.505, subsection 4, Code  
33 1987, is amended by striking the subsection.

34 Sec. \_\_\_\_\_. Section 534.702, Code 1987, is amended  
35 by adding the following new subsection:

36 NEW SUBSECTION. 9. Subject to the laws and  
37 regulations of the United States, a foreign  
38 association transacting business within this state is  
39 subject to the provisions of this chapter and is  
40 subject to the supervision of the superintendent as to  
41 its operations in this state. Notwithstanding  
42 subsection 2 of section 534.102, the term  
43 "association" or "state association" in this chapter  
44 shall include a foreign association and any foreign  
45 association which is a party to a plan of merger under  
46 section 534.511 as to its operations in this state."

47 2. Title page, line 2, by inserting after the  
48 word "purposes" the following: ", the powers of  
49 certain financial institutions, acts which constitute  
50 a fraudulent practice, imposing penalties,".

Page 9

1 3. By renumbering as necessary.

PARKER of Jasper  
 SWARTZ of Marshall  
 RENKEN of Grundy  
 HUMMEL of Benton

H-4226

1 Amend Senate File 516 as passed by the Senate as  
 2 follows:

- 3 1. Page 1, line 4, by striking the word "or".
- 4 2. Page 1, line 5, by inserting after the word  
 5 "illness" the following: ", or brain injury".
- 6 3. Page 2, line 4, by striking the word "and".
- 7 4. Page 2, line 5, by inserting after the word  
 8 "illness" the following: ", and brain injury".
- 9 5. Page 2, line 27, by striking the words "and  
 10 the".
- 11 6. Page 2, line 28, by inserting after the word  
 12 "ill" the following: ", and the brain injured".
- 13 7. Page 2, line 32, by inserting after the word  
 14 "retardation" the following: ", brain injury".
- 15 8. Page 3, by inserting after line 8 the  
 16 following:  
 17 "5. Iowa head injury association."
- 18 9. Page 3, line 26, by striking the words "and  
 19 the".
- 20 10. Page 3, line 27, by inserting after the word  
 21 "ill" the following: ", and the brain injured".
- 22 11. Page 3, by inserting after line 31 the  
 23 following:  
 24 "Sec. \_\_\_\_\_. Section 225C.25, Code 1987, is amended  
 25 to read as follows:  
 26 225C.25 SHORT TITLE - DEFINITION.  
 27 Sections 225C.25 through 225C.28 shall be known as  
 28 "the bill of rights of persons with mental  
 29 retardation, developmental disabilities, or chronic  
 30 mental illness or brain injury".  
 31 For purposes of sections 225C.23 through 225C.29,  
 32 unless the context otherwise requires "brain injury"  
 33 means brain injury as defined in section 225C.22."
- 34 12. Page 4, line 1, by striking the words "or  
 35 chronic mental illness" and inserting the following:  
 36 "chronic mental illness, or brain injury".
- 37 13. Page 4, by inserting after line 4 the  
 38 following:  
 39 "Sec. \_\_\_\_\_. Section 225C.27, Code 1987, is amended  
 40 to read as follows:  
 41 225C.27 PURPOSE.  
 42 Sections 225C.25 through 225C.28 shall be liberally

43 construed and applied to promote their purposes and  
 44 the stated rights. The division, in coordination with  
 45 appropriate agencies, shall adopt rules to implement  
 46 the purposes of sections 225C.25 225C.23 through  
 47 225C.28 which include, but are not limited to the  
 48 following:

49 1. Promotion of the human dignity and protection  
 50 of the constitutional and statutory rights of persons

Page 2

1 with mental retardation, developmental disabilities,  
 2 ~~or~~ chronic mental illness, or brain injury in the  
 3 state.

4 2. Encouraging the development of the ability and  
 5 potential of each person with mental retardation,  
 6 developmental disabilities, ~~or~~ chronic mental illness,  
 7 or brain injury in the state to the fullest extent  
 8 possible.

9 3. Ensuring that the recipients of services shall  
 10 not be deprived of any rights, benefits, or privileges  
 11 guaranteed by law, the Constitution of the State of  
 12 Iowa or the Constitution of the United States solely  
 13 on account of the receipt of the services.

14 Sec. \_\_\_\_\_. Section 225C.28, Code 1987, is amended  
 15 to read as follows:

16 225C.28 RIGHTS.

17 The rights of persons described in section 225C.26  
 18 include, but are not limited to:

19 1. Comprehensive evaluation and diagnosis. A  
 20 person suspected of being mentally retarded,  
 21 developmentally disabled, ~~or~~ chronically mentally ill,  
 22 or brain injured or applying for developmental  
 23 disabilities services, has the right to receive a  
 24 comprehensive diagnosis and evaluation adapted to the  
 25 cultural background, primary language, and ethnic  
 26 origin of the person.

27 2. Individual treatment, habilitation, and program  
 28 plan. Persons with mental retardation, a  
 29 developmental disability, ~~or~~ chronic mental illness,  
 30 or brain injury who require services have the right to  
 31 an individual treatment, habilitation, and program  
 32 plan.

33 3. Individualized treatment, habilitation, and  
 34 program services. A person with a known or suspected  
 35 mental retardation, developmentally disabled, ~~or~~  
 36 chronic mental illness, or brain injury condition  
 37 shall not be denied treatment, habilitation, and  
 38 program services because of age, sex, ethnic origin,  
 39 marital status, ability to pay, criminal record,  
 40 degree of disability, injury, or illness, or mental  
 41 retardation condition.

42 4. Periodic review of treatment, habilitation, and  
43 program. A mentally retarded, developmentally  
44 disabled, or chronically mentally ill, or brain  
45 injured person receiving services has the right to a  
46 periodic, but at least annual, reevaluation and review  
47 of the individual treatment, habilitation, and program  
48 plan to measure progress, to modify objectives if  
49 necessary, and to provide guidance and remediation  
50 techniques.

**Page 3**

1 5. Participation in the formulation of the plan.  
2 A person with mental retardation, a developmental  
3 disability, or chronic mental illness, or brain  
4 injury, or the person's representative has the right  
5 to participate in planning the person's own treatment,  
6 habilitation, and program plan and to be informed, in  
7 writing, of progress at reasonable time intervals.  
8 Each person shall be given the opportunity to make  
9 decisions and exercise options regarding the plan,  
10 consistent with the person's capabilities.

11 6. Least restrictive environment and age-  
12 appropriate services. A person with mental  
13 retardation, a developmental disability, or chronic  
14 mental illness, or brain injury has the right to live  
15 and receive age-appropriate services in the least  
16 restrictive setting consistent with the person's  
17 individual treatment and habilitation needs,  
18 potential, and abilities.

19 7. Vocational training and employment options. A  
20 person with mental retardation, a developmental  
21 disability, or chronic mental illness, or brain injury  
22 has the right to vocational training which contributes  
23 to the person's independence and employment potential.

24 8. Wage protection. A person with mental  
25 retardation, a developmental disability, or chronic  
26 mental illness, or brain injury engaged in work  
27 programs shall be paid wages commensurate with the  
28 going rate for comparable work and productivity.

29 9. Insurance protection. Pursuant to section  
30 507B.4, subsection 7, a person or designated group of  
31 persons shall not be denied insurance coverage by  
32 reason of mental retardation, a developmental  
33 disability, or chronic mental illness, or brain  
34 injury.

35 10. Due process. A person with mental  
36 retardation, a developmental disability, or chronic  
37 mental illness, or brain injury retains the right to  
38 citizenship in accordance with the laws of the state."

39 14. Page 5, line 25, by striking the words "and  
40 chronic mental illness" and inserting the following:

- 41 "chronic mental illness, and brain injury".  
 42 15. Page 5, line 30, by inserting after the words  
 43 "representatives of" the following: "brain injured,".  
 44 16. Page 6, line 13, by striking the words "and  
 45 the".  
 46 17. Page 6, line 14, by inserting after the word  
 47 "ill" the following: ", and the brain injured".  
 48 18. Title page, line 2, by striking the words  
 49 "and chronically mentally ill" and inserting the  
 50 following: "chronically mentally ill, and brain

**Page 4**

1 injured".

SHOULTZ of Black Hawk

H-4229

- 1 Amend Senate File 518, as amended, passed, and re-  
 2 printed by the Senate, as follows:  
 3 1. Page 16, by inserting after line 11 the  
 4 following:  
 5 "Sec. \_\_\_\_\_. NEW SECTION. 321.372A VEHICLE OWNER  
 6 LIABILITY FOR FAILURE TO OBEY SCHOOL BUS WARNING  
 7 DEVICES.  
 8 The driver of a school bus who observes a violation  
 9 of section 321.372, subsection 3, may prepare a  
 10 written report on a form provided by the department of  
 11 public safety indicating that a violation has  
 12 occurred. The school bus driver or a school official  
 13 may deliver the report not more than twenty-four hours  
 14 after the violation occurred to a peace officer of the  
 15 state or a peace officer of the county or municipality  
 16 in which the violation occurred. The report shall  
 17 state the time and the location at which the violation  
 18 occurred and shall include the registration plate  
 19 number and a description of the vehicle involved in  
 20 the violation.  
 21 Not more than forty-eight hours after receiving a  
 22 report of a violation of section 321.372, subsection  
 23 3, from a school bus driver or a school official, the  
 24 peace officer shall prepare a uniform traffic citation,  
 25 for the violation and shall personally serve it upon  
 26 the owner of the vehicle. If acting with reasonable  
 27 diligence the officer is unable to serve the citation  
 28 personally to the owner, service may be made by  
 29 leaving a copy of the citation at the owner's place of  
 30 abode within this state in the presence of a competent  
 31 member of the family at least fourteen years of age  
 32 who is informed of the contents of the citation. If  
 33 the owner's current place of business and place of  
 34 abode are not known, service may be made by mailing a

35 copy of the citation by certified mail to the owner's  
36 last known address.

37 The owner of a vehicle involved in a violation of  
38 section 321.372, subsection 3, is liable for the  
39 violation and shall be deemed to be the driver of the  
40 vehicle. It is not a defense that the owner was not  
41 driving the vehicle at the time of the violation  
42 except in any of the following circumstances:

43 1. The owner establishes that at the time of the  
44 violation the vehicle was in the custody of an  
45 identified person other than the owner.

46 2. The owner of the vehicle is a lessor of  
47 vehicles licensed under chapter 321F and the owner  
48 establishes that at the time of the violation the  
49 vehicle was in the custody of a lessee pursuant to a  
50 lease as defined in chapter 321F and the owner

## Page 2

1 provides a peace officer with the name, address, and  
2 motor vehicle license number of the lessee.

3 3. The owner of the vehicle is a motor vehicle  
4 dealer or manufacturer and the owner establishes that  
5 the vehicle was being driven by another person on a  
6 trial run or test drive or for another reason at the  
7 time of the violation and the dealer or manufacturer  
8 provides a peace officer with the name, address, and  
9 motor vehicle license number of the person driving the  
10 vehicle.

11 4. The vehicle was stolen at the time of the  
12 violation.

13 If the owner of the vehicle establishes that the  
14 vehicle was being driven by another person at the time  
15 of the violation as provided in this section that  
16 person and not the owner shall be charged with the  
17 violation.

18 Sec. \_\_\_\_\_. Section 321.484, unnumbered paragraph 3,  
19 Code 1985, is amended to read as follows:

20 If a peace officer as defined in section 801.4 has  
21 reasonable cause to believe the driver of a motor  
22 vehicle has violated sections 321.261, 321.262, or  
23 321.264, ~~or 321.372~~, the officer may request any owner  
24 of the motor vehicle to supply information identifying  
25 the driver. When requested, the owner of the vehicle  
26 shall identify the driver to the best of his ~~or her~~  
27 the owner's ability. However, the owner of the  
28 vehicle is not required to supply identification  
29 information to the officer if the owner believes the  
30 information is self-incriminating."

31 2. Title page, line 4, by inserting after the  
32 word "fund" the following: "and providing that under  
33 certain circumstances the owner of a vehicle which is

34 violating the warning lamps or stop arm of a school  
 35 bus shall be deemed to be the driver, making penalties  
 36 applicable”.

SKOW of Guthrie  
 KREMER of Buchanan

H—4231

1 Amend Senate File 518, as amended, passed, and re-  
 2 printed by the Senate, as follows:  
 3 1. Page 6, line 6, by striking the word “four”  
 4 and inserting the word “six”.

DIEMER of Black Hawk

H—4232

1 Amend House File 677 as follows:  
 2 1. Page 1, by inserting after line 10 the fol-  
 3 lowing:  
 4 “Sec. \_\_\_\_\_. NEW SECTION. 307.49 RECREATION  
 5 TRAILS — SCENIC AREAS.  
 6 The department shall expend revenues received under  
 7 section 423.24 for the planning and the acquisition  
 8 and development of land for recreation trails as  
 9 authorized by law. These funds shall also be expended  
 10 for the identification, protection, and promotion of  
 11 scenic regions of the state. Of the funds available  
 12 in each fiscal year, not more than ten percent of  
 13 those funds shall be used for planning purposes.”  
 14 2. Page 23, line 9, by inserting after the word  
 15 “fund.” the following: “In each fiscal year, there is  
 16 appropriated from the revenues arising under the  
 17 operation of this chapter the sum of one million  
 18 dollars to the state department of transportation for  
 19 recreation trails and scenic region development.”

NEUHAUSER of Johnson  
 ROSENBERG of Story  
 McKEAN of Jones  
 HALVORSON of Webster  
 VAN CAMP of Scott  
 CHAPMAN of Linn

FEY of Scott  
 OLLIE of Clinton  
 HAVERLAND of Polk  
 HATCH of Polk  
 DVORSKY of Johnson  
 ADAMS of Hamilton  
 LUNDBY of Linn

H—4234

1 Amend the House amendment, S—3962, to Senate File  
 2 455 as passed by the Senate as follows:  
 3 1. Page 1, by striking lines 9 through 16.  
 4 2. By renumbering as necessary.

Senate Amendment

H-4235

1 Amend House File 677 as follows:

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

4 "Sec. \_\_\_\_\_. NEW SECTION. 307.49 RECREATION  
5 TRAILS.

6 The department shall expend revenues received under  
7 section 422.69 for the planning and the acquisition  
8 and development of land for recreation trails as  
9 authorized by law. Of the funds available in each  
10 fiscal year, not more than ten percent of those funds  
11 shall be used by the department for planning  
12 purposes."

13 2. Page 20, by inserting after line 26 the  
14 following:

15 "Sec. \_\_\_\_\_. Section 422.69, Code 1987, is amended  
16 by adding the following new subsection:

17 NEW SUBSECTION. 4. Of the taxes, interest, and  
18 penalties collected under division IV on the sale of  
19 new bicycles, that amount is appropriated to the state  
20 department of transportation for the planning and the  
21 acquisition and development of recreation trails."

22 3. Renumber as necessary.

NEUHAUSER of Johnson  
OLLIE of Clinton  
BRANSTAD of Winnebago  
JAY of Appanoose  
COHOON of Des Moines  
HAVERLAND of Polk  
HANSON of Delaware  
HATCH of Polk  
DODERER of Johnson  
ADAMS of Hamilton  
JOHNSON of Winneshiek

FEY of Scott  
FULLER of Hardin  
DIEMER of Black Hawk  
GRUHN of Dickinson  
VAN CAMP of Scott  
MAY of Worth  
McKEAN of Jones  
BISIGNANO of Polk  
HALVORSON of Webster  
DVORSKY of Johnson  
OSTERBERG of Linn  
LUNDBY of Linn

H-4238

1 Amend the Connolly amendment, H-4080, to House File  
2 677, as follows:

3 1. By striking page 2, line 50 through page 3,  
4 line 2 and inserting the following:

5 "\_\_\_\_\_. Page 27, lines 15 and 16, by striking the  
6 words and figures "327G.19, and 422.112, Code 1987,  
7 are" and inserting the following: "Code 1987, is"."

CONNOLLY of Dubuque

H-4239

1 Amend Senate File 518 as amended, passed and  
2 reprinted by the Senate as follows:

- 3 1. Page 9, line 22, by inserting after the word  
 4 "fund" the following: "from revenue credited to the  
 5 road use tax fund under section 423.24, subsection 1,  
 6 paragraph "b",".

PAVICH of Pottawattamie

H—4248

- 1 Amend Senate File 518 as amended, passed and  
 2 reprinted by the Senate as follows:  
 3 1. Page 9, by striking lines 22 through 26.

VAN CAMP of Scott

H—4256

- 1 Amend the amendment, H—3700, to Senate File 484, as  
 2 amended, passed, and reprinted by the Senate, as  
 3 follows:  
 4 1. Page 1, by inserting after line 2 the fol-  
 5 lowing:  
 6 "\_\_\_\_\_. By striking everything after the enacting  
 7 clause and inserting the following:  
 8 "Section 1. FINDINGS. The general assembly finds  
 9 and declares that it is in the public interest that  
 10 high quality medical and hospital services be  
 11 available to the citizens of Iowa at reasonable costs.  
 12 It is essential to the public interest to assure  
 13 continuing availability of medical care to encourage  
 14 competent physicians to enter into and remain in the  
 15 practice of medicine in this state. It is in the  
 16 public interest to assure that funds are available to  
 17 compensate an injured party while providing for the  
 18 availability of medical liability insurance.  
 19 The general assembly further finds and declares  
 20 that a critical situation exists impacting on the  
 21 accessibility and affordability of quality health care  
 22 for Iowa citizens because of the high cost and  
 23 impending unavailability of medical malpractice  
 24 insurance. Physicians in certain speciality and high-  
 25 risk areas are increasingly choosing no longer to  
 26 provide these services as a result of the potential  
 27 liability and the high cost and uncertain availability  
 28 of medical liability insurance.  
 29 The general assembly further finds that to assure  
 30 the uninterrupted delivery of affordable health care  
 31 services to the citizens of Iowa it is necessary to  
 32 carefully balance the interest of persons who are  
 33 damaged by medical accidents and the interest of all  
 34 persons, who may be in need of future medical care, in  
 35 keeping medical liability insurance affordable and  
 36 available in this state. The general assembly further  
 37 finds that without medical liability insurance,

38 physicians, other health care providers, and hospitals  
 39 cannot provide health care services to the public.  
 40 The general assembly further finds that the present  
 41 critical situation has resulted in a decrease in the  
 42 availability of certain health care services and that  
 43 this problem of availability will become more severe  
 44 unless addressed. Physicians are discontinuing their  
 45 practices and leaving Iowa.  
 46 The general assembly further finds and declares it  
 47 is necessary and essential that the provisions of this  
 48 Act be enacted in order to provide for the health and  
 49 welfare of the people of Iowa. It is the intent of  
 50 this Act to protect the health and welfare of the

Page 2

1 people of this state by assuring the availability of  
 2 health care services.  
 3 Sec. 2. NEW SECTION. 147B.1 SHORT TITLE.  
 4 This Act shall be known as the "Iowa Patient  
 5 Compensation Fund Act".  
 6 Sec. 3. NEW SECTION. 147B.2 PUBLIC POLICY.  
 7 It is the policy of this state to assure the avail-  
 8 ability of quality medical and hospital services to  
 9 the citizens of Iowa, and to effectuate that policy it  
 10 is essential to assure the availability of medical  
 11 liability insurance so that competent physicians will  
 12 enter into and remain in the practice of medicine in  
 13 this state. This chapter shall be construed to carry  
 14 out this policy.  
 15 Sec. 4. NEW SECTION. 147B.3 DEFINITIONS.  
 16 As used in this chapter, unless the context  
 17 requires otherwise:  
 18 1. "Administrator" means the patient compensation  
 19 fund administrator.  
 20 2. "Commissioner" means the commissioner of  
 21 insurance.  
 22 3. "Fund" means the patient compensation fund.  
 23 4. "Health care practitioner" means a health care  
 24 provider other than a hospital.  
 25 5. "Health care provider" means a physician and  
 26 surgeon licensed pursuant to chapter 148; an osteopath  
 27 licensed pursuant to chapter 150; an osteopathic  
 28 physician and surgeon licensed pursuant to chapter  
 29 150A; an association, partnership, or professional  
 30 corporation composed of or owned by such persons; a  
 31 hospital and an employee of such person, association,  
 32 partnership, professional corporation, or hospital.  
 33 6. "Hospital" means a hospital licensed pursuant  
 34 to chapter 135B.  
 35 7. "Medical malpractice" means acts or omissions  
 36 of a health care practitioner in the practice of the

37 practitioner's profession or occupation or acts or  
 38 omissions of a hospital in patient treatment or care,  
 39 including but not limited to negligence, failure to  
 40 provide care, breach of contract relating to providing  
 41 care, or claim based upon failure to obtain informed  
 42 consent for an operation or treatment.

43 Sec. 5. NEW SECTION. 147B.4 QUALIFIED PROVIDER.

44 1. A health care practitioner is qualified to  
 45 participate under this chapter if the health care  
 46 practitioner does both of the following:

47 a. Files with the commissioner proof that the  
 48 health care practitioner is insured with an insurance  
 49 company admitted to this state under a policy of  
 50 medical liability insurance providing the following

**Page 3**

1 coverage for medical malpractice:

2 (1) Coverage pursuant to subparagraph part (a) or  
 3 (b) per occurrence in an amount of one hundred percent  
 4 for all sums required to be paid up to and including  
 5 one hundred thousand dollars and ten percent of all  
 6 sums required to be paid in excess of one hundred  
 7 thousand dollars but not exceeding one million  
 8 dollars:

9 (a) Under a claims-made form of medical  
 10 malpractice insurance for each claim made during the  
 11 term of the policy.

12 (b) Under an occurrence form of medical  
 13 malpractice insurance for each claim arising out of an  
 14 occurrence during the policy period.

15 (2) Coverage pursuant to subparagraph part (a) or  
 16 (b) in the aggregate of three hundred thousand dollars  
 17 for all occurrences:

18 (a) Under a claims-made form of medical  
 19 malpractice liability insurance for all claims made  
 20 during the term of the policy.

21 (b) Under an occurrence form of medical  
 22 malpractice insurance for all claims arising out of  
 23 all occurrences during the policy period.

24 b. Pays a surcharge or special surcharge levied on  
 25 health care practitioners pursuant to section 147B.8,  
 26 subsection 2, or section 147B.9.

27 2. A hospital is qualified to participate under  
 28 this chapter if the hospital does both of the  
 29 following:

30 a. Files with the commissioner proof that the  
 31 hospital is insured with an insurance company admitted  
 32 to this state under a policy of medical liability  
 33 insurance providing the following coverage for medical  
 34 malpractice:

35 (1) Coverage pursuant to subparagraph part (a) or

36 (b) per occurrence in an amount of one hundred percent  
 37 for all sums required to be paid up to and including  
 38 one hundred thousand dollars and ten percent of all  
 39 sums required to be paid in excess of one hundred  
 40 thousand dollars but not exceeding one million  
 41 dollars:

42 (a) Under a claims-made form of medical  
 43 malpractice insurance for each claim made during the  
 44 term of the policy.

45 (b) Under an occurrence form of medical  
 46 malpractice insurance for each claim arising out of an  
 47 occurrence during the policy period.

48 (2) Coverage pursuant to subparagraph part (a) or  
 49 (b) in the aggregate of one million dollars for all  
 50 occurrences:

Page 4

1 (a) Under a claims-made form of medical  
 2 malpractice liability insurance for all claims made  
 3 during the term of the policy.

4 (b) Under an occurrence form of medical  
 5 malpractice insurance for all claims arising out of  
 6 all occurrences during the policy period.

7 b. Pays a surcharge or special surcharge levied on  
 8 hospitals pursuant to section 147B.8, subsection 2, or  
 9 section 147B.9.

10 3. Coverage required under subsections 1 and 2  
 11 shall be adjusted in the same manner as provided in  
 12 section 147B.7, subsection 3.

13 4. The commissioner may permit qualification of a  
 14 health care practitioner who has retired or ceased  
 15 practicing in this state, if the health care  
 16 practitioner files proof of insurance and pays any  
 17 surcharge or special surcharge levied as required in  
 18 subsection 1.

19 5. A health care provider may qualify to  
 20 participate under this chapter with respect to all  
 21 medical malpractice claims made subsequent to the  
 22 health care provider's qualification. A health care  
 23 provider is not eligible to qualify under this chapter  
 24 with respect to a medical malpractice claim made prior  
 25 to the time of the health care provider's  
 26 qualification.

27 6. If at any time prior to the health care  
 28 provider's qualification under this section the health  
 29 care provider was insured under an occurrence form of  
 30 policy of medical liability insurance for all  
 31 occurrences during the term of that policy, for an  
 32 occurrence of alleged medical malpractice occurring  
 33 during the time that policy was in effect, this  
 34 chapter applies only to claims for alleged medical

35 malpractice covered under the occurrence policy to the  
36 extent the judgment or settlement exceeds the limits  
37 of that policy.

38 Sec. 6. NEW SECTION. 147B.5 PATIENT ELECTION TO  
39 BE BOUND.

40 1. This chapter applies to all occurrences of  
41 alleged medical malpractice occurring prior to the  
42 effective date of this Act for which a medical  
43 malpractice claim has not been made unless the patient  
44 elects not to be bound under this chapter for the  
45 prior occurrence. A patient may elect not to be bound  
46 under this chapter with respect to an occurrence of  
47 alleged medical malpractice occurring prior to the  
48 effective date of this Act by filing an election with  
49 the commissioner and providing notice to any health  
50 care provider alleged to be liable for the occurrence

**Page 5**

1 within one hundred eighty days of the effective date  
2 of this Act according to rules adopted by the  
3 commissioner. Failure to provide the required notice  
4 is deemed to be evidence of the patient's election to  
5 be bound by this chapter for a prior occurrence.

6 2. A patient's exclusive remedy against a health  
7 care provider qualifying under section 147B.4 for  
8 medical malpractice occurring after the effective date  
9 of this Act is the remedy provided for under this  
10 chapter unless the patient has elected not to be bound  
11 by the remedies provided for in this chapter. A  
12 patient may elect not to be bound under this chapter  
13 by filing an election with the commissioner, pursuant  
14 to rules adopted by the commissioner, in advance of  
15 the treatment, act, or omission upon which a claim may  
16 be based, and notifying the health care provider of  
17 the election within a reasonable time before any  
18 treatment begins. Failure to provide the required  
19 notice is deemed to be evidence of the patient's  
20 election to be bound by this chapter. An election by  
21 a patient not to be bound by this chapter is effective  
22 for a period of two years after filing unless the  
23 election is withdrawn. The patient may withdraw the  
24 election in writing at any time by filing the  
25 withdrawal with the commissioner.

26 3. A qualified health care provider must provide a  
27 patient with notice that the health care provider is  
28 qualified under this chapter prior to any treatment,  
29 and must inform the patient of the patient's right to  
30 elect not to be bound by this chapter.

31 Sec. 7. NEW SECTION. 147B.6 LIABILITY OF FUND.

32 Subject to section 147B.4, subsection 6, the fund  
33 is liable on a following form basis for all sums

34 required to be paid in excess of the coverage provided  
35 by the health care provider's medical liability  
36 insurance specified in section 147B.4, subsection 1 or  
37 2, in a medical malpractice action against a health  
38 care provider qualified to participate under this  
39 chapter by a patient who has elected to be bound under  
40 this chapter with respect to an occurrence within the  
41 state of Iowa to which this chapter applies, except as  
42 provided in section 147B.7.

43 Sec. 8. NEW SECTION. 147B.7 LIMITATION ON  
44 RECOVERY.

45 1. Except as provided in subsection 3, the total  
46 amount recoverable from all liable health care  
47 providers and the fund for an occurrence to which this  
48 chapter applies resulting in an injury or death of a  
49 patient arising out of medical malpractice shall not  
50 exceed one million dollars.

**Page 6**

1 2. Except as provided in subsection 3, a health  
2 care provider qualified under this chapter is not  
3 liable to a patient who has elected to be covered by  
4 this chapter for an amount in excess of one hundred  
5 thousand dollars plus ten percent of all sums required  
6 to be paid in excess of one hundred thousand dollars  
7 but not exceeding one million dollars for all claims  
8 or causes of action for medical malpractice arising  
9 from an occurrence to which this chapter applies.  
10 Subject to limits in this section, an amount due from  
11 a judgment or settlement which is in excess of the  
12 liability of all liable health care providers shall be  
13 paid from the fund pursuant to section 147B.8.

14 3. a. The commissioner shall determine on or  
15 after July 1 but on or before December 31 of each year  
16 an amount by which the total amount recoverable under  
17 subsection 1 and an amount by which the maximum  
18 liability of a health care provider under subsection 2  
19 are adjusted for the calendar year beginning eighteen  
20 months after the July 1 date on which the adjusted  
21 amounts can first be determined. The amount of the  
22 adjustment is equal to the product of the amount  
23 determined for the previous calendar year and the  
24 percentage rate of change in the consumer price index  
25 for goods and services published by the United States  
26 department of labor for the fiscal year ending on June  
27 30 immediately preceding the July 1 date on which the  
28 adjusted amounts can first be determined. However, if  
29 the percentage rate of change in the consumer price  
30 index is less than five percent, adjustments shall not  
31 be made under this paragraph.

32 b. If adjustments are not made under paragraph "a"

33 for one or more years, the commissioner shall  
34 determine a cumulative percentage rate of change and  
35 when that cumulative percentage rate of change is five  
36 percent or greater the commissioner shall determine  
37 the adjusted amounts for the next rate adjustment  
38 year.

39 c. The commissioner shall publish on or before  
40 December 31 preceding the next rate adjustment year  
41 any adjusted amounts which will apply to the next rate  
42 adjustment year.

43 Sec. 9. NEW SECTION. 147B.8 PATIENT COMPENSATION  
44 FUND.

45 1. A patient compensation fund is created for the  
46 purposes stated in this chapter. The fund and income  
47 from the fund shall be deposited with the treasurer of  
48 state to be used for the payment of qualifying claims  
49 under this chapter, and the fund is appropriated for  
50 that purpose. The fund shall not be used for purposes

**Page 7**

1 other than those of this chapter. Appropriations from  
2 the fund are not subject to reversion under section  
3 8.33.

4 2. An annual surcharge shall be levied on all  
5 qualified health care providers. The surcharge for a  
6 health care provider is determined by the commissioner  
7 subject to the following limitations:

8 a. The annual surcharge shall not exceed fifty  
9 percent of the annual premium paid by the health care  
10 provider for maintenance of current medical liability  
11 insurance as provided in section 147B.4, including the  
12 cost of reinsurance under section 147B.12.

13 b. The charge shall not exceed the amount  
14 necessary to maintain the fund in an amount determined  
15 by the commissioner to be actuarially adequate.

16 3. The surcharge due under this section is due and  
17 payable within thirty days after the surcharge has  
18 been levied on the qualified health care provider.

19 4. If the annual surcharge under this section is  
20 not paid within the time specified in subsection 3,  
21 the qualification of the health care provider shall be  
22 suspended until the annual surcharge is paid. The  
23 suspension is not effective as to patients claiming  
24 against the health care provider unless, at least  
25 thirty days before the effective date of the  
26 suspension, a written notice giving the date upon  
27 which the suspension becomes effective has been  
28 provided by the commissioner to the health care  
29 provider and notice of the suspension has been given  
30 to a patient prior to any treatment.

31 5. All actual expenses of collecting, protecting,

32 and administering the fund shall be paid from the  
33 fund, including necessary costs of outside legal  
34 counsel. The attorney general is not responsible for  
35 legal defense of the fund.

36 Sec. 10. NEW SECTION. 147B.9 SPECIAL SURCHARGE.

37 The commissioner may, at any time, analyze the fund  
38 to determine if the amount in the fund is inadequate  
39 to pay in full all claims allowed or to be allowed  
40 during the calendar year. If the fund is determined  
41 to be inadequate, the commissioner may levy a special  
42 surcharge on all health care providers who have  
43 qualified under this chapter on the date of the  
44 special surcharge or at any time during the preceding  
45 twelve months and the special surcharge shall be in an  
46 amount proportionate to the surcharge each health care  
47 provider has paid to the fund. The special surcharge  
48 shall be an amount sufficient to permit full payment  
49 of all claims allowed against the fund during a  
50 calendar year, but shall not exceed fifty percent of

Page 8

1 the annual premium paid by the health care provider  
2 for maintenance of current medical liability insurance  
3 as provided in section 147B.4. The special surcharge  
4 shall be levied against all health care providers who  
5 have qualified under this chapter. The special sur-  
6 charge is due and payable within thirty days after the  
7 special surcharge is levied.

8 If the special surcharge under this section is not  
9 paid within the time specified, the qualification of  
10 the health care provider shall be suspended until the  
11 special surcharge is paid. The suspension is not  
12 effective as to patients claiming against the health  
13 care provider unless, at least thirty days before the  
14 effective date of the suspension, a written notice  
15 giving the date upon which the suspension becomes  
16 effective has been provided by the commissioner to the  
17 health care provider and notice of the suspension has  
18 been given to a patient prior to any treatment.

19 Sec. 11. NEW SECTION. 147B.10 STRUCTURED  
20 JUDGMENTS.

21 1. As used in this section, unless the context  
22 requires otherwise:

23 a. "Future injuries" means all legal harm relating  
24 to an injury which the trier of fact determines will  
25 be incurred by the injured party subsequent to the  
26 entry of judgment.

27 b. "Injured person" means the person during whose  
28 medical treatment or care the acts or omissions of  
29 medical malpractice are determined to have occurred.

30 c. "Injured party" means a party plaintiff to a

31 medical malpractice action, and includes the injured  
32 person if that person is a party to the action.

33 d. "Injury" means a legal harm for which damages  
34 are recoverable in an action arising under this  
35 chapter.

36 2. In a medical malpractice action against a  
37 health care provider arising under this chapter, the  
38 verdict shall be itemized to distribute the monetary  
39 damages, if any, between past loss and future loss.  
40 In a trial to the court, the court shall itemize its  
41 findings in accordance with this section.

42 3. The court, in a medical malpractice action  
43 arising under this chapter in which a damage award for  
44 future injuries to a party exceeds one hundred  
45 thousand dollars, shall enter a judgment ordering the  
46 award to the party to be paid in periodic payments,  
47 subject to the limitations contained in this section.  
48 The court shall make a specified finding as to the  
49 dollar amount of regular payments which will be  
50 required to compensate the party periodically for loss

**Page 9**

1 of future income and future noneconomic harm, based  
2 upon the life expectancy of the party and the damages  
3 awarded. The periodic payments shall reflect interest  
4 in accordance with annuity principles. The judgment  
5 shall specify the recipient of the periodic payments,  
6 the dollar amount of each payment, the interval  
7 between payments, and the number of payments required  
8 to be made. The judgment shall specify the amount of  
9 and the purposes for which the balance of the judgment  
10 awarded for the future care and treatment of the party  
11 may be used.

12 4. Attorney fees of the party receiving an award,  
13 if payable out of the judgment, shall be assessed by  
14 the court and applied pro rata against amounts awarded  
15 for past injuries and for future injuries. The amount  
16 determined by the court to be payable out of damages  
17 for future injuries shall be deducted by the court  
18 from the amount to be ordered paid as provided in this  
19 subsection, and shall be deducted pro rata from those  
20 amounts awarded, if any, for loss of future income,  
21 future expenses for care and treatment, and future  
22 noneconomic harm. The amount of attorney fees  
23 attributable to the award for future injuries shall be  
24 payable upon entry of judgment.

25 5. If a judgment has been entered ordering  
26 periodic payments pursuant to this section, the health  
27 care provider's insurer shall pay to the fund the  
28 amount for which the insurer is liable under this  
29 chapter, after apportionment of costs of defense, for

30 distribution by the fund to the party receiving the  
31 award.

32 6. If a judgment has been entered ordering  
33 periodic payments pursuant to this section, the fund  
34 shall make the payments as ordered or, alternatively,  
35 the fund may purchase an annuity from an insurance  
36 company admitted to Iowa sufficient to make the  
37 periodic payments.

38 7. If the party receiving the award dies, amounts  
39 to be paid for loss of future income are payable to  
40 those persons to whom the party receiving the award  
41 owed a duty of support. If the party receiving the  
42 award dies prior to payment of the amounts for other  
43 than loss of future income, the judgment is satisfied  
44 upon the payment of all obligations incurred up to the  
45 time of death and of the expenses of final illness and  
46 reasonable burial expenses.

47 8. Except with respect to amounts representing  
48 loss of future income, a judgment for future injuries  
49 is a contingent award, and the right to payment vests  
50 only at such times and in such amounts as accrue

**Page 10**

1 pursuant to the order specifying the amount of  
2 periodic payments and the interval of those payments.

3 9. The district court shall retain jurisdiction of  
4 a medical malpractice action in which the judgment in  
5 the action orders periodic payments, and upon the  
6 death of the party receiving the award in the case of  
7 an award for loss of future income, the dependents of  
8 the decedent or any other interested party to the  
9 action or a representative of an interested party, may  
10 petition the court for a modification of the judgment  
11 for a redesignation of the recipient of the payments,  
12 in accordance with the rights of persons established  
13 by this section. Unless otherwise ordered, the  
14 redesignated recipients of payments for loss of future  
15 income shall be paid in those amounts and at those  
16 intervals specified in the original judgment.  
17 Payments shall continue until the remaining amounts  
18 designated for that purpose have been paid, or until  
19 the death of those dependents, whichever occurs first.  
20 If the last surviving dependent dies prior to  
21 depletion of the amount specified for loss of future  
22 income, the judgment is deemed satisfied upon payment  
23 of amounts accrued up to the time of death.

24 **Sec. 12. NEW SECTION. 147B.11 COSTS OF DEFENSE.**

25 1. The fund may employ the services of outside  
26 legal counsel to defend the fund against claims and to  
27 assist the health care provider's insurer in defending  
28 the claim.

29 2. The fund may by agreement with the health care  
30 provider's insurer, allow the health care provider's  
31 insurer to provide a defense for a claim against the  
32 health care provider and the fund. The fund and the  
33 health care provider's insurer may agree to any  
34 apportionment of the costs of defense.

35 Sec. 13. NEW SECTION. 147B.12 REINSURANCE.

36 The commissioner may cause all or any part of the  
37 potential liability of the fund to be reinsured, if  
38 reinsurance is available on a fair and reasonable  
39 basis. The cost of the reinsurance shall be paid by  
40 the fund and the fact of the reinsurance shall be  
41 taken into account in determining the surcharge under  
42 section 147B.8, subsection 2, or the special surcharge  
43 under section 147B.9.

44 Sec. 14. NEW SECTION. 147B.13 NOTICE —  
45 APPLICATION FEE.

46 1. Prior to consideration for coverage pursuant to  
47 this chapter, a health care provider shall first give  
48 notice to the commissioner of the provider's intention  
49 to apply for coverage. The notice of intention shall  
50 be accompanied by a one-time application fee of fifty

**Page 11**

1 dollars for health care providers and five hundred  
2 dollars for hospitals.

3 2. Funds received by the commissioner pursuant to  
4 subsection 1 shall only be expended for purposes of  
5 payment of the reasonable expenses incurred or to be  
6 incurred in the implementation of this chapter.

7 3. To the extent that funds received pursuant to  
8 subsection 1 are in excess of the expenses of  
9 implementation of this chapter, the commissioner shall  
10 transfer such excess funds to the fund.

11 4. Notice and application fees received subsequent  
12 to the implementation of this chapter shall be placed  
13 in the fund upon receipt.

14 Sec. 15. NEW SECTION. 147B.14 PATIENT  
15 COMPENSATION FUND ADMINISTRATOR.

16 The commissioner may appoint an administrator to  
17 perform all duties and responsibilities pursuant to  
18 this chapter. The administrator shall serve as  
19 administrator at the pleasure of the commissioner.  
20 The salary and expenses of the administrator shall be  
21 paid from the fund.

22 Sec. 16. NEW SECTION. 147B.15 ADMINISTRATION.

23 The commissioner shall either provide staff  
24 services necessary for the operation of this chapter  
25 or may contract with an insurance company licensed to  
26 do business in this state, or both, to perform any  
27 administrative duties and responsibilities of the

28 commissioner pursuant to this chapter. The  
 29 commissioner shall retain supervisory control over all  
 30 matters for which a contract is entered into. All  
 31 reasonable costs and charges incurred in the  
 32 administration of this chapter shall be paid from the  
 33 fund.

34 The administrator and all persons employed or  
 35 contracted with to provide staff services necessary  
 36 for the operation of this chapter shall not be  
 37 considered employees of the state except for purposes  
 38 of chapter 25A.

39 Sec. 17. NEW SECTION. 147B.16 RECIPROCITY.

40 The commissioner may enter into reciprocity  
 41 agreements with the authorized representatives of any  
 42 jurisdiction to allow health care providers from that  
 43 jurisdiction to become qualified health care providers  
 44 for purposes of the fund and to the extent that a  
 45 claim against the health care provider arises in this  
 46 state.

47 An agreement shall only be entered into with a  
 48 jurisdiction to the same extent as the other  
 49 jurisdiction allows Iowa health care providers to  
 50 participate in a similar program in the other

**Page 12**

1 jurisdiction. The agreement shall include any  
 2 conditions, restrictions, and privileges the  
 3 commissioner deems necessary.

4 Sec. 18. NEW SECTION. 147B.17 ANNUAL REPORT.

5 The commissioner shall, pursuant to rules issued by  
 6 the commissioner, on or before the first day of  
 7 February of each year, provide to the chairs, vice  
 8 chairs, and ranking members of the senate standing  
 9 committees on judiciary and commerce, and the house of  
 10 representatives standing committees on judiciary and  
 11 law enforcement, and small business and commerce, a  
 12 report regarding claims filed against the fund and  
 13 claims closed involving the fund for the previous  
 14 calendar year. The report shall contain to the extent  
 15 the information is available the following  
 16 information:

- 17 1. Parties to the claims.
- 18 2. Cause or causes of action.
- 19 3. Amounts reserved or paid per claim, including  
 20 the present value for structured settlements or  
 21 awards.
- 22 4. Legal fees, expert witness fees, court costs,  
 23 or other associated costs of judgments or decrees per  
 24 claim.
- 25 5. Other claims information as deemed necessary by  
 26 the commissioner.

27 Sec. 19. NEW SECTION. 147B.18 RULES.

28 The commissioner shall establish rules relating to  
29 the administration of this chapter as deemed necessary  
30 by the commissioner to promote the efficient operation  
31 of this chapter in accordance with its terms and  
32 intent.

33 Sec. 20. Notwithstanding section 4.12, if any pro-  
34 vision of this Act is held invalid, the whole Act is  
35 invalid, and to this end the provisions of the Act are  
36 not severable.

37 Sec. 21. This Act takes effect upon enactment, and  
38 the commissioner shall take all actions necessary to  
39 implement the provisions of this Act on or before  
40 January 1, 1988." "

STROMER of Hancock

H-4269

1 Amend House Concurrent Resolution 39 as follows:

2 1. Page 1, line 24, by striking the word

3 "nineteen" and inserting the following: "nine".

4 2. By striking page 1, line 26 through page 2,

5 line 20 and inserting the following:

6 "1. Two senators, not more than one from any one  
7 political party.

8 2. Two representatives, not more than one from any  
9 one political party.

10 3. One representative of the division of insurance  
11 of the department of commerce.

12 4. One representative from the Iowa department of  
13 health.

14 5. One representative who is a hospital  
15 administrator.

16 6. One representative who is a member of the board  
17 of the health policy corporation of Iowa.

18 7. One representative who is knowledgeable of  
19 counseling persons concerning personal relations,  
20 mental illness, or mental disabilities.

21 The members of the general assembly appointed to  
22 the commission shall be nonvoting members of the  
23 commission; and".

BLANSHAN of Greene

H-4274

1 Amend House File 650 as amended, passed, and  
2 reprinted by the House as follows:

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

5 "Section 1. Section 299.1, unnumbered paragraph 3,  
6 Code 1987, is amended to read as follows:

7 In lieu of such attendance such child may attend

8 upon equivalent instruction by a certified teacher  
 9 elsewhere shall enroll in an accredited nonpublic  
 10 school or receive private instruction under chapter  
 11 299B."

12 2. Page 1, line 2, by inserting after the word  
 13 "that" the following: "all children have the basic  
 14 right for an opportunity to receive an education and  
 15 that".

16 3. Page 1, line 3, by inserting after the word  
 17 "provide" the following: "for".

18 4. Page 1, by striking lines 4 through 6 and  
 19 inserting the following: "children. The state".

20 5. Page 1, by striking lines 7 through 9 and  
 21 inserting the following: "has a compelling interest  
 22 in the education of children in this state and an  
 23 obligation to protect the child's right to receive an  
 24 education when the education is being denied.  
 25 Therefore, it is the intent of the state to provide  
 26 parents and their".

27 6. Page 1, line 10, by striking the words "in a".

28 7. Page 1, by striking lines 11 through 13 and  
 29 inserting the following: "that recognize the parent's  
 30 responsibilities and the state's interest without  
 31 infringing upon the religious beliefs of parents."

32 8. Page 1, by striking line 15 and inserting the  
 33 following:

34 "Notwithstanding chapter 280 and sections".

35 9. Page 1, line 16, by inserting after the figure  
 36 "299.1" the following: "through 299.3 and 299.5".

37 10. Page 1, by striking line 17 and inserting the  
 38 following: "instruction."

39 11. Page 1, by striking lines 21 through 23 and  
 40 inserting the following:

41 "\_\_\_\_\_. "Private instruction" means a program  
 42 provided pursuant to section 299B.5, subsection 4".

43 12. Page 1, by inserting after line 29, the  
 44 following:

45 "\_\_\_\_\_. "Dual enrollment" means the matriculation of  
 46 a child in one public school or accredited nonpublic  
 47 school while receiving private instruction, in  
 48 subjects, courses, or programs not available to the  
 49 child otherwise.

50 \_\_\_\_\_. "Designated panel" means a three-member

**Page 2**

1 panel, consisting of the administrator of the area  
 2 education agency or designee, the parent or guardian  
 3 of the child or designee receiving private  
 4 instruction, and a member mutually agreed upon by the  
 5 representative of the area education agency and by the  
 6 parent or guardian of the child.

7 \_\_\_\_\_ "Remediation plan" means an educational plan  
8 for a child in private instruction which is designed  
9 to improve the academic achievement of the child, and  
10 which may be implemented within the private  
11 instruction setting in which the child is enrolled.  
12 If resources available to a public school are  
13 utilized, the resources shall be available on the same  
14 basis as the resources are to the residents of the  
15 local school district. Other resources not under the  
16 control of the public school may be utilized at the  
17 cost of the parent or guardian of the child. A  
18 remediation plan shall not infringe upon the religious  
19 beliefs of the parents."

20 13. By striking page 1, line 34 through page 2,  
21 line 1, and inserting the following: "examiners, but  
22 who provides private instruction."

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

25 "Sec. \_\_\_\_\_. NEW SECTION. 299B.3A DUAL ENROLLMENT.

26 A child who is receiving private instruction  
27 pursuant to section 299B.6 may also enroll in a public  
28 school or accredited nonpublic school for dual  
29 enrollment purposes. The parent or guardian shall  
30 notify the local school district by February 1 prior  
31 to the school year the child is to be enrolled of the  
32 intent for dual enrollment.

33 If such a child enrolls in a public school or  
34 accredited nonpublic school on a full-time basis, the  
35 board of directors of the local school district or the  
36 authorities in charge of the accredited nonpublic  
37 school may determine the appropriate grade level for  
38 the child by the administration of tests or other  
39 means of evaluation to determine achievement."

40 15. Page 2, line 14, by striking the words  
41 "parent or guardian" and inserting the following:  
42 "person".

43 16. Page 2, by striking lines 21 and 22 and  
44 inserting the following:

45 "4. Private instruction, which encompasses one of  
46 the following:

47 a. Certified private instruction, instruction  
48 provided by a certificated teacher, with the  
49 appropriate endorsements and approvals, as provided  
50 for in chapter 260. The provisions of section 299B.6,

**Page 3**

1 subsection 2 shall not apply to private instruction by  
2 a certificated teacher. All other provisions of this  
3 chapter shall apply.

4 b. Home instruction provided by a parent or legal  
5 guardian of the child.

6 c. Nonaccredited nonpublic instruction, provided  
7 by someone other than a parent or legal guardian of  
8 the child."

9 17. Page 2, line 24, by striking the words  
10 "parent or guardian" and inserting the following:  
11 "person".

12 18. Page 2, line 26, by striking the words  
13 "parent or guardian" and inserting the following:  
14 "person".

15 19. Page 2, by striking lines 29 through 32 and  
16 inserting the following:

17 "a. Evidence that the instructor has at least a  
18 high school diploma or a high school equivalency  
19 diploma."

20 20. Page 3, by inserting after line 3 the  
21 following:

22 "(5) The name and address of the individual  
23 providing the private instruction to the child, if the  
24 individual is not the parent or guardian of the child.

25 (6) Whether the parent or guardian of the child is  
26 a party to a dual enrollment agreement.

27 (7) The fire marshal inspection report, if the  
28 private instruction is occurring under section 299B.5,  
29 subsection 4, paragraph "c", applicable to the setting  
30 in which the instruction takes place. The fire  
31 marshal inspection report shall be filed by the  
32 instructor or designee.

33 (8) Evidence of immunization of the child as  
34 required in section 139.9."

35 21. Page 3, by inserting after line 12 the  
36 following:

37 "(7) Geography."

38 22. Page 3, by striking lines 15 through 20 and  
39 inserting the following: "public school, the results  
40 of a current version of a nationally standardized test  
41 which has been administered under conditions mutually  
42 acceptable to the board of directors of the local  
43 school district and the parent or guardian of the  
44 child, and the results of the tests shall be made  
45 available to the board of directors of the local  
46 school district and to the parent or guardian of the  
47 child at the same time. The local school district  
48 shall be responsible for the cost incurred regarding  
49 the annual testing."

50 23. Page 3, by striking lines 21 through 33 and

#### Page 4

1 inserting the following:

2 "e. An annual progress assessment report which  
3 shall include the person's individualized assessment  
4 of the child's academic progress in the subjects

5 specified in paragraph "c". The progress reports  
6 shall be retained by the parent or guardian for at  
7 least three years and shall be submitted to the board  
8 of directors of the local school district annually."

9 24. By striking page 3, line 34 through page 4,  
10 line 3.

11 25. Page 4, line 6, by striking the word "annual"  
12 and inserting the following: "initial".

13 26. Page 4, line 10, by striking the words ", but  
14 not be limited to,".

15 27. Page 4, by striking lines 18 through 21.

16 28. Page 4, by striking lines 27 and 28 and  
17 inserting the following: "certified teacher."

18 29. Page 4, by striking lines 32 and 33 and  
19 inserting the following:

20 "Sec. \_\_\_\_\_. NEW SECTION. 299B.1000 CREATION OF  
21 DESIGNATED PANEL.

22 If a child fails to demonstrate academic progress  
23 pursuant to section 299B.6, subsection 1, paragraph  
24 "d", on consecutive standardized tests within eighteen  
25 calendar months, as determined by the composite scores  
26 on the standardized tests and compared with the  
27 child's perceived level of intellectual functioning,  
28 the superintendent of the local school district shall  
29 create a designated panel to assist the parent or  
30 guardian in remediation of the child. The  
31 superintendent shall notify the parent or guardian of  
32 the child and the area education agency that such lack  
33 of progress has occurred. The superintendent shall  
34 convene the panel. Upon agreement by a majority of  
35 the panel, the panel shall implement a remediation  
36 plan for the child. The panel shall continue in  
37 existence until the child has demonstrated academic  
38 progress on consecutive standardized tests within  
39 eighteen calendar months or until the designated panel  
40 makes a recommendation pursuant to section 299B.1001.  
41 The panel shall make at least a final report to the  
42 superintendent.

43 Sec. \_\_\_\_\_. NEW SECTION. 299B.1001 FAILURE OF  
44 REMEDATION PLAN.

45 If it appears by clear and convincing evidence that  
46 a child has failed to demonstrate academic progress  
47 under a remediation plan on consecutive standardized  
48 tests within eighteen months, the designated panel, on  
49 agreement of a majority of the members, may recommend  
50 to the local school district that the child be removed

Page 5

1 from the private instruction setting, to the extent  
2 deemed necessary to protect the best interest of the  
3 child. The board of directors of the local school

4 district shall render a decision based on information  
5 from the panel regarding placement of that child in a  
6 public or accredited nonpublic school.

7 Following such placement, the parent or guardian of  
8 the child may request that the child be permitted to  
9 receive private instruction, after evidence of  
10 adequate academic progress.

11 If the local board of directors determines that  
12 after two years a child is continuing to not make  
13 adequate academic progress because of reasons not  
14 educationally related, the parent or guardian may  
15 reenroll the child in private instruction.

16 The decisions of the board may be appealed to the  
17 state board of education pursuant to chapter 290, and  
18 thereafter to the district court.

19 Sec. \_\_\_\_\_. NEW SECTION. 299B.1002 VOLUNTARY  
20 PARENTAL REQUEST FOR DESIGNATED PANEL.

21 The parent or guardian of a child may request the  
22 creation of a designated panel if the parent or  
23 guardian perceives a need for academic assistance. In  
24 such cases, the panel shall exist until the parent or  
25 guardian perceives that the panel is unnecessary.

26 Sec. \_\_\_\_\_. NEW SECTION. 299B.1003 CHILD ABUSE  
27 POLICY.

28 If the private instruction is occurring under  
29 section 299B.5, subsection 4, paragraph "c", a written  
30 policy pertaining to the reporting of child abuse, as  
31 defined in section 232.68, subsection 2, and  
32 procedures regarding the reporting of child abuse,  
33 shall be filed with the local school district. The  
34 policy shall be filed by the instructor or designee.

35 Sec. \_\_\_\_\_. NEW SECTION. 299B.1004 PENALTY.

36 A person who violates a provision of this chapter  
37 shall be guilty of a simple misdemeanor."

38 30. Title page, by striking lines 1 and 2 and  
39 inserting the following: "An Act relating to  
40 providing private instruction."

Senate Amendment

H-4277

1 Amend amendment, H-4274, to House File 650 as  
2 amended, passed and reprinted by the House as follows:

3 1. Page 5, line 34, by inserting after the word  
4 "designee." the following: "The instructor shall be  
5 considered a mandatory reporter of child abuse  
6 pursuant to section 232.69, while in the capacity of  
7 instructor."

TEAFORD of Black Hawk  
HARPER of Black Hawk

H-4278

- 1 Amend amendment, H-4274, to House File 650 as  
 2 amended, passed and reprinted by the House as follows:  
 3 1. Page 2, by striking lines 12 through 17 and  
 4 inserting the following: "Costs incurred by the  
 5 remediation plan shall be the responsibility of the  
 6 parent or guardian of the child. A".  
 7 2. Page 2, line 32, by inserting after the word  
 8 "enrollment." the following: "Costs incurred as a  
 9 result of dual enrollment shall be the responsibility  
 10 of the parent or guardian of the child."

TEAFORD of Black Hawk  
 HARPER of Black Hawk

H-4279

- 1 Amend House File 677 as follows:  
 2 1. Page 15, by striking lines 4 through 13 and  
 3 inserting the following: "beginning July 1, 1988.  
 4 The net proceeds of the excise tax".

KOENIGS of Mitchell

H-4280

- 1 Amend amendment, H-4274, to House File 650 as  
 2 amended, passed and reprinted by the House as follows:  
 3 1. Page 3, by striking lines 29 and 30 and  
 4 inserting the following: "subsection 4, paragraph  
 5 "c", inspected as if the instruction is taking place  
 6 in a public school. The fire".

TEAFORD of Black Hawk  
 HARPER of Black Hawk

H-4281

- 1 Amend amendment, H-4274, to House File 650, as  
 2 amended, passed, and reprinted by the House, as  
 3 follows:  
 4 1. Page 3, by inserting after line 37 the  
 5 following:  
 6 "\_\_\_\_\_. Page 3, by inserting after line 12 the  
 7 following:  
 8 "(8) Human growth and development." "

HAMMOND of Story

H-4282

- 1 Amend amendment, H-4274, to House File 650 as  
 2 amended, passed and reprinted by the House as follows:  
 3 1. Page 3, by inserting after line 37 the  
 4 following:  
 5 "\_\_\_\_\_. Page 3, by inserting after line 12 the

6 following:  
 7 "(8) Physical education."

HARPER of Black Hawk  
 TEAFORD of Black Hawk

H-4283

1 Amend the amendment, H-4274, to House File 650 as  
 2 amended, passed, and reprinted by the House as  
 3 follows:  
 4 1. Page 4, by inserting after line 14, the  
 5 following:  
 6 "\_\_\_\_\_. Page 4, by inserting after line 17, the  
 7 following:  
 8 "777. The private instruction shall provide for  
 9 the instructional time required by administrative rule  
 10 adopted by the department of education pursuant to  
 11 section 256.17 and required of public schools and  
 12 accredited nonpublic schools."

HARPER of Black Hawk  
 TEAFORD of Black Hawk

H-4284

1 Amend amendment, H-4274, to House File 650 as  
 2 amended, passed and reprinted by the House as follows:  
 3 1. Page 4, line 49, by striking the word "may"  
 4 and inserting the following: "shall".

TEAFORD of Black Hawk  
 HARPER of Black Hawk

H-4285

1 Amend amendment, H-4274, to House File 650 as  
 2 amended, passed and reprinted by the House as follows:  
 3 1. Page 5, line 37, by inserting after the word  
 4 "misdemeanor" the following: "but shall not be  
 5 imprisoned".

TEAFORD of Black Hawk  
 HARPER of Black Hawk

H-4286

1 Amend amendment, H-4274, to House File 650, as  
 2 amended, passed, and reprinted by the House, as  
 3 follows:  
 4 1. By striking page 1, line 3 through page 5,  
 5 line 37 and inserting the following:  
 6 "\_\_\_\_\_. By striking everything after the enacting  
 7 clause and inserting the following:  
 8 "Section 1. NEW SECTION. 299.25 CIVIL  
 9 ENFORCEMENT."

10 Notwithstanding section 299.6, a county attorney or  
 11 legal counsel employed by a board of directors of a  
 12 school corporation who receives information that a  
 13 person is providing home instruction to a child or the  
 14 child is receiving instruction in a nonaccredited  
 15 nonpublic setting not in compliance with section 299.1  
 16 may seek judicial enforcement by filing an action in a  
 17 district court in a county which is wholly or  
 18 partially contained within the school district in  
 19 which the child resides or the alleged violation  
 20 occurred.

21 Upon a finding by a preponderance of the evidence  
 22 that a person has provided instruction for the child  
 23 in such manner, the court:

24 1. Shall assess against the person a civil penalty  
 25 in an amount not more than five hundred dollars nor  
 26 less than one hundred dollars, to be deposited in the  
 27 general fund of the state.

28 2. Shall order the person to pay all costs and  
 29 reasonable attorney fees incurred by a party who  
 30 successfully establishes the violation.

31 3. May issue appropriate orders, including but not  
 32 limited to temporary or permanent injunctions  
 33 directing the person to refrain from future  
 34 violations.

35 A person found in contempt for such violation is  
 36 not subject to punishment by imprisonment." "

DODERER of Johnson  
 OLLIE of Clinton

H-4287

1 Amend the amendment, H-4274, to House File 650 as  
 2 amended, passed, and reprinted by the House as  
 3 follows:

4 1. Page 4, by striking line 2 and inserting the  
 5 following:

6 "e. A curriculum plan for the appropriate  
 7 semester of the school year by September 1 and  
 8 December 30 of each year. If a child is presumed to  
 9 be talented and gifted or in need of special  
 10 education, the plans shall reflect the special needs  
 11 of the child.

12 f. An annual progress assessment report which".

HARPER of Black Hawk  
 TEAFORD of Black Hawk

H-4288

1 Amend amendment, H-4274, to House File 650 as  
 2 amended, passed and reprinted by the House as follows:

3 1. Page 3, by inserting after line 37 the

4 following:  
5 "\_\_\_\_\_. Page 3, by inserting after line 12 the  
6 following:  
7 "(8) Human growth and development." "

TEAFORD of Black Hawk  
HARPER of Black Hawk

H-4289

1 Amend the amendment, H-4274, to House File 650 as  
2 amended, passed, and reprinted by the House as  
3 follows:  
4 1. Page 4, line 30, by inserting after the word  
5 "child." the following: "'Academic progress" means  
6 progress equal to the average progress of the children  
7 enrolled in the local school district at the  
8 appropriate grade level during the same eighteen  
9 calendar months."

HARPER of Black Hawk  
TEAFORD of Black Hawk

H-4290

1 Amend the amendment, H-4274, to House File 650 as  
2 amended, passed and reprinted by the House as follows:  
3 1. Page 3, by striking line 34 and inserting the  
4 following: "required in section 139.9.  
5 (9) A written explanation of the reason for not  
6 enrolling the child in a public school or an  
7 accredited nonpublic school, including but not limited  
8 to, religious or political reasons and the religious  
9 or political affiliation related to the explanation.  
10 (10) Evidence that the educational program for the  
11 child provides instruction in a multicultural  
12 nonsexist approach." "

TEAFORD of Black Hawk  
HARPER of Black Hawk

H-4291

1 Amend amendment, H-4274, to House File 650 as  
2 amended, passed and reprinted by the House as follows:  
3 1. Page 2, by striking lines 2 through 6 and  
4 inserting the following: "education agency or  
5 designee, an instructional staff person from the local  
6 school district teaching at the appropriate grade  
7 level, and a member of the counseling staff from the  
8 local school district."

HARPER of Black Hawk  
TEAFORD of Black Hawk

H-4292

- 1 Amend amendment, H-4274, to House File 650 as
- 2 amended, passed and reprinted by the House as follows:
- 3 1. Page 1, by striking lines 18 and 19.

HAMMOND of Story

H-4293

- 1 Amend the amendment, H-4274 to House File 650 as
- 2 amended, passed, and reprinted by the House as
- 3 follows:
- 4 1. Page 1, by striking lines 39 through 42.
- 5 2. Page 2, by striking lines 20 through 22
- 6 3. Page 2, by striking lines 40 through 42.
- 7 4. Page 3, by striking lines 6 through 14.
- 8 5. Page 3, by striking lines 22 through 25 and
- 9 inserting the following:
- 10 "(6) Whether the parent or guardian of the child
- 11 is".

HAMMOND of Story

H-4294

- 1 Amend amendment, H-4274, to House File 650 as
- 2 amended, passed and reprinted by the House as follows:
- 3 1. Page 3, by striking line 34 and inserting the
- 4 following: "required in section 139.9.
- 5 (9) Evidence that the instruction is being
- 6 provided in a multicultural nonsexist approach."

HAMMOND of Story

H-4295

- 1 Amend the amendment, H-4274, to House File 650 as
- 2 amended, passed, and reprinted by the House as
- 3 follows:
- 4 1. Page 4, by inserting after line 10, the
- 5 following:
- 6 "\_\_\_\_\_. Page 4, by inserting before line 4, the
- 7 following:
- 8 "151. The local school district shall include each
- 9 child receiving private instruction and residing in
- 10 the district as a full-time pupil in the district's
- 11 basic enrollment pursuant to section 442.4."

HARPER of Black Hawk  
TEAFORD of Black Hawk

H-4297

- 1 Amend Senate File 501, as amended, passed, and re-
- 2 printed by the Senate, as follows:
- 3 1. Page 35, by inserting before line 1 the

4 following:

5 "Sec. \_\_\_\_\_. NEW SECTION. 73.22 LOCAL COMPLIANCE.

6 A county, municipality, or other political  
7 subdivision receiving state funds from any source for  
8 a particular project or purpose, shall designate and  
9 set aside for awarding to certified targeted small  
10 businesses, identified pursuant to state law, two  
11 percent of the total value, including both state and  
12 local funds, of anticipated procurements of goods and  
13 services related to the particular project or purpose.

14 In addition to the mandatory set-aside, a goal  
15 should be established of up to ten percent.

16 The city, municipality, or other political  
17 subdivision shall cooperate with the division of  
18 compliance oversight and the Iowa department of  
19 economic development and do all acts necessary to  
20 carry out the provisions of this division. A county,  
21 municipality, or other political subdivision which  
22 fails to designate and set aside for awarding the  
23 required percentage of the total value of anticipated  
24 procurements, may have future state funding reduced or  
25 denied for a specific period or an unspecified period  
26 upon order of the division of compliance oversight.  
27 Funding may be restored if the division approves a  
28 program submitted by the county, municipality, or  
29 other political subdivision to reasonably assure  
30 future compliance. The division shall adopt rules and  
31 procedures for implementing this section."

32 2. By renumbering as necessary.

BRAMMER of Linn

H-4301

1 Amend the amendment, H-4274, to House File 650 as  
2 amended, passed, and reprinted by the House as  
3 follows:

4 1. Page 3, by striking lines 15 through 19.

SIEGRIST of Pottawattamie

H-4304

1 Amend amendment, H-4274, to House File 650 as  
2 amended, passed and reprinted by the House as follows:

3 1. Page 1, by striking lines 30 and 31 and  
4 inserting the following: "responsibilities and the  
5 state's interest."

JAY of Appanoose  
HANSEN of Woodbury

H-4305

1 Amend amendment, H-4274, to House File 650 as  
2 amended, passed and reprinted by the House as follows:

- 3 1. Page 3, by striking line 34 and inserting the  
 4 following: "required in section 139.9.  
 5 (9) Evidence that the educational program for the  
 6 child provides instruction in a multicultural  
 7 nonsexist approach." "

JAY of Appanoose  
 HANSEN of Woodbury  
 DODERER of Johnson

H-4306

- 1 Amend amendment, H-4274, to House File 650 as  
 2 amended, passed and reprinted by the House as follows:  
 3 1. Page 1, by striking lines 12 through 31.

JAY of Appanoose

H-4307

- 1 Amend amendment, H-4274, to House File 650 as  
 2 amended, passed and reprinted by the House as follows:  
 3 1. Page 2, by striking lines 2 through 6 and  
 4 inserting the following: "education agency or  
 5 designee, a representative or designee of the local  
 6 school district, and a designee appointed by the  
 7 parent or guardian of the child receiving private  
 8 instruction."

JAY of Appanoose

H-4308

- 1 Amend amendment, H-4274, to House File 650 as  
 2 amended, passed, and reprinted by the House as  
 3 follows:  
 4 1. By striking page 1, line 3 through page 5,  
 5 line 40 and inserting the following:  
 6 "\_\_\_\_\_. By striking everything after the enacting  
 7 clause and inserting the following:  
 8 "Section 1. NEW SECTION. 299B.1 PURPOSE.  
 9 Notwithstanding chapter 280 and sections 299.1  
 10 through 299.23, this chapter regulates instruction in  
 11 nonpublic schools and private instruction not  
 12 regulated in chapter 280. This chapter shall be  
 13 administered by the department of education.  
 14 Sec. 2. NEW SECTION. 299B.2 DEFINITIONS.  
 15 As used in this chapter, unless the context  
 16 otherwise requires:  
 17 1. "Nonpublic school" means a school with two or  
 18 more students, over seven and under sixteen years of  
 19 age and not related within the third degree of  
 20 consanguinity, in attendance.  
 21 2. "Private instruction" means an educational  
 22 program conforming to the requirements of section

23 299B.4, provided in the home of one or more students  
24 over seven and under sixteen years of age who are  
25 related.

26 3. "Public school" means a school directly  
27 supported in whole or in part by taxation and approved  
28 by the state board of education pursuant to section  
29 256.11.

30 4. "Dual enrollment" means the matriculation of a  
31 child in one public school or approved nonpublic  
32 school and one nonpublic school, in one public school  
33 while receiving private instruction, or in one  
34 approved nonpublic school while receiving private  
35 instruction, in subjects, courses, or programs not  
36 available to the child otherwise.

37 5. "Department" means the department of education.

38 6. "Approved nonpublic school" means a nonpublic  
39 school which is approved by the state board of  
40 education pursuant to section 256.11.

41 7. "Instructor" means an instructor employed by a  
42 nonpublic school and who has or has not been issued a  
43 teaching certificate or the appropriate endorsement or  
44 approval by the state board of education, but who is  
45 approved by the department to provide private  
46 instruction or instruction in a nonpublic school.  
47 "Instructor" includes the person in charge of the  
48 nonpublic school.

49 8. "Local school district" means the school  
50 district of the child's residency.

**Page 2**

1 **Sec. 3. NEW SECTION. 229B.3 DUAL ENROLLMENT.**

2 A child who is receiving private instruction  
3 pursuant to section 299B.5 may also enroll in a public  
4 or approved nonpublic school for dual enrollment  
5 purposes. The public or approved nonpublic school may  
6 establish a fee for the child who is attending through  
7 a dual enrollment agreement provided that a child in a  
8 public school is not included in the basic enrollment  
9 pursuant to section 442.4. The fee shall not exceed  
10 the per pupil cost of the subject, course, or program.

11 If such a child enrolls in a public or approved  
12 nonpublic school on a full-time basis, the board of  
13 directors of the local school district or the  
14 authorities in charge of the approved nonpublic school  
15 may determine the appropriate grade level for the  
16 child by the administration of tests or other means of  
17 evaluation to determine placement.

18 **Sec. 4. NEW SECTION. 299B.4 HOME INSTRUCTION**  
19 **ASSISTANCE PROGRAM.**

20 Each public school shall and an approved nonpublic  
21 school may administer a home instruction assistance

22 program if the local school district or approved  
 23 nonpublic school is cognizant of a child receiving  
 24 private instruction in the district. The local school  
 25 district shall include each child enrolled in the  
 26 program in its basic enrollment pursuant to section  
 27 442.4. If teachers are shared between districts for  
 28 purposes of this section, the sharing qualifies for  
 29 weighting pursuant to section 442.39. The local  
 30 school district or approved nonpublic school  
 31 administering the program shall:

- 32 1. Approve the curriculum plans submitted pursuant
- 33 to section 299B.5.
- 34 2. Provide a curriculum to the instructor
- 35 providing private instruction when requested pursuant
- 36 to section 299B.5.
- 37 3. Approve the weekly lesson plans submitted pur-
- 38 suant to section 299B.5.
- 39 4. Provide a certified teacher who shall meet with
- 40 the parent or child enrolled in the program at least
- 41 three hours per week.
- 42 5. Retain copies of the annual assessment report
- 43 of the pupil's progress submitted by the instructor
- 44 pursuant to section 299B.5 for at least four years.
- 45 6. Administer student competency tests pursuant to
- 46 section 299B.5.
- 47 7. Receive an agreement from the instructor pro-
- 48 viding private instruction to submit the child to
- 49 nationally recognized standardized tests at least
- 50 twice during the school year. The department shall

**Page 3**

1 select the tests and the tests shall be administered  
 2 by the superintendent or designee of the local school  
 3 district at a neutral site or at the local school  
 4 district. The child may be submitted to additional  
 5 testing after five days' notice from the board of  
 6 directors of the local school district. The  
 7 additional testing shall be based on the appropriate  
 8 weekly lesson plans scheduled for the child pursuant  
 9 to section 299B.5, subsection 1.

10 **Sec. 5. NEW SECTION. 299B.5 ENROLLMENT.**

11 The person having the control of a child over seven  
 12 and under sixteen years of age who is not enrolled in  
 13 a public or approved nonpublic school shall enroll the  
 14 child in a home instruction assistance program  
 15 pursuant to section 299B.4. By September 1 of each  
 16 year the person shall apply to the department to  
 17 provide private instruction, agree to the requirements  
 18 in section 299B.4, and shall provide the department  
 19 and the local school district with the following:

20 1. By September 1 and December 30, a curriculum

21 and weekly lesson plans for the appropriate semester  
22 that reflect chapter 280 and related rules or notify  
23 the district that the person will use the curriculum  
24 and lesson plans provided by the district.

25 2. Evidence that the person has a high school  
26 diploma or a high school equivalency diploma.

27 3. An assessment report of the child's progress in  
28 each subject taught pursuant to subsection 1.

29 4. An affidavit indicating the reasons the person  
30 is enrolling the child in the home instruction as-  
31 sistance program and eliminating the local school  
32 district and the state from liability and  
33 responsibility for the child's educational attainment.

34 Sec. 6. NEW SECTION. 299B.6 DEPARTMENT DUTIES.

35 The department shall:

36 1. Approve or disapprove a request for private  
37 instruction through a home instruction assistance  
38 program pursuant to sections 299B.4 and 299B.5 and  
39 rules adopted by the state board of public  
40 instruction.

41 2. Select and administer a nationally recognized  
42 standardized competency exam for applicants. The exam  
43 shall emphasize curriculum.

44 3. With approval by the state board of public  
45 instruction, adopt rules pursuant to chapter 17A to  
46 enforce this chapter and to identify compliance. The  
47 rules shall emphasize student achievement test scores  
48 and evidence of academic progress. The rules shall  
49 also provide a process for revoking approval for  
50 private instruction through a home instruction

**Page 4**

1 assistance program which would require a child to be  
2 enrolled in a public school or approved nonpublic  
3 school.

4 Sec. 7. NEW SECTION. 299B.7 OTHERWISE NOT  
5 QUALIFIED.

6 An instructor who is approved to provide private  
7 instruction pursuant to section 299B.6 but does not  
8 hold a teacher's certificate issued by the state board  
9 of public instruction is not a certified teacher.

10 Sec. 8. The department of education shall monitor  
11 implementation and effectiveness of this chapter and  
12 submit to the general assembly, in January 1991, a  
13 report regarding the success of private instruction  
14 through a home instruction assistance program and a  
15 recommendation whether such programs should be  
16 continued.

17 Sec. 9. NEW SECTION. 299B.8 REPEAL.

18 This chapter is repealed July 1, 1990." "

19 2. By renumbering as necessary.

H-4309

- 1 Amend amendment, H-4274, to House File 650, as
- 2 amended, passed, and reprinted by the House, as
- 3 follows:
- 4 1. Page 3, by striking lines 38 through 49.

SCHRADER of Marion

H-4310

- 1 Amend amendment, H-4274, to House File 650, as
- 2 amended, passed, and reprinted by the House, as
- 3 follows:
- 4 1. Page 5, by inserting after line 37 the fol-
- 5 lowing:
- 6 "\_\_\_\_\_. Page 4, by inserting after line 31 the
- 7 following:
- 8 "Sec. \_\_\_\_\_. NEW SECTION. 299B.1117 REPEAL.
- 9 This chapter is repealed July 1, 1990."
- 10 2. Page 5, by striking lines 38 through 40.

SCHRADER of Marion

H-4311

- 1 Amend amendment, H-4274, to House File 650, as
- 2 amended, passed, and reprinted by the House, as
- 3 follows:
- 4 1. Page 1, by striking lines 28 through 31.

SCHRADER of Marion

H-4313

- 1 Amend amendment, H-4274, to House File 650, as
- 2 amended, passed, and reprinted by the House, as
- 3 follows:
- 4 1. Page 4, line 34, by inserting after the word
- 5 "panel." the following: "If the panel member to be
- 6 mutually agreed upon by the representative of the area
- 7 education agency and by the parent or guardian of the
- 8 child is not designated within ten days after the con-
- 9 vening of the panel, the speaker of the house of
- 10 representatives shall designate such panel member."

SHOULTZ of Black Hawk

H-4314

- 1 Amend the amendment, H-4274, to House File 650 as
- 2 amended, passed, and reprinted by the House as
- 3 follows:
- 4 1. Page 2, by striking lines 12 through 17 and
- 5 inserting the following: "Costs incurred by the local
- 6 school district shall be recovered by a tax on all
- 7 taxable property in the school district in order to

8 raise the amount necessary, outside the budget  
 9 limitations of chapter 442. The board of directors of  
 10 a school district shall certify for levy by March 15  
 11 of a school year for the tax. A”.

SHOULTZ of Black Hawk

H—4315

1 Amend the amendment, H—4274, to House File 650 as  
 2 amended, passed, and reprinted by the House as  
 3 follows:  
 4 1. Page 4, by inserting after line 14 the  
 5 following:  
 6 “\_\_\_\_\_. Page 4, by inserting after line 17 the  
 7 following: “Each child receiving private instruction  
 8 shall be appointed an attorney to represent the child,  
 9 designated by the local school district. Costs  
 10 incurred by the local school district for the attorney  
 11 shall be recovered by a tax on all taxable property in  
 12 the school district in order to raise the amount  
 13 necessary, outside the budget limitations of chapter  
 14 442. The board of directors of a school district  
 15 shall certify for levy by March 15 of a school year  
 16 for the tax.””

SHOULTZ of Black Hawk

H—4316

1 Amend amendment, H—4274, to House File 650 as  
 2 amended, passed and reprinted by the House as follows:  
 3 1. Page 4, by inserting after line 14 the  
 4 following:  
 5 “\_\_\_\_\_. Page 4, by inserting after line 17 the  
 6 following:  
 7 “Each child receiving private instruction shall be  
 8 appointed an attorney to represent the child,  
 9 designated by the local school district. Costs  
 10 incurred by the local school district for the attorney  
 11 shall be recovered by claims submitted to the  
 12 department of education. There is appropriated from  
 13 the general fund of the state to the department of  
 14 education for the fiscal year beginning July 1, 1987  
 15 and every fiscal year thereafter, an amount necessary  
 16 to reimburse the local school districts for costs  
 17 incurred by the appointment of the attorney.””

SHOULTZ of Black Hawk

H—4317

1 Amend amendment, H—4274, to House File 650, as  
 2 amended, passed, and reprinted to the House, as

3 follows:

4 1. Page 3, by striking lines 47 through 49 and  
 5 inserting the following: "child at the same time.  
 6 Costs incurred by the local school district shall be  
 7 recovered by claims submitted to the department of  
 8 education. There is appropriated from the general  
 9 fund of the state to the department of education for  
 10 the fiscal year beginning July 1, 1987 and every  
 11 fiscal year thereafter, an amount necessary to  
 12 reimburse the local school districts for costs  
 13 incurred under this chapter." "

SHOULTZ of Black Hawk

H-4318

1 Amend amendment, H-4274, to House File 650 as  
 2 amended, passed and reprinted by the House as follows:  
 3 1. Page 3, by striking line 19 and inserting the  
 4 following: "diploma, and evidence of at least a three  
 5 point zero grade point average while in high school or  
 6 while completing the equivalency diploma  
 7 requirements." "

SHOULTZ of Black Hawk

H-4319

1 Amend amendment, H-4274, to House File 650, as  
 2 amended, passed, and reprinted by the House, as  
 3 follows:  
 4 1. Page 3, by striking lines 47 through 49 and  
 5 inserting the following: "child at the same time.  
 6 Costs incurred by the local school district shall be  
 7 recovered by a tax on all taxable property in the  
 8 school district in order to raise the amount  
 9 necessary, outside the budget limitations of chapter  
 10 442. The board of directors of a school district  
 11 shall certify for levy by March 15 of a school year  
 12 for the tax." "

SHOULTZ of Black Hawk

H-4320

1 Amend the amendment, H-4274, to House File 650 as  
 2 amended, passed, and reprinted by the House as  
 3 follows:  
 4 1. Page 1, by striking lines 45 through 49.  
 5 2. Page 2, by striking lines 23 through 39.  
 6 3. Page 3, by striking lines 25 and 26.

SHOULTZ of Black Hawk

H-4321

- 1 Amend the amendment, H-4274, to House File 650 as
- 2 amended, passed, and reprinted by the House as
- 3 follows:
- 4 1. Page 4, by striking lines 16 and 17.

SHOULTZ of Black Hawk

H-4322

- 1 Amend the amendment, H-4274, to House File 650 as
- 2 amended, passed, and reprinted by the House as
- 3 follows:
- 4 1. Page 1, line 24, by inserting after the word
- 5 "denied." the following: "The child's basic right is
- 6 in the best interest of the child and is a property
- 7 right. This right shall not be denied." "

SHOULTZ of Black Hawk

H-4323

- 1 Amend amendment, H-4274, to House File 650 as
- 2 amended, passed and reprinted by the House as follows:
- 3 1. Page 5, by inserting after line 34, the
- 4 following:
- 5 "Sec. \_\_\_\_: NEW SECTION. 299B.1111 FUNDING.
- 6 There is appropriated from the general fund of the
- 7 state for each fiscal year, beginning with the fiscal
- 8 year beginning July 1, 1987 and each fiscal year
- 9 thereafter, to the department of education an amount
- 10 sufficient to pay for the costs incurred by a local
- 11 school district relating to private instruction under
- 12 this chapter, including but not limited to, the costs
- 13 of the tests and remediation plans."

JAY of Appanoose

H-4324

- 1 Amend the amendment, H-4274, to House File 650 as
- 2 amended, passed, and reprinted by the House as
- 3 follows:
- 4 1. Page 1, line 50, by striking the word "three-
- 5 member" and inserting the following: "five-member".
- 6 2. Page 2, line 4, by striking the word "and".
- 7 3. Page 2, line 6, by inserting after the word
- 8 "child" the following: ", a member of the civil
- 9 rights commission, and a member of the authorities in
- 10 charge of an accredited nonpublic school within the
- 11 local school district or an accredited nonpublic
- 12 school located near the local school district".

SHOULTZ of Black Hawk

H-4325

1 Amend amendment, H-4274, to House File 650, as  
2 amended, passed, and reprinted by the House, as  
3 follows:

4 1. Page 2, by striking lines 12 through 17 and  
5 inserting the following: "Costs incurred by the local  
6 school district shall be recovered by claims submitted  
7 to the department of education. There is appropriated  
8 from the general fund of the state to the department  
9 of education for the fiscal year beginning July 1,  
10 1987 and every fiscal year thereafter, an amount  
11 necessary to reimburse the local school districts for  
12 costs incurred under this chapter. A".

SHOULTZ of Black Hawk

H-4328

1 Amend amendment H-4274 to House File 650 as  
2 amended, passed, and reprinted by the House as  
3 follows:

4 1. Page 3, by striking line 34 and inserting the  
5 following: "required in section 139.9.

6 (9) A written explanation of the reason for not  
7 enrolling the child in a public school or an  
8 accredited nonpublic school, including but not limited  
9 to, religious or political reasons and the religious  
10 or political affiliation related to the explanation." "

BLANSHAN of Greene  
HAMMOND of Story

H-4329

1 Amend amendment, H-4274, to House File 650, as  
2 amended, passed, and reprinted by the House, as  
3 follows:

4 1. By striking page 1, line 3 through page 5,  
5 line 40, and inserting the following:

6 "\_\_\_\_\_. By striking everything after the enacting  
7 clause and inserting the following:

8 "Section 1. NEW SECTION. 299B.1 PURPOSE.

9 Notwithstanding chapters 280 and 299 except section  
10 299.24, this chapter regulates instruction in  
11 nonpublic schools and private instruction not  
12 regulated in chapter 280.

13 Sec. 2. NEW SECTION. 299B.2 DEFINITIONS.

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

16 1. "Nonpublic school" means a school with two or  
17 more unrelated students over seven and under sixteen  
18 years of age and not supported by taxation.

19 2. "Private instruction" means an educational

20 program provided in the home of one or more students  
21 over seven and under sixteen years of age who are  
22 related.

23 3. "Public school" means a school directly  
24 supported in whole or in part by taxation and approved  
25 by the state board of education pursuant to section  
26 256.11.

27 4. "Dual enrollment" means the matriculation of a  
28 child in one public school or accredited nonpublic  
29 school and one nonpublic school, in one public school  
30 while receiving private instruction, or in one  
31 accredited nonpublic school while receiving private  
32 instruction, in subjects, courses, or programs not  
33 available to the child otherwise.

34 5. "Department" means the department of education.

35 6. "Accredited nonpublic school" means a nonpublic  
36 school which is approved by the state board of  
37 education pursuant to section 256.11.

38 7. "Instructor" means an instructor, who has or  
39 has not been issued a teaching certificate or the  
40 appropriate endorsement or approval by the state board  
41 of education, who provides private instruction or  
42 instruction in a nonpublic school. "Instructor"  
43 includes the person in charge of the nonpublic school.

44 8. "Local school district" means the school  
45 district of the child's residency.

46 Sec. 3. **NEW SECTION. 229B.3 DUAL ENROLLMENT.**

47 A child who is receiving private instruction  
48 pursuant to section 299B.7 or who is enrolled in a  
49 nonpublic school pursuant to section 299B.8 may also  
50 enroll in a public or accredited nonpublic school for

**Page 2**

1 dual enrollment purposes.

2 If such a child enrolls in a public or accredited  
3 nonpublic school on a full-time basis, the board of  
4 directors of the local school district or the  
5 authorities in charge of the accredited nonpublic  
6 school may determine the appropriate grade level for  
7 the child by the administration of tests or other  
8 means of evaluation to determine achievement subject  
9 to parental or guardian approval.

10 Sec. 4. **NEW SECTION. 299B.4 HOME INSTRUCTION**  
11 **ASSISTANCE PROGRAM.**

12 A person enrolling a child in a home instruction  
13 assistance program sponsored and implemented by a  
14 local school district or in such a program sponsored  
15 and implemented by an accredited nonpublic school,  
16 shall be deemed to have met the requirements of this  
17 chapter. If a public school sponsors such a home  
18 instruction assistance program, the local district

19 shall provide a certificated teacher who shall meet  
 20 with each child in the home instruction assistance  
 21 program at least once a week and each child enrolled  
 22 in the program shall be considered as a resident pupil  
 23 in the basic enrollment pursuant to section 442.4.

24 The home instruction assistance program shall  
 25 include testing of a child who has a discerned grade  
 26 or placement equivalent to the third grade to and  
 27 including the eighth grade or its equivalency in  
 28 comparison with a public school with a nationally  
 29 standardized test. The test shall be administered  
 30 under conditions established by the board of directors  
 31 of the local school district or the authorities in  
 32 charge of an accredited nonpublic school.

33 **Sec. 5. NEW SECTION. 299B.5 INDIVIDUAL**  
 34 **CONSULTATION PROGRAM.**

35 A person may participate in an individual con-  
 36 sultation program and shall be deemed to have met the  
 37 requirements of this chapter. The person having  
 38 control of a child over seven and under sixteen years  
 39 of age shall consult with a certificated teacher at  
 40 least once a month for curriculum development and  
 41 coordination, compatibility with district standards,  
 42 special education needs, observation of the learning  
 43 environment, and other matters which enable the person  
 44 having control of the child to better fulfill the  
 45 requirements of private instruction.

46 The person shall provide annually to the board of  
 47 directors of the local school district, after the  
 48 child has a discerned grade or placement equivalent to  
 49 the third grade to and including the eighth grade or  
 50 its equivalency in comparison with a public school,

**Page 3**

1 the results of a nationally standardized test which  
 2 has been administered and evaluated by the board of  
 3 directors of the local school district, including  
 4 evidence that the test results are legitimate.

5 Each child pursuant to this section, when the in-  
 6 dividual consultation program is administered by a  
 7 local school district, shall be considered as one-half  
 8 of a resident pupil in the basic enrollment pursuant  
 9 to section 442.4 for the local school district.

10 **Sec. 6. NEW SECTION. 299B.6 ENROLLMENT.**

11 If a child, over seven and under sixteen years of  
 12 age, is not enrolled in a public or accredited  
 13 nonpublic school, the person having the control of the  
 14 child shall enroll the child in one of the following:

- 15 1. A home instruction assistance program pursuant
- 16 to section 299B.4.
- 17 2. An individual consultation program pursuant to

18 section 299B.5.

19 3. Private instruction pursuant to section 299B.7.

20 4. A nonpublic school pursuant to section 299B.8.

21 Sec. 7. NEW SECTION. 299B.7 PRIVATE INSTRUCTION.

22 A person having control of a child over seven and  
23 under sixteen years of age may provide private  
24 instruction. The person shall:

25 1. Have at least a high school diploma or a high  
26 school equivalency diploma.

27 2. Provide the following information by September  
28 1 of each school year to the board of directors of the  
29 local school district in a certificate including the  
30 following information:

31 a. The child's name, age, and date of birth.

32 b. The name and address of the child's parent or  
33 guardian.

34 c. The child's discerned grade or placement.

35 d. A quarterly indication of the child's  
36 educational progress.

37 e. The name and address of the individual pro-  
38 viding the private instruction to the child.

39 f. Whether the parent or guardian of the child is  
40 a party to a dual enrollment agreement.

41 3. Provide evidence to the local school district  
42 by September 1 of each school year that the  
43 educational program for the child provides, or in due  
44 course will provide, instruction in the following  
45 subjects:

46 a. Mathematics.

47 b. Science.

48 c. Language arts.

49 d. United States history.

50 e. History of Iowa.

**Page 4**

1 f. Principles of American government.

2 4. Provide to the local school district an  
3 affidavit indicating the intent of the person to  
4 provide private instruction for the child and  
5 eliminating the local school district and the state  
6 from liability for the child's educational attainment.

7 5. Provide annually to the board of directors of  
8 the local school district, after the child has a  
9 discerned grade or placement equivalent to the third  
10 grade to and including the eighth grade or its  
11 equivalency in comparison with a public school, the  
12 results of a nationally standardized test, including  
13 evidence that the test results are legitimate.

14 Sec. 8. NEW SECTION. 299B.8 INSTRUCTION IN  
15 NONPUBLIC SCHOOL.

16 An instructor may provide instruction in a

17 nonpublic school if the instructor or parent or  
 18 guardian provides:

- 19 1. Evidence that the person has received a  
 20 bachelor degree from a four-year institution of higher  
 21 education or its equivalent.
- 22 2. The local school district the following  
 23 information by September 1 of each school year in a  
 24 certificate including:
  - 25 a. The name, age, and date of birth of each child  
 26 enrolled in the nonpublic school.
  - 27 b. The name and address of the parent or guardian  
 28 of each child.
  - 29 c. The discerned grade or placement of each child.
  - 30 d. A quarterly indication of the child's  
 31 educational progress.
  - 32 e. The name and address of the nonpublic school in  
 33 which the child is enrolled.
  - 34 f. Whether the parent or guardian of the child is  
 35 a party to a dual enrollment agreement.
- 36 3. Evidence to the local school district by  
 37 September 1 of each school year that the educational  
 38 program for the child provides, or in due course will  
 39 provide, instruction in the following subjects:
  - 40 a. Mathematics.
  - 41 b. Science.
  - 42 c. Language arts.
  - 43 d. United States history.
  - 44 e. History of Iowa.
  - 45 f. Principles of American government.
- 46 4. To the local school district an affidavit  
 47 indicating the intent of the person to obtain  
 48 instruction for the child in a nonpublic school and  
 49 eliminating the local school district and the state  
 50 from liability for the child's educational attainment.

**Page 5**

- 1 5. Annually to the board of directors of the local  
 2 school district, after the child has a discerned grade  
 3 or placement equivalent to the third grade to and  
 4 including the eighth grade or its equivalency in  
 5 comparison with a public school, the results of a  
 6 nationally standardized test, including evidence that  
 7 the test results are legitimate.
- 8 **Sec. 9. NEW SECTION. 299B.9 OTHERWISE NOT**  
 9 **QUALIFIED.**
- 10 An instructor who provides private instruction  
 11 pursuant to section 299B.7 or provides instruction in  
 12 a nonpublic school pursuant to section 299B.7 but does  
 13 not hold a teacher's certificate issued by the state  
 14 board of educational examiners is not a certified  
 15 teacher.

16 Sec. 10. NEW SECTION. 299B.10 STATE BOARD  
17 DUTIES.

18 The state board of education shall adopt rules  
19 pursuant to chapter 17A to enforce this chapter and to  
20 identify compliance. The rules shall specify the  
21 minimum academic progress. The rules shall also  
22 provide a process for altering or reversing  
23 participation in a home instruction assistance  
24 program, private instruction, or instruction in a  
25 nonpublic school based on noncompliance with sections  
26 299B.6 and 299B.7 or 299B.8. The rules shall include  
27 a list of eligible tests and standards for evidence of  
28 legitimacy of test results and standards for  
29 achievements pursuant to section 299B.4, 299B.5,  
30 299B.7, or 299B.8 in comparison to discerned grade  
31 levels and development of remediation programs,  
32 including rules which would require a child, if  
33 remediation programs fail, to be enrolled in a public  
34 school or approved nonpublic school.

35 Sec. 11. NEW SECTION. 299B.11 REPEAL.

36 This chapter is repealed July 1, 1992.”

37 \_\_\_\_\_. Title page, line 2, by striking the figure  
38 “1990” and inserting the following: “1992”.”

HAVERLAND of Polk

H-4338

1 Amend the amendment, H-4332, to Senate File 501 as  
2 amended, passed, and reprinted by the Senate as  
3 follows:

4 1. Page 8, by striking line 45 and inserting the  
5 following:

6 “\_\_\_\_\_. Page 98, by inserting after line 32 the  
7 following:

8 “Sec. \_\_\_\_\_. NEW SECTION. 724.28 PROHIBITION OF  
9 REGULATION BY POLITICAL SUBDIVISIONS.

10 A political subdivision of the state shall not  
11 enact an ordinance regulating the ownership,  
12 possession, legal transfer, lawful transportation,  
13 registration, or licensing of firearms when the  
14 ownership, possession, transfer, or transportation is  
15 otherwise lawful under the laws of this state. An  
16 ordinance existing on or after the effective date of  
17 this Act is void.”

18 2. By renumbering as necessary.

SCHRADER of Marion

H-4339

1 Amend Senate File 501, as amended, passed, and  
2 reprinted by the Senate, as follows:

3 1. Page 89, by inserting before line 12 the

4 following:

5 "Sec. \_\_\_\_\_. Section 246.813, subsection 2, Code  
6 1987, is amended by adding the following new  
7 paragraph:

8 NEW LETTERED PARAGRAPH. c. Notwithstanding the  
9 provisions of chapter 18 relating to reimbursement of  
10 the department of general services for the costs of  
11 purchasing materials and items for Iowa state  
12 industries, Iowa state industries shall not be  
13 required to make any payments to the department of  
14 general services for the services the department  
15 provides to Iowa state industries for the purchase of  
16 materials and items for Iowa state industries."

17 2. By renumbering as necessary.

HALVORSON of Webster

H-4343

1 Amend the amendment, H-4334, to Senate File 516 as  
2 passed by the Senate as follows:

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

5 "\_\_\_\_\_. Page 4, by inserting after line 4, the  
6 following:

7 "This section does not repeal or suspend any other  
8 provision of law."

9 2. Page 1, by inserting after line 33, the  
10 following:

11 "\_\_\_\_\_. Page 4, by inserting after line 4, the  
12 following:

13 "Sec. \_\_\_\_\_. Section 225C.28, Code 1987, is amended  
14 by adding the following new unnumbered paragraph:

15 NEW UNNUMBERED PARAGRAPH. This section does not  
16 repeal or suspend any other provision of law."

17 3. Page 1, line 49, by striking the words "Sec.  
18 ." and inserting the following: "Sec. 1212".

19 4. Page 2, line 8, by inserting after the word  
20 "appropriated" the following: ", in cooperation with  
21 the regional planning boards".

22 5. Page 3, line 3, by striking the figure "1993"  
23 and inserting the following: "1992".

24 6. Page 3, line 6, by striking the figure "1993"  
25 and inserting the following: "1992".

26 7. Page 3, line 23, by striking the figure "1993"  
27 and inserting the following: "1992".

28 8. Page 3, line 34, by striking the figure "1993"  
29 and inserting the following: "1992".

30 9. Page 4, by inserting after line 19, the  
31 following:

32 "\_\_\_\_\_. Page 9, by inserting after line 14, the  
33 following:

34 "Sec. 4057. Section 225C.1001, as enacted by

35 section 1212 of this Act, is amended to read as  
 36 follows:  
 37 225C.1001 DUTIES OF THE DEPARTMENT OF HUMAN  
 38 SERVICES.

39 The department shall develop and operate within the  
 40 funds appropriated an information system for client  
 41 data and tracking that utilizes a unique client  
 42 identification system, except as is necessary for  
 43 determination of legal settlement.

44 ~~The department of human services shall provide~~  
 45 ~~service coordination for the eligible populations,~~  
 46 ~~within funds appropriated, in cooperation with the~~  
 47 ~~regional planning boards.~~

48 Sec. \_\_\_\_\_. It is the intent of the general assembly  
 49 that the general assembly meeting in 1988 shall  
 50 determine whether service coordination for eligible

**Page 2**

1 populations under section 225C.28 shall be the duty of  
 2 the department of human services or the regional  
 3 planning boards under section 225C.23A.

4 Sec. \_\_\_\_\_. Section 4057 of this Act takes effect  
 5 July 1, 1988.””

JOCHUM of Dubuque

**H-4346**

1 Amend the amendment, H-4274, to House File 650 as  
 2 amended, passed, and reprinted by the House as  
 3 follows:

4 1. Page 3, by striking line 34 and inserting the  
 5 following: “as required in section 139.9.

6 (9) Evidence of an appropriately placed and  
 7 appropriately sized sign erected on the site of the  
 8 setting of private instruction near any pedestrian  
 9 crossing indicating a “private instruction” crossing.”

JAY of Appanoose

**H-4357**

1 Amend amendment, H-4274, to House File 650 as  
 2 amended, passed and reprinted by the House as follows:

3 1. Page 4, by inserting after line 17 the  
 4 following:

5 “\_\_\_\_\_. Page 4, by inserting after line 32 the  
 6 following:

7 “Sec. \_\_\_\_\_. Section 442.39, Code 1987, is amended  
 8 by adding the following new subsection:

9 **NEW SUBSECTION. 6.** Children receiving private  
 10 instruction under chapter 299B are assigned a  
 11 weighting of two-tenths, for the local school district  
 12 as defined in section 299B.3.””

JAY of Appanoose

H-4358

- 1 Amend amendment, H-4286, to House File 650 as  
 2 amended, passed, and reprinted by the House as  
 3 follows:  
 4 1. Page 1, by striking lines 25 and 26 and  
 5 inserting the following: "in an amount not more than  
 6 one hundred dollars nor less than fifty dollars, to be  
 7 deposited in the".

SHOULTZ of Black Hawk

H-4359

- 1 Amend the amendment, H-4274, to House File 650 as  
 2 amended, passed, and reprinted by the House as  
 3 follows:  
 4 1. Page 3, by inserting after line 11, the  
 5 following:  
 6 "\_\_\_\_\_. Page 2, line 26, by inserting after the  
 7 word "child" the following: ", commencing no sooner  
 8 than the first day of September".

JAY of Appanoose

H-4362

- 1 Amend House File 677 as follows:  
 2 1. Page 3, by inserting after line 32 the  
 3 following:  
 4 "Sec. \_\_\_\_\_. **NEW SECTION. 324.3A REDUCED RATE OF**  
 5 **TAX FOR CERTAIN DEALERS.**  
 6 Notwithstanding the rate of tax imposed under  
 7 section 324.3, the excise tax on motor fuel delivered  
 8 to a qualified dealer is reduced as provided in this  
 9 section.  
 10 1. The excise tax on motor fuel delivered to a  
 11 qualified dealer located not more than eight miles  
 12 from the border of a state contiguous to Iowa which  
 13 has in effect a motor fuel tax which makes the Iowa  
 14 motor fuel tax uncompetitive is reduced to be five  
 15 cents per gallon in excess of the motor fuel tax in  
 16 effect for the contiguous state.  
 17 2. The excise tax on motor fuel delivered to a  
 18 qualified dealer located more than eight miles but not  
 19 more than sixteen miles from the border of a state  
 20 contiguous to Iowa which has in effect a motor fuel  
 21 tax which makes the Iowa motor fuel tax uncompetitive  
 22 is reduced to be six cents per gallon in excess of the  
 23 motor fuel tax in effect for the contiguous state.  
 24 3. The excise tax on motor fuel delivered to a  
 25 qualified dealer located more than sixteen miles but  
 26 not more than twenty-four miles from the border of a  
 27 state contiguous to Iowa which has in effect a motor

28 fuel tax which makes the Iowa motor fuel tax  
29 uncompetitive is reduced to be seven cents per gallon  
30 in excess of the motor fuel tax in effect for the  
31 contiguous state.

32 As used in this section, a "qualified dealer" means  
33 a dealer located within the distances provided under  
34 subsections 1 through 3 measured by the shortest  
35 distance from the border of the contiguous state. If  
36 a qualified dealer is located within the corporate  
37 limits of a city, all dealers within the corporate  
38 limits of the city are qualified dealers.

39 As used in this section, a "motor fuel tax in  
40 effect for the contiguous state" means the total  
41 excise, sales or use taxes in effect in the contiguous  
42 state on the sale of motor fuel expressed in cents per  
43 gallon. The department of revenue and finance shall  
44 adopt rules pursuant to chapter 17A establishing the  
45 methodology for ascertaining the motor fuel tax in  
46 effect for contiguous states. As used in this  
47 section, a contiguous state has a "motor fuel tax  
48 which makes the Iowa motor fuel tax uncompetitive" if  
49 the excise tax on motor fuel under section 324.3  
50 exceeds the motor fuel tax in effect for the

**Page 2**

1 contiguous state by more than five cents per gallon.

2 If more than one contiguous state has in effect a  
3 motor fuel tax which makes the Iowa motor fuel tax  
4 uncompetitive, the excise tax for a qualified dealer  
5 located not more than twenty-four miles from the  
6 borders of two such contiguous states is the excise  
7 tax under the application of subsections 1 through 3  
8 which results in the lowest excise tax to the  
9 qualified dealer.

10 A qualified dealer shall be allowed a credit by the  
11 distributor for the amount of the reduction in motor  
12 fuel tax allowed and a qualified dealer, before  
13 receiving the credit, shall be registered by the  
14 department of revenue and finance. The department of  
15 revenue and finance shall adopt rules pursuant to  
16 chapter 17A for registering dealers and accounting for  
17 credits by distributors.

18 This section only applies to qualified dealers who  
19 would experience a reduction in the excise tax on  
20 motor fuel through its application."

21 2. Page 12, by inserting after line 15 the  
22 following:

23 "Sec. \_\_\_\_\_. **NEW SECTION. 324.34A REDUCED RATE OF**  
24 **TAX FOR CERTAIN DEALERS.**

25 Notwithstanding the rate of tax imposed under  
26 section 324.34, the excise tax on special fuel for

27 diesel engines delivered to a qualified dealer is  
28 reduced as provided in this section.

29 1. The excise tax on special fuel for diesel  
30 engines delivered to a qualified dealer located not  
31 more than eight miles from the border of a state  
32 contiguous to Iowa which has in effect a tax on  
33 special fuel for diesel engines which makes the Iowa  
34 excise tax on special fuel for diesel engines  
35 uncompetitive is reduced to be seven and one-half  
36 cents per gallon in excess of the tax on special fuel  
37 for diesel engines in effect for the contiguous state.

38 2. The excise tax on special fuel for diesel  
39 engines delivered to a qualified dealer located more  
40 than eight miles but not more than sixteen miles from  
41 the border of a state contiguous to Iowa which has in  
42 effect a tax on special fuel for diesel engines which  
43 makes the Iowa excise tax on special fuel for diesel  
44 engines uncompetitive is reduced to be eight and one-  
45 half cents per gallon in excess of the tax on special  
46 fuel for diesel engines in effect for the contiguous  
47 state.

48 3. The excise tax on special fuel delivered to a  
49 qualified dealer located more than sixteen miles but  
50 not more than twenty-four miles from the border of a

**Page 3**

1 state contiguous to Iowa which has in effect a tax on  
2 special fuel for diesel engines which makes the Iowa  
3 excise tax on special fuel for diesel engines  
4 uncompetitive is reduced to be nine and one-half cents  
5 per gallon in excess of the tax on special fuel for  
6 diesel engines in effect for the contiguous state.

7 As used in this section, a "qualified dealer" means  
8 a dealer located within the distances provided under  
9 subsections 1 through 3 measured by the shortest  
10 distance from the border of the contiguous state. If  
11 a qualified dealer is located within the corporate  
12 limits of a city, all dealers within the corporate  
13 limits of the city are qualified dealers.

14 As used in this section, a "tax on special fuel for  
15 diesel engines in effect for the contiguous state"  
16 means the total excise, sales or use taxes in effect  
17 in the contiguous state on the sale of special fuel  
18 for diesel engines expressed in cents per gallon. The  
19 department of revenue and finance shall adopt rules  
20 pursuant to chapter 17A establishing the methodology  
21 for ascertaining the tax on special fuel for diesel  
22 engines in effect for contiguous states. As used in  
23 this section, a contiguous state has a "tax on special  
24 fuel for diesel engines which makes the Iowa excise  
25 tax on special fuel for diesel engines uncompetitive"

26 if the excise tax on special fuel for diesel engines  
 27 under section 324.34 exceeds the tax on special fuel  
 28 for diesel engines in effect for the contiguous state  
 29 by more than seven and one-half cents per gallon.  
 30 If more than one contiguous state has in effect a  
 31 tax on special fuel for diesel engines which makes the  
 32 Iowa excise tax on special fuel for diesel engines  
 33 uncompetitive, the excise tax for a qualified dealer  
 34 located not more than twenty-four miles from the  
 35 borders of two such contiguous states is the excise  
 36 tax under the application of subsections 1 through 3  
 37 which results in the lowest excise tax to the  
 38 qualified dealer.

39 A qualified dealer shall be allowed a credit by the  
 40 distributor for the amount of the reduction in excise  
 41 tax on special fuel for diesel engines allowed and a  
 42 qualified dealer, before receiving the credit, shall  
 43 be registered by the department of revenue and  
 44 finance. The department of revenue and finance shall  
 45 adopt rules pursuant to chapter 17A for registering  
 46 dealers and accounting for credits by distributors.

47 This section only applies to qualified dealers who  
 48 would experience a reduction in the excise tax on  
 49 special fuel for diesel engines through its  
 50 application."

**Page 4**

1 3. Renumber sections as necessary.

DAGGETT of Adams  
 MUHLBAUER of Crawford

H-4369

1 Amend House File 677 as follows:

2 1. Page 14, line 27, by inserting after the  
 3 figure "1987" the following: "and ending December 31,  
 4 1988".

5 2. Page 15, line 4, by inserting after the figure  
 6 "1988" the following: "and ending December 31, 1988.  
 7 Beginning January 1, 1989, the treasurer of state,  
 8 before crediting the above tax proceeds to the road  
 9 use tax fund, shall credit from the taxes imposed  
 10 under section 324.3 for motor vehicle use the amount  
 11 of excise tax collected from the tax of three cents  
 12 per gallon with ten percent of such moneys being  
 13 credited to the primary road fund, ten percent  
 14 credited to the street construction fund, and eighty  
 15 percent credited to the secondary road fund".

16 3. Page 15, line 11, by striking the figure  
 17 "1988," and inserting the figure "1988."

18 4. Page 15, by striking lines 12 and 13 and

19 inserting the following: "Beginning January 1, 1989,  
 20 the treasurer of state, before crediting the above tax  
 21 proceeds to the road use tax fund, shall credit from  
 22 the taxes imposed under section 324.34 for motor  
 23 vehicle use the amount of excise tax collected from  
 24 the tax of three cents per gallon with ten percent of  
 25 such moneys being credited to the primary road fund,  
 26 ten percent credited to the street construction fund,  
 27 and eighty percent credited to the secondary road  
 28 fund. The net proceeds of the excise tax".

KOENIGS of Mitchell

H-4378

1 Amend the Connolly amendment, H-4080, to House File  
 2 677, as follows:

3 1. By striking page 1, line 2 through page 3,  
 4 line 15 and inserting the following:

5 "\_\_\_\_\_. By striking everything after the enacting  
 6 clause and inserting the following:

7 "Section 1. Section 312.2, subsection 5, Code  
 8 1987, is amended to read as follows:

9 5. The treasurer of state shall before making the  
 10 above allotments ~~credit annually to the highway grade~~  
 11 ~~crossing safety fund the sum of seven hundred thousand~~  
 12 ~~dollars, credit annually from the road use tax fund~~  
 13 ~~the sum of nine hundred thousand dollars to the~~  
 14 ~~highway railroad grade crossing surface repair fund,~~  
 15 ~~credit monthly to the primary road fund the dollars~~  
 16 ~~yielded from an allotment of sixty-five hundredths of~~  
 17 ~~one percent of all road use tax funds for the express~~  
 18 ~~purpose of carrying out subsection 11 of section~~  
 19 ~~307A.2, section 313.4, subsection 2, and section~~  
 20 ~~307.45, and credit annually to the primary road fund~~  
 21 ~~the sum of five hundred thousand dollars to be used~~  
 22 ~~for paying expenses incurred by the state department~~  
 23 ~~of transportation other than expenses incurred for~~  
 24 ~~extensions of primary roads in cities. All~~  
 25 ~~unobligated funds provided by this subsection, except~~  
 26 ~~those funds credited to the highway grade crossing~~  
 27 ~~safety fund, shall at the end of each year following~~  
 28 ~~the year for which they were appropriated revert to~~  
 29 ~~the road use tax fund. Funds in the highway grade~~  
 30 ~~crossing safety fund shall not revert to the road use~~  
 31 ~~tax fund except to the extent they exceed five hundred~~  
 32 ~~thousand dollars at the end of any biennium. The cost~~  
 33 ~~of each highway railroad grade crossing repair project~~  
 34 ~~shall be allocated in the following manner:~~

35 a. Twenty percent of the project cost shall be  
 36 paid by the railroad company.

37 b. Twenty percent of the project cost shall be  
 38 paid by the highway authority having jurisdiction of

39 the road crossing the railroad.

40 c. Sixty percent of the project cost shall be paid  
41 from the highway railroad grade crossing surface  
42 repair fund.

43 Sec. 2. Section 312.2, subsection 16, paragraph a,  
44 Code 1987, is amended to read as follows:

45 a. From the excise tax on motor fuel and special  
46 fuel imposed under the tax rate of section 324.3  
47 except aviation gasoline:

48 Sec. 3. Section 312.2, subsection 17, Code 1987,  
49 is amended to read as follows:

50 17. The Effective July 1, 1988, the treasurer of

**Page 2**

1 state, before making the allotments provided for in  
2 this section, shall credit monthly from the road use  
3 tax fund to the public transit assistance fund,  
4 created under section 601J.6, an amount equal to ~~one~~  
5 ~~fortieth~~ one-twentieth of the revenue credited to the  
6 road use tax fund under section 423.24.

7 Sec. 4. Section 315.2, Code 1987, is amended by  
8 adding the following new subsection:

9 NEW SUBSECTION. 3. Notwithstanding section 453.7,  
10 subsection 2, interest or earnings on investments or  
11 time deposits of the moneys in the RISE fund shall be  
12 credited to the RISE fund beginning July 1, 1988.

13 Sec. 5. Section 324.3, unnumbered paragraph 1,  
14 Code 1987, is amended to read as follows:

15 For the privilege of operating motor vehicles in  
16 this state an excise tax of ~~fifteen cents per gallon~~  
17 ~~for the period beginning July 1, 1985 and ending~~  
18 ~~December 31, 1985, and sixteen cents per gallon for~~  
19 the period beginning January 1, 1986 and ending June  
20 30, 1987, and nineteen cents per gallon for the period  
21 beginning July 1, 1987, is imposed upon the use of all  
22 motor fuel used for any purpose except motor fuel  
23 containing at least ten percent alcohol distilled from  
24 cereal grains grown in the United States for the  
25 period beginning July 1, 1978 and ending June 30, 1992  
26 and except as otherwise provided in this division.

27 Sec. 6. Section 324.3, unnumbered paragraph 4,  
28 Code 1987, is amended to read as follows:

29 For the privilege of operating motor vehicles in  
30 this state an excise tax of ~~fourteen cents per gallon~~  
31 beginning July 1, 1985 and ending December 31, 1985,  
32 and fifteen cents per gallon for the period beginning  
33 January 1, 1986 and ending June 30, 1987, and eighteen  
34 cents per gallon beginning July 1, 1987 and ending  
35 June 30, 1992, is imposed upon the use of gasohol used  
36 for any purpose except as otherwise provided in this  
37 division.

38 Sec. 7. Section 324.17, Code 1987, is amended by  
 39 adding the following new unnumbered paragraph:  
 40 NEW UNNUMBERED PARAGRAPH. Any person who uses  
 41 motor fuel for the purpose of operating aircraft and  
 42 has paid the tax on the motor fuel directly to the  
 43 department or by having the tax added to the price of  
 44 the motor fuel and who has a refund permit, may file a  
 45 claim for refund with the department and the  
 46 department shall refund to the claimant an amount  
 47 equal to sixteen cents per gallon, except that the  
 48 amount of any refund payable under this division may  
 49 be applied by the department against any tax liability  
 50 outstanding on the books of the department against the

Page 3

1 claimant. The claim for a credit filed under sections  
 2 422.110, 422.111, and 422.112 shall be limited to a  
 3 credit equal to sixteen cents per gallon on motor fuel  
 4 used for the purpose of operating aircraft.  
 5 Sec. 8. Section 324.34, unnumbered paragraphs 1  
 6 and 9, Code 1987, is amended to read as follows:  
 7 For the privilege of operating motor vehicles in  
 8 this state, there is imposed an excise tax on the use,  
 9 as defined in section 324.33, of special fuel in a  
 10 motor vehicle. The tax rate on special fuel for  
 11 diesel engines is ~~sixteen and one-half cents per~~  
 12 gallon for the period beginning July 1, 1985 and  
 13 ending December 31, 1985, is seventeen and one-half  
 14 cents per gallon for the period beginning January 1,  
 15 1986 and ending December 31, 1986, and is eighteen and  
 16 one-half cents per gallon for the period beginning  
 17 January 1, 1987 and ending December 31, 1987, is  
 18 nineteen and one-half cents per gallon for the period  
 19 beginning January 1, 1988 and ending June 30, 1988,  
 20 and is twenty and one-half cents per gallon beginning  
 21 July 1, 1988 and ending December 31, 1988, and is  
 22 twenty-one and one-half cents per gallon beginning  
 23 January 1, 1989. On all other special fuel the per  
 24 gallon rate is the same as the motor fuel tax.  
 25 For natural gas used as a special fuel the rate of  
 26 tax that is equivalent to the motor fuel tax shall be  
 27 ~~thirteen~~ sixteen cents per hundred cubic feet adjusted  
 28 to a base temperature of sixty degrees Fahrenheit and  
 29 a pressure of fourteen and seventy-three hundredths  
 30 pounds per square inch absolute. The tax on natural  
 31 gas shall attach at the time of delivery into  
 32 equipment for compressing the gas for subsequent  
 33 delivery into the fuel supply tank of a motor vehicle  
 34 and shall be paid over to the department by the person  
 35 operating the compressing equipment under the  
 36 applicable provisions for users or dealers. Natural

37 gas used as a special fuel shall be delivered into  
 38 compressing equipment through sealed meters certified  
 39 for accuracy by the department of agriculture and land  
 40 stewardship.

41 Sec. 9. Section 324.79, unnumbered paragraph 1,  
 42 Code 1987, is amended to read as follows:

43 The net proceeds of the excise tax on the diesel  
 44 special fuel and the excise tax on motor fuel and  
 45 other special fuel, and penalties collected under the  
 46 provision of this chapter, shall be credited to the  
 47 road use tax fund. The treasurer of state, before  
 48 crediting the above tax proceeds to the road use tax  
 49 fund, shall credit beginning July 1, 1987 from the  
 50 taxes imposed under section 324.3 an amount equal to

Page 4

1 one-half of one cent per gallon to the primary road  
 2 fund, an amount equal to one-fourth of one cent per  
 3 gallon to the secondary road fund, and an amount equal  
 4 to one-fourth of one cent per gallon to the street  
 5 construction fund. The treasurer of state, before  
 6 crediting the above tax proceeds to the road use tax  
 7 fund, shall credit from the taxes imposed under  
 8 section 324.3 for motor vehicle use to the commercial  
 9 network development fund the amount of excise tax  
 10 collected from the tax of one cent per gallon for the  
 11 period beginning January 1, 1988 and ending June 30,  
 12 1988 and from the tax of two cents per gallon  
 13 beginning July 1, 1988. The treasurer of state,  
 14 before crediting the above tax proceeds to the road  
 15 use tax fund, shall credit from the tax imposed under  
 16 section 324.34 for motor vehicle use to the commercial  
 17 network development fund the amount of excise tax  
 18 collected from the tax of one cent per gallon for the  
 19 period beginning January 1, 1988 and ending June 30,  
 20 1988, from the tax of two cents per gallon for the  
 21 period beginning July 1, 1988 and ending December 31,  
 22 1988, and for the tax of three cents per gallon for  
 23 the period beginning January 1, 1989.

24 Sec. 10. Section 327G.15, Code 1987, is amended to  
 25 read as follows:

26 327G.15 RAILWAY AND HIGHWAY CROSSING AT GRADE.

27 Wherever a railway track crosses or shall hereafter  
 28 cross a highway, street or alley, the railway  
 29 corporation owning such track and the department, in  
 30 the case of primary highways, the board of supervisors  
 31 of the county in which such crossing is located, in  
 32 the case of secondary roads, or the council of the  
 33 city, in the case of streets and alleys located within  
 34 a city, may agree upon the location, manner, vacation,

35 physical structure, characteristics and maintenance of  
 36 the crossing and flasher lights or gate arm signals at  
 37 the crossing and allocation of costs thereof. The  
 38 department shall become a party to the agreement if  
 39 grade crossing safety funds are to be used. Up to  
 40 seventy-five percent of the maintenance cost of  
 41 flasher lights or gate arm signals at the crossing and  
 42 an unlimited portion of the cost of installing flasher  
 43 lights or gate arm signals at the crossing may be paid  
 44 from the grade crossing safety fund.

45 Notwithstanding other provisions of this section,  
 46 maintenance Maintenance of flasher lights or gate  
 47 signals installed or ordered to be installed before  
 48 July 1, 1973, shall be assumed wholly by the railroad  
 49 corporation.

50 Payments from the grade crossing safety fund shall

Page 5

1 be made by the treasurer of state upon certification  
 2 by the department that the terms of the agreement have  
 3 been followed.

4 The department shall promulgate rules according to  
 5 chapter 17A for processing claims to the grade  
 6 crossing safety funds.

7 The provisions of this section shall not apply to  
 8 the repair of the grade crossing surface.

9 Sec. 11. Section 328.1, Code 1987, is amended by  
 10 adding the following new subsection:

11 NEW SUBSECTION. 23. "Owner" means any person  
 12 owning or renting an aircraft, or having the exclusive  
 13 use thereof, under a lease or otherwise, for a period  
 14 greater than thirty days.

15 Sec. 12. Section 328.20, Code 1987, is amended to  
 16 read as follows:

17 328.20 REGISTRATION OF AIRCRAFT.

18 Every civil aircraft owned either wholly or in part  
 19 by persons residing in this state, or most frequently  
 20 hangered, dispatched, serviced, maintained, operated  
 21 or otherwise controlled within the boundaries of the  
 22 state, unless specifically excepted under the  
 23 provisions of this chapter, shall be registered  
 24 annually with the department, by the owner thereof.

25 The registration year commences on the first day of  
 26 the calendar month in which the civil aircraft is  
 27 registered for the first time in this state and ends  
 28 on the last day of the twelfth month following  
 29 registration.

30 For aircraft registered in this state before July  
 31 1, 1987 the registration year begins on the first day  
 32 of the calendar month assigned by the department and

33 ends on the last day of the twelfth month following  
 34 registration.

35 Sec. 13. Section 328.21, subsections 2 and 6, Code  
 36 1987, are amended to read as follows:

37 2. After said the aircraft has been registered  
 38 once, the registration fee shall be seventy-five  
 39 percent of the rate as fixed for the first  
 40 registration; after two times fifty percent; and after  
 41 three times twenty-five percent; provided, however,  
 42 that no aircraft shall be registered for a  
 43 registration fee of less than fifteen thirty-five  
 44 dollars.

45 6. Any aircraft thirty years old, or older, which  
 46 is used exclusively for noncommercial purposes shall  
 47 be registered as an antique aircraft for a  
 48 registration fee of fifteen thirty-five dollars.

49 Sec. 14. Section 328.21, subsection 3, Code 1987,  
 50 is amended by striking the subsection.

Page 6

1 Sec. 15. Section 328.21, Code 1987, is amended by  
 2 adding the following new subsection:

3 NEW SUBSECTION. 7. An aircraft, unless exempted  
 4 in section 328.35, which has become damaged, is  
 5 unairworthy and is not in flying condition shall not  
 6 be subject to the registration fees provided the owner  
 7 of the aircraft submits to the department, along with  
 8 the registration application, an affidavit describing  
 9 the aircraft, its condition, and the reason for the  
 10 aircraft not being in operating condition, and  
 11 furnishes other information as required by the  
 12 department to determine that the aircraft is not using  
 13 the air space overlying the state or the airports.  
 14 Upon receipt of the application and affidavit, the  
 15 department shall issue to the owner a certificate  
 16 which states that the fee has not been paid and that  
 17 the aircraft shall not use the air space overlying the  
 18 state or the airports until the fee has been paid.

19 Sec. 16. Section 328.24, unnumbered paragraph 2,  
 20 Code 1987, is amended to read as follows:

21 The registration fee for the unexpired portion of  
 22 the registration year shall be refunded pro rata to  
 23 the nearest full calendar month.

24 Sec. 17. Section 328.27, Code 1987, is amended to  
 25 read as follows:

26 328.27 ISSUANCE OF CERTIFICATES.

27 The department shall forthwith cause to be issued  
 28 issue, upon receipt of proper application and fee for  
 29 registration, a certificate of registration which  
 30 shall be numbered and recorded by the department,  
 31 shall state the name and address of the person to whom

32 it is issued, shall be entitled with the designation  
33 of the class of registrant covered thereby and shall  
34 contain such other information as the department may  
35 prescribe including, in the case of aircraft, a  
36 description thereof. Every certificate of  
37 registration or special certificate issued hereunder  
38 shall expire at midnight on the thirtieth day of June  
39 of each year last day of the twelfth month of the  
40 registration year specified.

41 Sec. 18. Section 328.32, Code 1987, is amended to  
42 read as follows:

43 **328.32 EXPIRATION OF SPECIAL CERTIFICATE.**

44 Every special certificate issued hereunder shall  
45 expire at midnight on the thirtieth day of June of  
46 each last day of the registration year, and a new  
47 special certificate for the ensuing year may be  
48 obtained by the person to whom any such expired  
49 special certificate was issued, upon application to  
50 the department, and payment of the fee provided by

**Page 7**

1 law.

2 Sec. 19. Section 328.35, subsection 1, Code 1987,  
3 is amended by adding the following new lettered  
4 paragraph:

5 **NEW LETTERED PARAGRAPH.** d. A homebuilt aircraft  
6 which has not yet been assembled and has not been  
7 issued an airworthiness certificate by the federal  
8 aviation administration.

9 Sec. 20. Section 328.48, Code 1987, is amended to  
10 read as follows:

11 **328.48 ATTACHMENT OF LIEN.**

12 The lien of the original registration fee shall  
13 attach at the time the same is first payable as  
14 provided by law and the lien of all renewals of  
15 registration shall attach on July 1, the first day of  
16 each registration year thereafter.

17 Sec. 21. Section 328.50, Code 1987, is amended to  
18 read as follows:

19 **328.50 PENALTY ON DELINQUENT REGISTRATION.**

20 On August 1 of each year the first day of the  
21 second month following the end of the month of an  
22 aircraft registration period, a penalty of five  
23 percent of the annual registration fee shall be added  
24 to all fees not paid by that date, and five percent of  
25 the annual registration fee shall be added to such  
26 fees on the first day of each month thereafter, that  
27 the same remains unpaid until paid, provided that said  
28 penalty in no case shall be less than one dollar.

29 Sec. 22. **NEW SECTION.** 328.56A STAGGERED  
30 REGISTRATION - IMPLEMENTATION.

31 To implement the change from fiscal year  
32 registration to the registration system provided for  
33 in this chapter, aircraft registered after July 1,  
34 1987 shall be registered as follows:  
35 1. Aircraft shall be registered for the  
36 registration year as defined in this chapter. If the  
37 registration period is for a period of less than  
38 twelve months, the registration fee shall be prorated  
39 for the remaining unexpired months, except as provided  
40 in subsection 2.  
41 2. The owner of an aircraft for which the  
42 registration year begins on August 1 may elect to  
43 register the aircraft for a period of one month or  
44 thirteen months. The owner of an aircraft for which  
45 the registration year begins on September 1 may elect  
46 to register the aircraft for a period of two months or  
47 fourteen months. The owner of an aircraft for which  
48 the registration year begins on October 1 may elect to  
49 register the aircraft for a period of three months or  
50 fifteen months.

**Page 8**

1 Sec. 23. Section 422.45, subsection 4, Code 1987,  
2 is amended to read as follows:

3 4. The gross receipts from sales of vehicles  
4 subject to registration or subject only to the  
5 issuance of a certificate of title or aircraft.

6 Sec. 24. Section 423.4, subsection 1, Code 1987,  
7 is amended to read as follows:

8 1. Tangible personal property, the gross receipts  
9 from the sale of which are required to be included in  
10 the measure of the tax imposed by division IV of  
11 chapter 422, and any amendments made or which may  
12 hereafter be made thereto if that tax has been paid to  
13 the department or paid to the retailer. This  
14 exemption does not include vehicles subject to  
15 registration or subject only to the issuance of a  
16 certificate of title or aircraft.

17 Sec. 25. Section 423.4, subsection 4, Code 1987,  
18 is amended to read as follows:

19 4. Tangible personal property, the gross receipts  
20 from the sale of which are exempted from the retail  
21 sales tax by the terms of section 422.45, except  
22 subsection 4 and subsection 6 of section 422.45 as it  
23 relates to the sale of vehicles subject to  
24 registration or subject only to the issuance of a  
25 certificate of title or aircraft.

26 Sec. 26. Section 423.7, Code 1987, is amended by  
27 adding the following new unnumbered paragraph:

28 **NEW UNNUMBERED PARAGRAPH.** The tax imposed upon the  
29 use of aircraft shall be paid by the owner of the

30 aircraft to the state department of transportation. A  
 31 registration receipt for an aircraft shall not be  
 32 issued until the tax has been paid. The state  
 33 department of transportation shall require every  
 34 applicant for a registration receipt for an aircraft  
 35 to supply information as the director deems necessary  
 36 as to the time of purchase, the purchase price, and  
 37 other information relative to the purchase of the  
 38 aircraft. On or before the tenth day of each month  
 39 the state department of transportation shall remit to  
 40 the department the amount of the taxes collected on  
 41 the use of aircraft during the preceding month.

42 Sec. 27. Section 423.24, Code 1987, is amended to  
 43 read as follows:

44 423.24 DEPOSIT OF REVENUE.

45 All revenue arising under the operation of this  
 46 chapter, derived from the use tax on motor vehicles,  
 47 trailers, and motor vehicle accessories and equipment,  
 48 as same may be collected as provided by section 423.7  
 49 shall be credited to the road use tax fund. All  
 50 revenues arising from the use tax on the casual sale

**Page 9**

1 of aircraft shall be credited to the state aviation  
 2 fund. Effective July 1, 1989, all revenues arising  
 3 from the use tax on aircraft shall be credited to the  
 4 state aviation fund. All other revenue arising under  
 5 the operation of this chapter shall be credited to the  
 6 general fund of the state.

7 Sec. 28. NEW SECTION. 315A.1 DEFINITIONS.

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

10 1. "Commission" means the state transportation  
 11 commission.

12 2. "Department" means the state department of  
 13 transportation.

14 3. "Fund" means the commercial network development  
 15 fund.

16 Sec. 29. NEW SECTION. 315A.2 COMMERCIAL NETWORK  
 17 OF HIGHWAYS.

18 The commission shall establish within the primary  
 19 road system a commercial network of highways.

20 Sec. 30. NEW SECTION. 315A.3 COMMERCIAL NETWORK  
 21 DEVELOPMENT FUND.

22 A commercial network development fund is created,  
 23 which includes:

24 1. All motor fuel and special fuel excise taxes  
 25 credited by law to the fund.

26 2. All other funds by law credited to the fund.

27 Notwithstanding section 453.7, subsection 2,

28 interest or earnings on investments or time deposits  
29 of the funds in moneys in the fund shall be credited  
30 to the fund.

31 Notwithstanding section 8.33, funds remaining in  
32 the fund at the end of the fiscal year shall be  
33 carried forward in the fund to the next fiscal year.

34 Sec. 31. NEW SECTION. 315A.4 USE OF FUND.

35 The fund is appropriated for and shall be used in  
36 the establishment, construction, and improvement of  
37 the commercial network of highways. The commission  
38 shall select projects to be financed for full or  
39 partial financing from the fund. Such financing shall  
40 be in addition to and may be combined with funds from  
41 the primary road fund or other sources.

42 Sec. 32. NEW SECTION. 315A.5 MONTHLY  
43 CERTIFICATION OF FUNDS.

44 The account of the fund shall be kept by the  
45 department of revenue and finance and the treasurer of  
46 state and shall show the amount of the fund including  
47 all credits to the fund and disbursements from the  
48 fund. Upon certification by the department in ac-  
49 cordance with rules adopted by the department of  
50 revenue and finance, the department of revenue and

**Page 10**

1 finance shall issue warrants for disbursements from  
2 the fund.

3 Sec. 33. NEW SECTION. 315A.6 ACCOUNTS AND  
4 RECORDS REQUIRED.

5 The department shall keep accounts in relation to  
6 the allocation of moneys to the fund including all  
7 amounts credited to the fund and all amounts of duly  
8 and finally approved vouchers for claims chargeable to  
9 the fund.

10 Sec. 34. NEW SECTION. 315A.7 PROJECT  
11 DEVELOPMENT.

12 The department shall be responsible for the  
13 development of qualifying projects under this chapter  
14 in the same manner as prescribed for primary road  
15 system improvements under chapter 313, including  
16 surveys, plans, specifications, bids, contracts,  
17 supervision, and inspection.

18 Sec. 35. Section 328.36, Code 1987, is repealed.

19 Sec. 36. Chapters 324A and 435, Code 1987, are  
20 repealed."

21 2. Amend the title, by striking all of the title  
22 after the word "Act" in line 1 and inserting the  
23 following: "relating to transportation funding by  
24 increasing the excise tax rate on motor fuel and  
25 special fuel, creating a commercial network  
26 development fund, providing for the registration of  
27 aircraft and providing effective dates." "

H—4381

1 Amend House File 677 as follows:

2 1. Page 27, by inserting before line 15 the  
3 following:

4 "Sec. \_\_\_\_\_. DEPARTMENT OF TRANSPORTATION  
5 HEADQUARTERS TO MOVE TO STATE HISTORICAL BUILDING.

6 The state department of transportation shall move its  
7 headquarters in Ames to the state historical building  
8 located on Grand avenue in Des Moines in a diligent  
9 manner as office space becomes available in the  
10 building."

JAY of Appanoose

The following amendment was filed on May 10, 1987:

H—4383

1 Amend House File 649 as amended, passed and  
2 reprinted by the House as follows:

3 1. By striking page 1, line 14 through page 2,  
4 line 31 and inserting the following:

5 "Sec. \_\_\_\_\_. Section 627.6, Code 1987, is amended to  
6 read as follows:

7 627.6 GENERAL EXEMPTIONS.

8 A debtor who is a resident of this state may hold  
9 exempt from execution the following property:

10 1. Any combination of the following, not to exceed  
11 a value of eight thousand five hundred dollars in the  
12 aggregate:

13 a. All wearing apparel, including jewelry, of the  
14 debtor and the debtor's dependents kept for actual use  
15 and the trunks or other receptacles necessary for the  
16 wearing apparel, not to exceed in value two hundred  
17 dollars in any particular item or one thousand dollars  
18 in the aggregate.

19 2. One shotgun, and either one rifle or one  
20 musket.

21 b. Shotguns and rifles.

22 3 c. Private libraries, family bibles, portraits,  
23 pictures, and paintings not to exceed two hundred  
24 dollars in value for any particular item and one  
25 thousand dollars in the aggregate.

26 d. Household furnishings, household goods,  
27 appliances, and musical instruments, including radios,  
28 television sets, and record or tape playing machines,  
29 held primarily for the personal, family, or household  
30 use of the debtor or a dependent of the debtor.

31 e. The debtor's interest, not to exceed five  
32 hundred dollars in the aggregate, in any cash on hand,  
33 bank deposits, credit union share drafts, or other  
34 deposits, wherever situated, or other personal

35 property not otherwise specifically provided for in  
36 this chapter.

37 4 2. An interment space or an interest in a public  
38 or private burying ground, not exceeding one acre for  
39 any defendant debtor.

40 5. The debtor's interest, not to exceed two  
41 hundred dollars in value in any particular item, in  
42 household furnishings, household goods, and appliances  
43 held primarily for the personal, family, or household  
44 use of the debtor or a dependent of the debtor, not to  
45 exceed in value two thousand dollars in the aggregate.

46 6 3. Any unmaturred life insurance policy owned by  
47 the debtor, other than a credit life insurance  
48 contract. The interest of an individual in any  
49 accrued dividend or interest, loan or cash surrender  
50 value of, or any other interest in a life insurance

Page 2

1 policy owned by the individual if the beneficiary of  
2 the policy is the individual's spouse, child, or  
3 dependent. However, the amount of the exemption shall  
4 not exceed five thousand dollars in the aggregate of  
5 any interest or value in insurance acquired within six  
6 hundred days of the date execution is issued or  
7 exemptions are claimed, or for additions within the  
8 same time period to a prior existing policy which  
9 additions are in excess of the amount necessary to  
10 fund the amount of face value coverage of the policies  
11 for the six hundred day period. For purposes of this  
12 paragraph, acquisitions shall not include such  
13 interest in new policies used to replace prior  
14 policies to the extent of any accrued dividend or  
15 interest, loan or cash surrender value of, or any  
16 other interest in the prior policies at the time of  
17 their cancellation.

18 7 4. Professionally prescribed health aids for the  
19 debtor or a dependent of the debtor.

20 8 5. The debtor's rights in:

21 a. A social security benefit, unemployment  
22 compensation, or a local public assistance benefit.

23 b. A veteran's benefit.

24 c. A disability or illness benefit.

25 d. Alimony, support, or separate maintenance, to  
26 the extent reasonably necessary for the support of the  
27 debtor and dependents of the debtor.

28 e. A payment under a pension, annuity, or similar  
29 plan or contract on account of illness, disability,  
30 death, age, or length of service, to the extent  
31 reasonably necessary for the support of the debtor and  
32 any dependent of the debtor.

33 9. Any combination of the following, not to exceed

34 a value of five thousand dollars in the aggregate:  
 35 a. Musical instruments, not including radios,  
 36 television sets, or record or tape playing machines,  
 37 held primarily for the personal, family, or household  
 38 use of the debtor or a dependent of the debtor.  
 39 b 6. One motor vehicle, with the debtor's interest  
 40 not exceeding five thousand dollars.  
 41 e 7. In the event of a bankruptcy proceeding, the  
 42 The debtor's interest in accrued wages and in state  
 43 and federal tax refunds as of the date of the judgment  
 44 to be satisfied, the date of filing of the petition in  
 45 bankruptcy, or the date of execution, whichever occurs  
 46 first, not to exceed one thousand dollars in the  
 47 aggregate. This exemption is in addition to the  
 48 limitations contained in sections 642.21 and 537.5105.  
 49 10 8. If the debtor is engaged in any profession  
 50 or occupation other than farming, the proper

Page 3

1 implements, professional books, or tools of the trade  
 2 of the debtor or a dependent of the debtor, not to  
 3 exceed in value ten thousand dollars in the aggregate.  
 4 11 9. If the debtor is engaged in farming and does  
 5 not exercise the delay of the enforceability of a  
 6 deficiency judgment or general execution under section  
 7 654.6 in relation to the execution under which the  
 8 exemption is claimed, any combination of the  
 9 following, not to exceed a value of ten thousand  
 10 dollars in the aggregate:  
 11 a. Implements and equipment reasonably related to  
 12 a normal farming operation. This exemption is in  
 13 addition to a motor vehicle held exempt under  
 14 subsection 9 6.  
 15 b. Livestock and feed for the livestock reasonably  
 16 related to a normal farming operation.  
 17 12 10. If the debtor is engaged in farming the  
 18 agricultural land upon the commencement of an action  
 19 for the foreclosure of a mortgage on the agricultural  
 20 land or for the enforcement of an obligation secured  
 21 by a mortgage on the agricultural land, if a  
 22 deficiency judgment is issued against the debtor, and  
 23 if the debtor does not exercise the delay of the  
 24 enforceability of the deficiency judgment or general  
 25 execution under section 654.6 in relation to the  
 26 execution under which the exemption is claimed, the  
 27 disposable earnings of the debtor are exempt from  
 28 garnishment to enforce the deficiency judgment after  
 29 two years from the entry of the deficiency judgment,  
 30 sections 642.21 and 642.22 notwithstanding. However,  
 31 earnings paid to the debtor directly or indirectly by  
 32 the debtor are not exempt.

33 11. In the absence of a written agreement or  
34 assignment to the contrary, upon the death of the  
35 insured any benefit payable to the spouse, child, or  
36 dependent of the individual under a life insurance  
37 policy shall inure to the separate use of the  
38 beneficiary independently of the insured's creditors.

39 A benefit or indemnity paid under an accident,  
40 health, or disability insurance policy is exempt to  
41 the insured or in case of the insured's death to the  
42 spouse, child, or dependent of the insured, from the  
43 insured's debts.

44 In case of an insured's death the benefit or  
45 indemnity of all matured policies of life, accident,  
46 health, or disability insurance payable to the  
47 surviving spouse, child, or dependent are exempt from  
48 liability for all debts of the beneficiary contracted  
49 prior to death of the insured, but the amount thus  
50 exempted shall not exceed seventy-five thousand

Page 4

1 dollars in the aggregate.

2 12. The debtor's interest in a retirement plan,  
3 policy, or contract of a self-employed individual  
4 which is a qualified plan, policy, or contract under  
5 section 401 of the Internal Revenue Code and the  
6 debtor's interest in an individual retirement account  
7 as defined in section 408 of the Internal Revenue  
8 Code. However, an amount equal to the aggregate  
9 amount of contributions made on or after July 1, 1987  
10 which were not deductible in determining federal  
11 adjusted gross income under section 404 or 408 of the  
12 Internal Revenue Code shall not be exempt. For  
13 purposes of this subsection, Internal Revenue Code  
14 means Internal Revenue Code as defined in section  
15 422.3."

16 2. Page 2, by inserting after line 31 the  
17 following:

18 "Sec. \_\_\_\_\_. NEW SECTION. 627.20 REQUEST FOR  
19 APPRAISAL.

20 If an appraisal of property is requested in  
21 connection with the claiming or granting of an  
22 exemption, the cost of the appraisal shall be paid by  
23 the person making the request."

24 3. Page 2, by inserting after line 32 the  
25 following:

26 "Sec. \_\_\_\_\_. APPLICABILITY.

27 The provisions of this Act amending the exemption  
28 in section 627.6, subsection 3, relating to interests  
29 in life insurance policies owned by the debtor, shall  
30 apply to contracts of insurance entered into on or  
31 after the effective date of this Act.

32 Sec. \_\_\_\_\_. EFFECTIVE DATE. This Act, being deemed  
33 of immediate importance, takes effect upon enactment.”

34 4. Title page, line 5, by inserting after the  
35 word “matters” the following: “, providing for the  
36 applicability of the Act, and providing an effective  
37 date”.

38 5. By renumbering, relettering, or redesignating  
39 and correcting internal references as necessary.

Senate Amendment

**RESOLUTIONS ADOPTED**

Resolutions adopted during the Seventy-second General Assembly, 1987 Session, not otherwise printed in the House Journal.

## 1           House Concurrent Resolution 4

2                   By Buhr

3       A House Concurrent Resolution commemorating the  
4 life and work of Reverend Dr. Martin Luther King, Jr.5       *Whereas*, Reverend Dr. Martin Luther King, Jr. was  
6 born on January 15, 1929, fifty-eight years ago; and7       *Whereas*, Dr. King received a B.A. degree from  
8 Morehouse College in 1948, a B.D. degree from Crozer  
9 Theological Seminary in 1951, and a Ph.D. degree from  
10 Boston University in 1955; and11       *Whereas*, Dr. King was ordained a minister in the  
12 Ebenezer Baptist Church in Atlanta, Georgia in 1947  
13 and became pastor of the Dexter Avenue Baptist Church  
14 in Montgomery, Alabama in 1954; and15       *Whereas*, Dr. King began his active leadership of  
16 the civil rights movement in 1955 by taking charge of  
17 the successful 382-day boycott of the Montgomery bus  
18 system, after a black woman was arrested for refusing  
19 to give up her seat on a Montgomery bus to a white  
20 person; and21       *Whereas*, Dr. King was instrumental in founding the  
22 Southern Christian Leadership Conference (SCLC), a  
23 coalition of influential southern black ministers,  
24 that became a significant civil rights organization;  
25 and26       *Whereas*, Dr. King and the SCLC inspired nonviolent  
27 protests, across America, known as "sit-ins," "freedom  
28 rides," and "freedom marches," which challenged the  
29 segregation practices of southern and border states  
30 and raised the consciousness of all America; and**Page 2**1       *Whereas*, Dr. King led a massive civil rights  
2 campaign in Birmingham, Alabama in 1963, which was  
3 followed by other major civil rights campaigns for  
4 black voter registration, desegregation, and better  
5 education and housing; and6       *Whereas*, Dr. King, at the largest civil rights  
7 demonstration in history, at our nation's Capitol, on  
8 August 28, 1963, delivered his inspirational "I Have a  
9 Dream" speech, on the steps of the Lincoln Memorial;  
10 and11       *Whereas*, Dr. King emphasized the need to act in  
12 nonviolent ways in all of his civil rights campaigns;  
13 and

14 *Whereas*, Dr. King received the Nobel Peace Prize in  
15 1964; and

16 *Whereas*, Dr. King, more than anyone else, by  
17 dedicating his life to freedom, justice, and equality  
18 for all persons, was responsible for the federal  
19 "Civil Rights Act of 1964" and the "1965 Voting Rights  
20 Act" which guaranteed by law the political and  
21 economic rights of black Americans; and

22 *Whereas*, Dr. King wrote several books, reflecting  
23 and promoting the mission of his life's work,  
24 including Stride Toward Freedom (1958), Strength to  
25 Live (1963), Why Can't We Wait (1964), and The Trumpet  
26 of Conscience (1968); and

27 *Whereas*, Dr. King, in a campaign to help poor  
28 people, to draw national attention to their economic  
29 and housing needs, on March 28, 1968, in Memphis,  
30 Tennessee, led a march of six thousand protesters

### Page 3

1 supporting the city's striking sanitation workers; and  
2 *Whereas*, Dr. King, on the day after delivering his  
3 speech, "I've Been to the Mountain Top," in Memphis,  
4 was assassinated on April 4, 1968; and

5 *Whereas*, Dr. King provided the inspirational and  
6 driving leadership in the civil rights movement; and

7 *Whereas*, Dr. King, by our memory of his dedication  
8 and principles, inspires and drives us to continue his  
9 struggle, "To Keep The Dream Alive", so that all  
10 people may live and work in a society free of  
11 inequality, free of injustice, and free of  
12 discrimination; and

13 *Whereas*, Dr. King has had and will continue to have  
14 an extraordinarily, significant impact on the lives of  
15 all Americans; and

16 *Whereas*, Dr. King's life and work, because of its  
17 great social and legal impact on all of America,  
18 should be commemorated by each House of this General  
19 Assembly and by all Iowans, so that America and Iowa  
20 will always remember the struggle and the "Dream,";  
21 and

22 *Whereas*, Dr. King's birthday has been recognized  
23 and declared a holiday by the federal and Iowa  
24 governments to be celebrated on the third Monday of  
25 every January; *Now Therefore*,

26 *Be It Resolved By The House Of Representatives, The*  
27 *Senate Concurring*, That Reverend Dr. Martin Luther  
28 King, Jr. was a great American, a great civil rights  
29 leader, and a great "drum major for justice, peace,  
30 and righteousness."

HCR 4 filed January 13, 1987; House adopted January 15, 1987.

## 1 House Concurrent Resolution 5

2 By Pavich, Van Camp, Renaud, Fuller, Royer, and Cooper

3 A House Concurrent Resolution calling upon the

4 Congress of the United States to reauthorize the

5 Federal-aid Highway Act at the earliest possible time.

6 *Whereas*, the 99th Congress adjourned without

7 reauthorizing the Federal-aid Highway Program with the

8 result that the program ran out of new money on

9 September 30, 1986; and

10 *Whereas*, on December 31, 1986, the State of Iowa

11 exhausted its Interstate 4R, Consolidated Primary, and

12 Bridges funds, and cannot undertake essential new

13 federally assisted contracts without assurance that

14 the 100th Congress will promptly enact reauthorization

15 legislation (which would prevent loss of the entire

16 1987 construction season in Iowa); *Now Therefore*,17 *Be It Resolved By The House Of Representatives, The*18 *Senate Concurring*, That the incoming 100th Congress be

19 urged to reauthorize the Federal-aid Highway Act at

20 the earliest possible time by reaffirming areas of

21 agreement between House and Senate conferees, which

22 were reached in the closing hours of the 99th

23 Congress, as a starting point, and by setting aside

24 for separate consideration those issues in contention

25 that prevented passage of this vitally important

26 legislation in 1986; and

27 *Be It Further Resolved*, That the Chief Clerk of the

28 House forward copies of this Resolution to the members

29 of the Iowa Congressional Delegation, to the presiding

30 officers of the Senate of the United States, and to

## Page 2

1 the Speaker of the House of Representatives of the

2 United States.

HCR 5 filed February 3, 1987; House adopted February 20, 1987;  
Senate adopted March 9, 1987.

## 1 House Concurrent Resolution 10

2 By Hatch, Metcalf, Buhr, Connors, Holveck, Haverland,

3 Carpenter, Bisignano, Renaud, and Sherzan

4 A Concurrent Resolution recognizing the Public Library of

5 Des Moines for hosting an exhibition in celebration of the

6 Bicentennial of the Constitution of the United States.

7 *Whereas*, the Public Library of Des Moines has been

8 invited to be one of the thirty host sites for the

9 national tour of "Are We To Be A Nation?", a traveling

10 exhibition in celebration of the Bicentennial of the

11 Constitution of the United States; and

12 *Whereas*, this historical exhibition is sponsored by  
 13 the New York Public Library, the American Library  
 14 Association and the National Endowment for the  
 15 Humanities; and

16 *Whereas*, the exhibition is scheduled to be open at  
 17 the Main Library of the Public Library of Des Moines  
 18 from April 28, 1987, through June 6, 1987; and

19 *Whereas*, the Public Library of Des Moines is  
 20 honored to be selected as a site for this historic  
 21 exhibition; *Now Therefore*,

22 *Be It Resolved By The House Of Representatives, The*  
 23 *Senatè Concurring*, That the General Assembly  
 24 recognizes and congratulates the Public Library of Des  
 25 Moines for its contributions to this state and the  
 26 nation in hosting "Are We To Be A Nation?", a  
 27 traveling exhibition in celebration of the  
 28 Bicentennial of the Constitution of the United States.

HCR 10 filed February 19, 1987; House adopted May 9, 1987.

1 House Concurrent Resolution 17

2 By Committee On Natural Resources and Outdoor Recreation  
 3 A House Concurrent Resolution urging the President and Congress  
 4 of the United States to enact legislation for the establishment  
 5 of the National Western Historic Trails Center in Council  
 6 Bluffs, Iowa.

7 *Whereas*, many Americans are seeking information and  
 8 knowledge of the country's historic trails, "the  
 9 highways of the past"; and

10 *Whereas*, Council Bluffs is one of the most  
 11 important "crossroads" in the development history of  
 12 the midwestern and western United States; and

13 *Whereas*, the Council Bluffs area has served as a  
 14 historic meeting place of the Oto, Missouri, Pawnee,  
 15 Iowa, and other tribes of Native Americans; and

16 *Whereas*, in 1803, President Thomas Jefferson  
 17 commissioned Captains Lewis and Clark to explore the  
 18 lands surrounding the Missouri River and befriend the  
 19 native people; and

20 *Whereas*, in 1804, Lewis and Clark arranged their  
 21 first meeting with delegates of the Oto and Missouri  
 22 tribes in the Council Bluffs area; and

23 *Whereas*, many of the paintings of Karl Bodmer, an  
 24 accomplished Swiss artist, who accompanied Prince  
 25 Maximilian of Prussia, a naturalist, in 1833, in  
 26 retracing the route of the Lewis and Clark expedition  
 27 to observe and record the Plains Indians, the plants,  
 28 animals, and landscapes of the Midwest and Northwest,  
 29 are permanently stored in the Council Bluffs  
 30 metropolitan area; and

## Page 2

1 *Whereas*, in the 1840's and 1850's, Council Bluffs  
2 served as a national sanctuary for the Latter Day  
3 Saints (the Mormons) in their arduous quest to  
4 establish their community free from religious  
5 persecution; and

6 *Whereas*, in the 1850's, thousands of gold seekers,  
7 farmers, miners, tradesmen, and pioneers following the  
8 Oregon Trail moved through Council Bluffs seeking the  
9 promise of a new life in the West; and

10 *Whereas*, more people passed through Council Bluffs  
11 on their way West than through any other community in  
12 the country in the mid-to-late 1800's; and

13 *Whereas*, there is keen national and international  
14 interest in the history and cultural development of  
15 the midwestern and western United States; and

16 *Whereas*, there is an urgent need to bring together  
17 in a central location the historic documents,  
18 artifacts, and data related to these early national  
19 trails and travelers for both scholars and the public  
20 to use, learn, and enjoy; and

21 *Whereas*, the community of Council Bluffs  
22 aggressively supports the establishment of the  
23 National Western Historic Trails Center in Council  
24 Bluffs; and

25 *Whereas*, the General Assembly and the Governor find  
26 Council Bluffs to be an ideal location for the  
27 National Western Historic Trails Center and are  
28 willing to provide assistance to establish this  
29 center; *Now Therefore*,

30 *Be It Resolved By The House Of Representatives, The*

## Page 3

1 *Senate Concurring*, That the General Assembly approve  
2 the establishment of the National Western Historic  
3 Trails Center in Council Bluffs, Iowa; urge the  
4 Congress of the United States to immediately enact,  
5 and the President of the United States to approve, the  
6 establishment of the National Western Historic Trails  
7 Center in Council Bluffs, Iowa; and that copies of  
8 this resolution be transmitted to the President of the  
9 United States Senate, the Speaker of the United States  
10 House of Representatives, and to each member of the  
11 Iowa Congressional Delegation.

HCR 17 filed March 13, 1987; House adopted April 15, 1987;  
Senate adopted May 6, 1987.

1           House Concurrent Resolution 20  
 2           By Metcalf, Hammond, Rosenberg, and Pavich  
 3 Recognizing the Iowa State University wrestling team as the  
 4 1987 National Collegiate Athletic Association Champions.  
 5       *Whereas*, Iowa State University has had a reputation  
 6 of successful wrestling teams; and  
 7       *Whereas*, the wrestling team from Iowa State  
 8 University participated in the 1987 National  
 9 Collegiate Athletic Association tournament and  
 10 prevailed as the team champion, with four individual  
 11 championships and a total of one hundred thirty-three  
 12 points; and  
 13       *Whereas*, The individual effort from each team  
 14 member, resulting in thirty-six match victories during  
 15 the tournament, provided the team with the points  
 16 needed to bring the NCAA Division I title to Iowa  
 17 State University; *Now Therefore*,  
 18       *Be It Resolved By The House Of Representatives, The*  
 19 *Senate Concurring*, That the Iowa General Assembly  
 20 congratulates Coach Jim Gibbons, the coaching staff,  
 21 and the members of the Iowa State University wrestling  
 22 team for achieving the greatest honor in college  
 23 wrestling, the National Championship; and  
 24       *Be It Further Resolved*, That each coach and member  
 25 of the 1987 Iowa State University wrestling team  
 26 receive a copy of this resolution for the significant  
 27 contribution and success demonstrated during the 1987  
 28 National Collegiate Athletic Association wrestling  
 29 tournament.

HCR 20 filed March 24, 1987; House adopted March 26, 1987;  
 Senate adopted March 30, 1987.

1           House Concurrent Resolution 21  
 2           By Pavich, Muhlbauer, Pellett,  
 3           Connolly and De Groot  
 4 A Concurrent Resolution relating to railroad  
 5 crossing safety for school children.  
 6       *Whereas*, the general assembly recognizes the  
 7 existence of numerous railroad crossings in our  
 8 communities; and  
 9       *Whereas*, the crossings are utilized by school  
 10 children and other Iowans on a daily basis; and  
 11       *Whereas*, recent tragedies at railroad crossings  
 12 have directly involved school children; *Now Therefore*,  
 13       *Be It Resolved By The House Of Representatives,*  
 14 *The Senate Concurring*, That the general assembly  
 15 encourages school districts to provide railroad  
 16 safety information each semester and to promote  
 17 railroad safety throughout the school year; and

18 *Be It Further Resolved*, That copies of this  
19 Resolution be sent to the boards of directors of all  
20 school districts within the state.

HCR 21 filed March 24, 1987; House adopted April 8, 1987.

1                   House Concurrent Resolution 26  
2     By Pavich, Harbor, Pellett, Muhlbauer, Peterson of Carroll,  
3         Siegrist, Royer, Daggett, Hester, Hummel, Skow,  
4                   Poncy, and Connors  
5 A House Concurrent Resolution recognizing C. Joseph Giangreco  
6     for service to the Iowa School for the Deaf.  
7     *Whereas*, Dr. C. Joseph Giangreco has dedicated his  
8     life and learning to serving deaf individuals; and  
9     *Whereas*, Dr. Giangreco has been recognized by many  
10    significant professional organizations advocating for  
11    or representing deaf individuals; and  
12    *Whereas*, as the author of many written and  
13    published articles, Dr. Giangreco has provided  
14    invaluable information to deaf individuals and those  
15    who wish to better communicate with deaf individuals;  
16    and  
17    *Whereas*, in affiliation with the University of  
18    Iowa, Dr. Giangreco has serviced as director of the  
19    Teacher Training Program to assist student teachers  
20    with learning to appropriately teach deaf individuals;  
21    and  
22    *Whereas*, Dr. Giangreco has served the Iowa School  
23    for the Deaf as principal of the high school;  
24    principal of the high school, upper elementary, and  
25    elementary divisions, and as superintendent since  
26    1964; and  
27    *Whereas*, a replacement for Dr. Giangreco who has  
28    such motivation and dedication to assisting deaf  
29    individuals and those who work and live with deaf  
30    individuals will be difficult to locate; *Now*

Page 2

1     *Therefore*,  
2     *Be It Resolved By The House Of Representatives, The*  
3     *Senate Concurring*, That the General Assembly commends  
4     Dr. C. Joseph Giangreco for his years of service to  
5     the Iowa School for the Deaf at Council Bluffs; and  
6     *Be It Further Resolved*, That the Chief Clerk of the  
7     House transmit a copy of this resolution to Dr.  
8     Giangreco.

HCR 26 filed April 2, 1987; House adopted April 13, 1987.

1           House Concurrent Resolution 34  
2                           By Connors  
3 A House Concurrent Resolution concerning the Midwestern Legislative  
4 Conference of the Council of State Governments.  
5       *Whereas*, The State of Iowa is honored to host the  
6 Midwestern Legislative Conference of the Council of  
7 State Governments in Des Moines, Iowa, on August 23  
8 through August 26, 1987; and  
9       *Whereas*, the Midwestern Legislative Conference is  
10 the regional organization for all Midwestern state  
11 legislators and their staffs for the purpose of  
12 developing and examining public policy options for the  
13 Midwest and the nation; and  
14       *Whereas*, the Midwestern Legislative Conference  
15 develops and maintains contact among legislators,  
16 public officials, and the private sector from the  
17 states of Illinois, Indiana, Iowa, Kansas, Michigan,  
18 Minnesota, Missouri, Nebraska, North Dakota, Ohio,  
19 South Dakota, and Wisconsin; and  
20       *Whereas*, the Iowa Commission on Interstate Co-  
21 operation is organizing this year's legislative  
22 conference and plans to present an informative program  
23 regarding issues and subjects of concern to the member  
24 states of the Midwestern Legislative Conference of the  
25 Council of State Governments; and  
26       *Whereas*, the Iowa Commission on Interstate Co-  
27 operation also plans to present an enjoyable program  
28 of entertainment and recreational events in  
29 conjunction with the 1987 Annual Meeting; *Now*  
30 *Therefore*,

**Page 2**

1       *Be It Resolved By The House Of Representatives, The*  
2 *Senate Concurring*, That the General Assembly of the  
3 State of Iowa cordially invites all legislators,  
4 public officials, legislative staff, and private  
5 sector representatives from the Midwestern states to  
6 attend this year's conference in Des Moines, Iowa, on  
7 August 23 through August 26, 1987; and  
8       *Be It Further Resolved*, That copies of this  
9 resolution be sent by the Legislative Service Bureau  
10 to all presiding officers and majority and minority  
11 leaders of the state legislatures of the member states  
12 of the Midwestern Legislative Conference of the  
13 Council on State Governments; and  
14       *Be It Further Resolved*, That the presiding officers  
15 and majority and minority leaders of the state  
16 legislatures of our neighboring states are hereby

17 encouraged to give their full support to the active  
 18 participation by their members and staffs in the 1987  
 19 Annual Meeting of the Midwestern Legislative  
 20 Conference.

HCR 34 filed April 22, 1987; House adopted May 9, 1987.

1           House Concurrent Resolution 35  
 2           By Arnould and Stromer  
 3 A House Concurrent Resolution suggesting that "Quality and  
 4 Productivity" be made a theme for the marketing of  
 5 the state.  
 6       *Whereas*, the most important asset of Iowa is our  
 7 people; and  
 8       *Whereas*, "Quality and Productivity" are crucial  
 9 concepts in making decisions on where new businesses  
 10 and industry locate; and  
 11       *Whereas*, the quality and productivity of Iowans,  
 12 which is first among all states, is one of the best  
 13 reasons for business and industry to invest in Iowa;  
 14 *Now Therefore*,  
 15       *Be It Resolved By The House Of Representatives, The*  
 16 *Senate Concurring*, That the Iowa general assembly  
 17 recognizes that the people of Iowa are first among all  
 18 states in their commitment to quality and productivity  
 19 in business, industry and agriculture; and  
 20       *Be It Further Resolved*, That the Iowa general  
 21 assembly as a part of its recognition of the unique  
 22 quality and productivity of Iowans hereby adopts  
 23 "Quality and Productivity" as a major marketing theme  
 24 for business, industrial and agricultural development  
 25 in Iowa; and  
 26       *Be It Further Resolved*, That the Iowa general  
 27 assembly urges that the Iowa department of economic  
 28 development adopt "Quality and Productivity" as a  
 29 major marketing theme for Iowa economic development to  
 30 emphasize the unique capabilities and work ethic of

**Page 2**

1 the people of Iowa and the commitment of our entire  
 2 state to be number one in quality and productivity;  
 3 and  
 4       *Be It Further Resolved*, That the Iowa General  
 5 Assembly further urges that the Iowa department of  
 6 economic development promote and use wherever possible  
 7 the marketing theme of "Quality and Productivity" in  
 8 its efforts to attract economic development in Iowa,  
 9 because in fact this does represent the unique and  
 10 outstanding capabilities of the people of Iowa—our  
 11 most important asset and our number one advantage.

HCR 35 filed April 23, 1987; House adopted April 24, 1987; Senate  
 adopted May 9, 1987.

1                   House Concurrent Resolution 43  
 2                   By Osterberg, Gruhn, Pellett, Stueland, Eddie,  
 3                   Branstad, Cooper, Bennett, May, Johnson,  
 4 Fogarty, Petersen of Muscatine, Muhlbauer, Norrgard, Svoboda,  
 5                   Van Maanen, Koenigs, De Groot, Kremer,  
 6                   McKinney and Hansen of Woodbury  
 7 A House Concurrent Resolution relating to the use of  
 8     soybean oil as a dust suppressant in grain storage facilities.  
 9     *Whereas*, the soybean industry is a vital component  
 10 of Iowa's economy; and  
 11     *Whereas*, the safe handling and storage of soybeans  
 12 and all other Iowa grains is of vital importance; and  
 13     *Whereas*, a means of controlling potentially  
 14 explosive grain dust through the use of soybean oil as  
 15 a dust suppressant has been developed, with research  
 16 results demonstrating that addition of the soybean oil  
 17 can control up to ninety-four percent of the grain  
 18 dust in grain storage facilities; and  
 19     *Whereas*, the use of soybean oil to suppress grain  
 20 dust could provide a potential new market of more than  
 21 eleven million four hundred thousand dollars for the  
 22 Iowa soybean industry; and  
 23     *Whereas*, the use of soybean oil as a dust  
 24 suppressant in feed milling, rock quarrying, and other  
 25 dust-generating processes may create an even larger  
 26 market than the use for a grain dust suppressant; *Now*  
 27 *Therefore*,  
 28     *Be It Resolved By The House Of Representatives, The*  
 29 *Senate Concurring*, That the General Assembly of the  
 30 state of Iowa hereby urges the grain and insurance

**Page 2**

1 industries to examine the use of soybean oil as a dust  
 2 suppressant and, if justified, act upon the reduction  
 3 in risk obtained from using soybean oil as a dust  
 4 suppressant; and  
 5     *Be It Further Resolved*, That copies of this  
 6 resolution be submitted to the National Association of  
 7 Independent Insurers, the American Insurance  
 8 Association, the Alliance of American Insurers and the  
 9 National Association of Insurance Commissioners; and  
 10     *Be It Further Resolved*, That copies of this  
 11 resolution be submitted to the National Grain and Feed  
 12 Association and the National Council of Farm  
 13 Cooperatives.

HCR 43 filed May 5, 1987; House adopted May 9, 1987; Senate  
 adopted May 9, 1987.

1                   House Resolution 6  
 2           By Harbor, Paulin, Harper,  
 3           Blanshan, Muhlbauer,  
 4       Peterson of Carroll, Siegrist, Lundby,  
 5           De Groot, Parker, Arnould,  
 6           Cohoon, Jay,  
 7           Rosenberg, Bennett, Petersen of  
 8       Muscatine, May, Daggett, Maulsby,  
 9           Tabor, Wise, Carpenter,  
 10          Koenigs, Branstad,  
 11          Platt, Fogarty, Gruhn,  
 12          Pellett, Royer, Cooper,  
 13          Fuller, Van Camp, Poney,  
 14          Norrgard, Clark,  
 15          Peters, Plasier, Adams,  
 16          and Hermann

17       A House Resolution relating to the Iowa Hawkeye  
 18       Basketball Team.  
 19       *Whereas*, the citizens of Iowa are justly proud that  
 20       the Iowa Hawkeyes have again been invited to the NCAA  
 21       tournament after having completed the most successful  
 22       regular season in the school's history; and  
 23       *Whereas*, during this season Iowa held the ranking  
 24       as the Number One college basketball team in America,  
 25       the first time an Iowa school has ever held that  
 26       distinction; and  
 27       *Whereas*, the Hawkeyes' eighteen-game winning streak  
 28       is the longest winning streak to start a season in the  
 29       history of Iowa, and also breaks the thirty-year-old  
 30       record for the longest season winning streak in Iowa

**Page 2**

1       Hawkeye history; and  
 2       *Whereas*, this Iowa team has equaled the school  
 3       record for Big Ten victories in a season; and  
 4       *Whereas*, this Iowa team has won three collegiate  
 5       tournaments already this season, the most ever for an  
 6       Iowa school; and  
 7       *Whereas*, this team has also garnered the mythical  
 8       title for the championship of the state of Iowa; and  
 9       *Whereas*, the Iowa Hawkeyes will begin their quest  
 10      for an NCAA championship on Friday, March 13, 1987, in  
 11      the West Region; *Now Therefore*,  
 12      *Be It Resolved By The House Of Representatives*,  
 13      That Dr. Tom Davis, Head Coach, and all the rest of  
 14      the Iowa Hawkeyes be wished the best of luck for the  
 15      1987 NCAA tournament; and  
 16      *Be It Further Resolved*, That, upon passage,  
 17      enrolled copies of this Resolution be sent to Dr. Tom  
 18      Davis and the members of the Iowa Hawkeye Basketball  
 19      Team.

HR 6 filed March 10, 1987; House adopted March 11, 1987.

1                           House Resolution 7  
 2  
 3                   By Harbor, Paulin, Harper,  
 4                   Blanshan, Muhlbauer,  
 5           Peterson of Carroll, Siegrist, Lundby,  
 6           De Groot, Parker, Arnould,  
 7                   Cohoon, Jay,  
 8   Rosenberg, Bennett, Petersen of Muscatine,  
 9           May, Daggett, Maulsby,  
 10          Tabor, Wise, Carpenter,  
 11          Koenigs, Branstad,  
 12          Platt, Fogarty, Gruhn,  
 13          Pellett, Royer, Cooper,  
 14          Fuller, Van Camp, Poncy,  
 15          Norrsgard, Clark,  
 16          Peters, Plasier, Adams,  
 17                   and Hermann

18   A House Resolution relating to the Iowa Hawkeye  
 19   Wrestling Team.

20   *Whereas*, the citizens of Iowa are justly proud  
 21   that the Iowa Hawkeyes have again completed a  
 22   successful year on the mat; and

23   *Whereas*, the Hawkeyes are the Big Ten Champions  
 24   for the fourteenth consecutive year; and

25   *Whereas*, the Hawkeyes crowned six individual  
 26   champions during the conference championships; and

27   *Whereas*, this Iowa squad is currently ranked  
 28   third in America; and

29   *Whereas*, the Hawkeyes finished the regular season  
 30   with the second highest number of dual meet

**Page 2**

1   victories in school history; and

2   *Whereas*, the Iowa Hawkeyes will begin their quest  
 3   for an UNPRECEDENTED TENTH CONSECUTIVE NCAA TITLE  
 4   on Thursday, March 19, 1987, in College Park, MD;

5   *Now Therefore*,

6   *Be It Resolved By The House Of Representatives*,  
 7   That Coach Dan Gable and all the rest of the Iowa  
 8   Hawkeyes be wished the best of luck for the 1987 NCAA  
 9   tournament; and

10   *Be It Further Resolved*, That, upon passage,  
 11   enrolled copies of this Resolution be sent to  
 12   Coach Dan Gable and the members of the Iowa  
 13   Hawkeye Wrestling Team.

HR 7 filed March 10, 1987; House adopted March 11, 1987.

## 1 House Resolution 8

2  
3 By Harbor, Paulin, Harper,  
4 Blanshan, Muhlbauer,  
5 Peterson of Carroll, Siegrist, Lundby,  
6 De Groot, Parker, Arnould,  
7 Cohoon, Jay,  
8 Rosenberg, Bennett, Petersen of  
9 Muscatine, May, Daggett, Maulsby,  
10 Tabor, Wise, Carpenter,  
11 Koenigs, Branstad,  
12 Platt, Fogarty, Gruhn,  
13 Pellett, Royer, Cooper,  
14 Fuller, Van Camp, Poncy,  
15 Norrgard, Clark,  
16 Peters, Plasier, Adams,  
17 and Hermann

18 A House Resolution relating to the Iowa Hawkeye  
19 Women's Basketball Team.

20 *Whereas*, the citizens of Iowa are justly proud that  
21 the Iowa Hawkeyes have been invited to the NCAA  
22 tournament for the second consecutive year; and

23 *Whereas*, the Hawkeyes having completed the most  
24 successful regular season in the school's history as  
25 Big Ten Co-Champions; and

26 *Whereas*, this Iowa team is currently the tenth-  
27 rated women's basketball team in America; and

28 *Whereas*, this Iowa team has set a school record for  
29 number of victories in a season; and

30 *Whereas*, this team has set a school record for Big

**Page 2**

1 Ten victories in a season; and

2 *Whereas*, the Iowa Hawkeyes will begin their quest  
3 for an NCAA championship on Sunday, March 15, 1987, in  
4 the Midwest Region; *Now Therefore*,

5 *Be It Resolved By The House Of Representatives*,  
6 That Coach C. Vivian Stringer and all the rest of the  
7 Iowa Hawkeyes be wished the best of luck for the 1987  
8 NCAA tournament; and

9 *Be It Further Resolved*, That, upon passage,  
10 enrolled copies of this Resolution be sent to Coach C.  
11 Vivian Stringer and members of the Iowa Hawkeye  
12 Women's Basketball Team.

HR 8 filed March 10, 1987; House adopted March 11, 1987.

1                   House Resolution 9  
 2                   By Metcalf and Pavich  
 3 A House Resolution relating to the Iowa State Cyclone  
 4 Wrestling Team.  
 5     *Whereas*, the citizens of Iowa are justly proud that  
 6 the Iowa State Cyclones have again completed a  
 7 successful year on the mat; and  
 8     *Whereas*, the Cyclones are the Big Eight Co-  
 9 champions for the 1986-87 season; and  
 10     *Whereas*, the Cyclones crowned five individual  
 11 champions during the conference championships; and  
 12     *Whereas*, the Cyclones qualified ten wrestlers for  
 13 the upcoming NCAA tournament; and  
 14     *Whereas*, this Iowa State team is the fourth-rated  
 15 team in the nation; and  
 16     *Whereas*, the Iowa State Cyclones will begin their  
 17 quest for the 1987 NCAA wrestling title on Thursday,  
 18 March 19, 1987, in College Park, MD; *Now Therefore*,  
 19     *Be It Resolved By The House Of Representatives*,  
 20 That Coach Jim Gibbons and all the rest of the Iowa  
 21 State Cyclones be wished the best of luck for the 1987  
 22 NCAA tournament; and  
 23     *Be It Further Resolved*, That, upon passage,  
 24 enrolled copies of this Resolution be sent to Coach  
 25 Jim Gibbons and the members of the Iowa State  
 26 Wrestling Team.

HR 9 filed March 16, 1987; House adopted March 17, 1987.

1                   House Resolution 10  
 2                   By Hammond and Rosenberg  
 3 A House Resolution honoring the Ames High School academic  
 4 decathlon team.  
 5     *Whereas*, the Ames High School academic decathlon  
 6 team will be competing in the National Academic  
 7 Decathlon competition in Dallas, Texas, April 24-28;  
 8 and  
 9     *Whereas*, the Ames High team has won the Iowa  
 10 academic decathlon championship; and  
 11     *Whereas*, the Ames High team will be competing  
 12 against teams from other states for the National  
 13 Decathlon High School Championship; *Now Therefore*,  
 14     *Be It Resolved By The House Of Representatives*,  
 15 That Coach Kirk Daddow and the Ames High School  
 16 academic decathlon team be congratulated for winning  
 17 the Iowa academic decathlon championship and be wished  
 18 the best of luck for the National Academic Decathlon  
 19 competition; and  
 20     *Be It Further Resolved*, That, upon passage,  
 21 enrolled copies of this Resolution be sent to Coach  
 22 Kirk Daddow and the members of the Ames High School  
 23 academic decathlon team.

HR 10 filed April 7, 1987; House adopted April 13, 1987.

**SUPPLEMENT TO THE HOUSE JOURNAL****BILLS AND RESOLUTION APPROVED, VETOED  
OR ITEM VETOED SUBSEQUENT TO ADJOURNMENT**

The following is a record of the action of the Governor on bills and a resolution passed by the 1987 Regular Session of the Seventy-second General Assembly and which action was had subsequent to the date of final adjournment:

- H.F. 79— Prohibiting smoking in certain public places and providing a penalty. Approved 6-08-87.
- H.F. 130— Relating to the notice required for forfeiture of real estate contracts. Approved 5-29-87.
- H.F. 142— Relating to the operation of motorboats. Approved 5-13-87.
- H.F. 153— Relating to the state's conforming its income, franchise, and death taxes with the new federal tax provisions by updating references to the Internal Revenue Code, rewriting the state minimum taxes to conform with the federal alternative minimum taxes, rewriting the state generation skipping transfer tax to conform with the federal provisions, striking obsolete and repealed items, clarifying the taxation of regulated investment company dividends and shares, extending the statute of limitations for certain refund claims, providing for waiver of penalty for underpayment of estimated tax, and providing effective dates. Vetoed 6-07-87. See Governor's Veto Message.
- H.F. 167— Relating to fees for, issuance of and duration of motor vehicle licenses and requiring motor vehicle licenses and nonoperator's identification cards issued to persons under twenty-one years of age to contain a profile photograph and providing an effective date and conditional repeal and reenactment. Approved 5-29-87.
- H.F. 170— To authorize the sale of the corporate shell of an insolvent insurance company and providing an effective date. Approved 5-29-87.
- H.F. 210— Relating to certain admissions to health care facilities. Approved 6-04-87.
- H.F. 241— Requiring Iowa State University of Science and Technology to use resources connected with institutions of the Iowa department of corrections, in order to conduct agricultural research, development, and testing projects. Approved 5-21-87.
- H.F. 244— Relating to progress payments, final payments, and retention from payments made to subcontractors on public improvement construction projects. Approved 5-28-87.
- H.F. 262— Relating to the number of days wherein a vehicle shall not be considered abandoned. Approved 5-13-87.
- H.F. 266— Relating to the exemption from the state sales, services and use tax of the gross receipts from the sale of foods purchased with federal food stamps and providing an effective date. Approved 6-05-87.

- H.F. 310 — Relating to acquired immune deficiency syndrome including the establishment of a central registry for victims and screening and testing procedures. Approved 6-06-87.
- H.F. 315 — Relating to the indemnification of eligible special exhibit items and the limitations of indemnity coverage of these items. Approved 6-05-87.
- H.F. 316 — Relating to park user permits and providing a penalty and an effective date. Approved 6-07-87.
- H.F. 328 — Relating to the licensure and regulation of birth centers and providing penalties. Approved 6-04-87.
- H.F. 334 — Relating to the administration of Iowa revenue laws pertaining to cigarette and tobacco tax assessment periods, penalties and appeal periods, offsetting of claims against the state with a person's liabilities to the state, tax return confidentiality, the filing of sales and services tax refund claims, audit periods for sales, services, and use tax returns, use tax penalty, and providing effective dates. Approved 6-04-87.
- H.F. 345 — Relating to the procedures for authorization of drainage district improvements. Approved 5-26-87.
- H.F. 346 — Relating to temporary certificates issued by the board of medical examiners and the board of podiatry examiners. Approved 5-14-87.
- H.F. 371 — Authorizing the state department of transportation to adopt and administer federal motor carrier safety and hazardous materials transportation regulations, establishing reporting requirements, making technical corrections, providing penalties, and providing an effective date. Approved 5-29-87.
- H.F. 374 — Relating to eligibility for a mobile home reduced tax rate, a military service property tax exemption, the filing of late claims for a homestead tax credit and military service property tax exemption, an exemption from the real estate transfer tax, continuing education for assessors and deputy assessors, the length of board of review sessions, and appeal rights. Approved 6-04-87.
- H.F. 375 — Relating to the crime of conspiracy, and providing penalties. Approved 5-14-87.
- H.F. 377 — Relating to public financing of political campaigns, appropriating funds, and providing penalties and providing effective dates. Vetoed 6-08-87. See Governor's Veto Message.
- H.F. 380 — Relating to the contracting of indebtedness for county conservation purposes. Approved 5-29-87.
- H.F. 407 — Relating to violations of motor vehicle laws regarding the retention of records of motor vehicle violations, the determination of the degree of an offense for a violation of section 321J.2, and the authority of the department of transportation to follow practices and procedures to aid enforcement of certain motor vehicle laws. Vetoed 6-07-87. See Governor's Veto Message.

- H.F. 410 — Relating to city officers and employees, by authorizing an interest of a city officer or employee in contracts for the purchase of goods and services by a city and by providing for the employment of a former city council member by a city. Approved 6-05-87.
- H.F. 411 — Relating to the grain indemnity fund, by further defining the term "grain dealer", limiting financial reporting by grain dealers and warehouse operators, eliminating credit sale contracts from its protection, providing for distribution of receivership assets excluding proceeds of the fund, raising minimum net worth requirements, and providing definitions, eliminating participation by federally licensed warehouses, and providing a penalty for late payment of fees, eligibility standards, for the appointment of additional members to the Iowa grain indemnity fund board, the adjustment of fees, a procedure for determining the value of losses, and requirements for recovery from the fund. Approved 5-26-87.
- H.F. 412 — Relating to child abuse. Approved 5-27-87.
- H.F. 416 — Relating to consumer frauds and providing penalties. Approved 5-29-87.
- H.F. 426 — Requiring lenders or other secured parties to provide to debtors copies of documents signed by the debtors. Approved 5-29-87.
- H.F. 460 — Relating to the contract provisions for certain certificated employees of certain institutions governed by the state board of regents. Approved 6-04-87.
- H.F. 464 — Relating to the receipt and sale of protected game, fur-bearing animal, or fish by a nonprofit corporation. Approved 6-02-87.
- H.F. 469 — To regulate the circumstance and procedure under which an employer may request a drug test of an employee or an applicant for employment and providing a penalty. Approved 6-05-87.
- H.F. 472 — To authorize the funding of state park road projects and county conservation parkway projects from RISE funds. Approved 6-02-87.
- H.F. 488 — Relating to the time period for a hearing on the revocation of a person's license for operating a motor vehicle while under the influence of alcohol or a drug. Approved 5-27-87.
- H.F. 492 — Regarding Schedule I, Schedule II, and Schedule IV controlled substances. Approved 5-13-87.
- H.F. 493 — To provide office space and other physical facilities for the district court administrator. Approved 6-04-87.
- H.F. 494 — Requiring mobile home dealers to apply for a certificate of title for certain used mobile homes acquired by the dealers and making penalties applicable. Approved 5-14-87.
- H.F. 499 — Relating to education including salary increases, efficiencies, and education enhancement, relating to the establishment of an educational excellence program consisting of three phases relating to the recruitment of quality teachers, the retention of quality teachers, and the enhancement of the quality and effectiveness of teachers; activities of

the state board of education relating to the accreditation process; collective bargaining; certification of school district employees; provision of certain services to school districts and other area education agencies by area education agencies; provision of pilot projects for modified block scheduling by school districts and for year around schools; elimination of prohibition of employment of spouses of school board directors; weighting of school administrators; establishing sabbatical programs for teachers; increasing the enrichment amount; providing for appeals of certain decisions of school districts; retirement incentives; studying the role of teachers; duration of a superintendent's contract; open enrollment of pupils in contiguous school districts; postsecondary enrollment options for certain high school students; redrawing boundary lines of area education agencies; plans for a governance structure for merged area schools; date of the organizational meeting of school corporations; sharing interscholastic activity programs; adoption of student achievement goals; provision for intercollegiate athletic activities at merged area schools; procedure for opting out of whole grade sharing; calculation of enrollment of school districts; weighting for non-English-speaking students; and provide effective dates. Approved 6-09-87.

- H.F. 500 — Relating to individual rights and providing penalties. Vetoed 6-07-87. See Governor's Veto Message.
- H.F. 505 — Relating to adoption decrees for children born outside of the United States. Approved 5-21-87.
- H.F. 506 — Relating to the regulation of the insurance business conducted in the state by the insurance division of the department of commerce. Approved 5-15-87.
- H.F. 515 — Relating to the appointment of court appointed special advocates, and providing an effective date. Approved 5-13-87.
- H.F. 518 — Relating to powers and duties of sanitary districts in relation to their operational procedures and financial arrangements, and providing an effective date. Approved 6-04-87.
- H.F. 520 — Relating to the regulation of membership campgrounds, membership camping operators, and membership camping contracts, requiring registration and disclosures, providing for cancellation of membership camping contracts, providing remedies, providing penalties, and providing properly related matters. Approved 6-02-87.
- H.F. 533 — Relating to weight restrictions for vehicles on bridges and culverts and including a penalty. Approved 5-29-87.
- H.F. 540 — Relating to the planning, acquisition, development, and operation of welcome centers in proximity to highways and at other locations throughout the state. Approved 6-02-87.
- H.F. 556 — Relating to, and defining, bed and breakfast inns, and subjecting violators to existing penalties. Approved 6-05-87.
- H.F. 567 — Relating to permanency planning for children by providing for dispositional and placement review hearings for certain children subject to the jurisdiction of the juvenile court, by authorizing permanency placement

orders for certain children in need of assistance, by modifying certain grounds and procedures for the termination of parental rights and for the granting of grandparent visitation rights, and by establishing an adoption exchange. Approved 5-28-87.

- H.F. 574 — Relating to the crime of forgery and related fraudulent criminal acts, and providing penalties. Approved 5-27-87.
- H.F. 575 — Relating to the acquisition, development, promotion, and management of land for recreation trails. Approved 6-02-87.
- H.F. 580 — Relating to the granting of leaves of absence to persons disabled by pregnancy. Approved 6-05-87.
- H.F. 588 — Relating to child in need of assistance proceedings. Approved 5-27-87.
- H.F. 589 — To strike the repeal of the tax for equipment replacement at the area schools. Approved 6-04-87.
- H.F. 590 — Relating to the declaration of value on the transfer of property by certain federal agencies and instrumentalities. Approved 5-15-87.
- H.F. 591 — Relating to domestic abuse, assaults involving an act of domestic abuse, and court orders issued or enforced pursuant to the domestic abuse law, and providing penalties. Approved 5-28-87.
- H.F. 594 — Relating to the regulation of pharmacists and pharmacies and to administration, dispensing, and distribution of certain drugs, and providing penalties. Approved 6-05-87.
- H.F. 595 — To establish a system of certificates of title for vessels and providing an effective date. Approved 5-15-87.
- H.F. 599 — Relating to mortgage foreclosures by removing certain restrictions on redemption in certain cases, establishing an alternative mortgage foreclosure proceeding with final judicial sale and rights in lieu of redemption, providing a cause of action against the receiver in certain cases, permitting the use of independent appraisers to determine the value of the homestead, providing for certain redemption rights, providing for a right of repurchase, establishing nonjudicial foreclosure proceedings upon waiver of deficiency judgments, providing dates of applicability, and providing an effective date. Approved 5-25-87.
- H.F. 600 — Relating to elections and political activity and subjecting violators to a penalty. Approved 6-08-87.
- H.F. 602 — Providing for the appointment of a person to administer the inspection of meat and poultry under chapter 189A. Approved 5-26-87.
- H.F. 603 — Establishing and appropriating from a housing trust fund and appropriating its funds. Approved 6-08-87.
- H.F. 605 — Relating to the state sales, services, and use tax and the local option hotel-motel tax on the rental of the mobile homes and the spaces within them. Approved 5-20-87.

- H.F. 620 — Relating to the acquisition and protection of significant elements of the state's natural open space heritage. Approved 6-02-87.
- H.F. 621 — Requiring the state vehicle dispatcher and other state agencies to solicit bids for ethanol-blended gasoline when advertising for bids for gasoline. Approved 5-26-87.
- H.F. 623 — Relating to the identification, protection, planning, and promotion of public highways and roads along scenic regions of the state. Approved 6-02-87.
- H.F. 626 — Relating to agriculture, by expanding certain definitions, providing requirements for certain farmers to participate in certain programs, providing programs to assist eligible beef cattle producers, maintaining certain tax credits to school districts, providing for certain tax exemptions, providing refunds for claims related to dairy or livestock implements, equipment or machinery, providing for a property tax exemption for certain cattle facilities, and providing an effective date. Approved 5-29-87.
- H.F. 631 — Relating to public health and safety by establishing measures to improve and protect groundwater quality and to manage substances which pose health and safety hazards, by establishing goals, policies, funding mechanisms, including taxes and fees, and administrative provisions for the measures, by establishing programs relating to the management of agricultural activities, solid waste disposal, household hazardous wastes, storage tanks, fertilizers, pesticides, landfills, and watersheds, by providing penalties, establishing effective dates, making appropriations, and by providing for other properly related matters. Approved 6-09-87.
- H.F. 633 — Relating to restrictions on the number of acres of agricultural land that authorized farm corporations or authorized trusts may acquire or otherwise obtain or lease, restricting persons from being shareholders or beneficiaries in more than a certain number of authorized farm corporations or authorized trusts, and providing penalties. Approved 5-26-87.
- H.F. 634 — Relating to county moneys which may be allocated to the secondary road fund. Approved 5-29-87.
- H.F. 636 — Relating to international trade by establishing the Iowa export business finance program, directing the department of economic development, to the extent funds are available, to provide for certain economic development activities and services, and suggesting the legislative council study the feasibility of establishing a world trade institute and its programs and activities. Approved 5-21-87.
- H.F. 640 — Relating to revenue adjustments and revised revenue requirements to be reflected in rates and charges to customers of certain public utilities based on the federal Tax Reform Act of 1986, with civil penalties applicable and providing an effective date. Approved 6-04-87.
- H.F. 646 — Relating to the exchange of information regarding underground facilities and excavations affecting underground facilities. Approved 5-15-87.

- H.F. 654 — Relating to the funding of the energy bank program. Approved 6-05-87.
- H.F. 655 — Relating to civil actions by removing the one hundred mile limit on subpoenas to witnesses in civil cases, by limiting the award of lost time and transportation costs in small claims actions, and by requiring actions to be brought in small claims court in a court having actual jurisdiction. Approved 5-20-87.
- H.F. 658 — Relating to the allocation of the state ceiling on private activity bonds for tax-exempt purposes, the powers of certain financial institutions, acts which constitute a fraudulent practice, imposing penalties, and providing an effective date. Approved 5-29-87.
- H.F. 660 — Relating to dependent adult abuse, providing penalties, and establishing an effective date. Approved 6-03-87.
- H.F. 661 — Creating an Iowa life and health insurance guaranty association, protecting persons, within limits, against the failure of certain life, health, and annuity contracts because of impairment or insolvency, specifying the powers and duties of the association, and providing administrative procedures and methods for the operation and financing of the association, including but not limited to the assessment of member insurers and the provision of a partial premium tax liability credit. Approved 6-09-87.
- H.F. 669 — Relating to intermediate care facilities for the mentally ill. Approved 6-04-87.
- H.F. 671 — Relating to the financing of public agencies and programs by making appropriations to agencies, boards, commissions, departments, and programs of state government for health and human rights, human services, the judicial branch, the department of justice, the department of corrections, the board of parole, the auditor of state, campaign finance, employment services, inspections and appeals, employment relations, and commerce, relating to human organ and tissue transplants, by providing for use of certain funds from a separate fund from civil penalties for certain violations, by providing for the repeal of the division of children, youth, and families in the department of human rights, by transferring the gaming division to the department of inspections and appeals, relating to the protection and advocacy designated in the state, by providing for budget reductions for certain agencies, and providing effective dates. Approved 6-09-87 with the exception of Section 101, subsections 2, 3, and 4; Section 102, subsection 1, item b; Section 102, subsection 5, first unnumbered paragraph; Section 103, subsection 3; Section 104; Section 105, subsection 8, second unnumbered paragraph; Section 112; Section 201 (a portion); Section 201, unnumbered paragraphs 2 and 3; Section 203, subsection 1, lettered paragraphs a, b, and c; Section 203, subsection 2 (portions); Section 203, subsection 11, lettered paragraph a; Section 203, subsection 13; Section 205, subsections 5, 6, and 7; Section 207, subsection 2; Section 213, subsection 5, second unnumbered sentence; Section 213, subsection 6, first paragraph; Section 213, subsections 7, 8, 9 and 10; Section 215; Section 227; Section 301, subsection 6; Section 301, subsection 8; Section 304, subsection 3, first paragraph; Section 305, subsection 6; Section 306, unnumbered paragraph 6, and subsections 1, 2, 3, and 4; Section 311; Section 401 (a portion); Section 403, subsection 4, first paragraph; Section 410, subsections 5 and 6; Section 418; Section 419; and Section 423. See Governor's Item Veto Message.

- H.F. 673— To impose the premium tax on risk retention groups. Approved 5-20-87.
- H.F. 675— Relating to taxation in regard to the withholding on pari-mutuel winnings, application of a net operating loss, filing of nonresident income tax returns, due date of individual estimated tax payments, the taxation of certain services and the determination, for purposes of the state sales, services, and use tax, of when certain building materials are not subject to the tax and of the gross receipts and purchase price when tangible personal property is used in processing or is traded to the retailer as part of the transaction subject to the tax. Approved 6-05-87.
- H.F. 676— Relating to the imposition and repeal of a local option sales and services tax and providing effective dates. Approved 6-04-87.
- H.F. 682— Relating to certain state taxes by allowing composite returns to be filed for nonresidents for income tax purposes and providing for fuel exemption certificates under the state sales, services, and use tax and providing an effective date. Approved 6-04-87.
- H.F. 684— Relating to the county juvenile justice base costs. Approved 5-27-87.
- S.F. 17— Relating to the penalty for cruelty to animals. Approved 6-02-87.
- S.F. 29— Relating to the movement of certain vehicles on the public highways of the state by authorizing the movement of motor homes with an outside width up to eight feet six inches and the movement of mobile homes by transporters. Approved 6-04-87.
- S.F. 55— To remove the requirement that a gambling license cannot be issued for a period of two years for a location for which a gambling license was revoked, and removing the prohibition against conducting games of skill, games of chance, and raffles on the premises of a liquor control licensee or beer permittee, and relating to the age of individuals allowed to be present at a bingo occasion, and providing an effective date. Approved 6-03-87.
- S.F. 101— Relating to mobile home taxes and providing an effective date. Approved 6-05-87.
- S.F. 139— Relating to the use of public funds to aid economic development. Approved 6-03-87.
- S.F. 146— Relating to the agricultural loan assistance program of the Iowa agricultural development authority. Approved 5-13-87.
- S.F. 148— Relating to gender balance in the appointment and election of judicial nominating commissioners and balance in the appointment of members of state boards, commissions, committees, and councils. Approved 6-07-87.
- S.F. 162— Relating to the authority and composition of the Iowa public broadcasting board including authority over narrowcast and broadcast systems to serve the educational needs of the state and to provide an effective date. Approved 6-05-87.
- S.F. 274— Relating to the exporting of Iowa agricultural products and commodities, by providing for the establishment of an Iowa agricultural export trading company; establishing a certified Iowa commodity program; a

new bureau of agriquality inspection within the department of agriculture and land stewardship; a state terminal and shippers program; an agrimarketing data bank; and a sealed carrier receptacle program; imposing penalties; and providing an effective date. Vetoed 6-07-87. See Governor's Veto Message.

- S.F. 276— Relating to the regulation of long-term care insurance. Approved 5-15-87.
- S.F. 311— Relating to motor vehicle law including speed limits by limiting the special treatment of speeding violations of ten miles per hour or less over the legal speed limit to speed zones equal to or greater than thirty-five miles per hour but not greater than fifty-five miles per hour, by requiring the state department of transportation to adopt rules providing exemptions for mandatory seat belt requirements under certain circumstances and by increasing the speed limit to sixty-five miles per hour on fully controlled-access, divided, multilaned highways including the interstate highway system, and providing penalties and a conditional effective date. Approved 5-12-87.
- S.F. 333— Relating to the use of telecommunications systems and services for educational instructional purposes and providing an effective date. Approved 6-05-87.
- S.F. 340— Relating to the testing of blood or other bodily specimens of persons committed to an institution under the control of the Iowa department of corrections or a jail under the charge of a sheriff or other person, and providing penalties. Approved 6-03-87.
- S.F. 359— Relating to movement of vehicles of excess size, weight, and load and providing an effective date. Approved 6-03-87.
- S.F. 396— Relating to the creation of a waste management authority within the department of natural resources, and providing for the management of solid, hazardous, and low-level radioactive wastes. Approved 6-02-87.
- S.F. 399— Establishing a motorcycle rider education fund, increasing fees for certain operator's licenses, crediting moneys to the fund, and appropriating moneys from the fund to the department of education to reimburse sponsors of motorcycle rider education courses for the costs of the courses. Approved 6-05-87.
- S.F. 458— Relating to the abatement of taxes by the county. Approved 5-13-87.
- S.F. 461— Relating to electronic funds transfers by providing for limiting liability of financial institutions for unauthorized electronic funds transfers involving the customer's account, altering restrictions on the establishment, location, and use of satellite terminals, adding definitions, and requiring that all satellite terminals in this state or their data processing centers be directly connected to a central routing unit. Approved 5-28-87.
- S.F. 471— Relating to indemnification and limitation on liability of directors and officers and to liability of persons who volunteer services to the state or a municipality or a nonprofit organization. Approved 6-05-87.

- S.F. 479 — Relating to the use and application of pesticides and making penalties applicable. Approved 6-02-87.
- S.F. 480 — Relating to things of value given to and received by public employees, officials, members of the general assembly, other persons serving in a public capacity, and candidates, mandating reporting of certain things of value, subjecting violators to penalties, and providing an effective date. Approved 6-05-87.
- S.F. 481 — Adjusting the allowable growth under the school foundation formula. Approved 6-04-87.
- S.F. 482 — Relating to the civil process and procedure for awarding interest on civil judgments and decrees, determining whether a sufficient burden of proof has been met for the awarding of punitive damages, and for allowing the consideration for previous payments for medical damages, and providing an effective date. Approved 5-28-87.
- S.F. 499 — Relating to the federal low-income housing credit allowance. Approved 5-13-87.
- S.F. 504 — Relating to the compensation and benefits for public officials and employees by specifying salary rates and ranges, by providing adjustments for salaries, by providing coverage and adjustments for health, life, disability and dental insurance, by changing retirement benefits received by certain members of the Iowa public employees' retirement system, by creating a county compensation board and specifying its duties, by making coordinating amendments to the Code, and by providing effective dates. Approved 6-08-87 with the exception of Section 14, subsection 1 (a portion); Section 14, subsection 2 (a portion); Section 14, subsections 6 and 7; Section 15; and Section 17. See Governor's Item Veto Message.
- S.F. 507 — Relating to the adoption of a benefit ratio unemployment compensation contribution array system and providing for the Act's applicability and providing for the future repeals of certain portions of this Act. Approved 6-08-87.
- S.F. 509 — Revising certain statutory provisions relating to engineering and land surveying services. Approved 5-29-87.
- S.F. 511 — Relating to the financing of public agencies and programs and making appropriations to agencies, boards, commissions, departments, and programs of state government relating to elected officials, the executive council, management, revenue and finance, personnel, general services, economic development, agriculture, natural resources, and education, providing a property tax exemption for certain educational facilities, establishing an office of state-federal relations, providing for the education of American Indian children, establishing an occupational therapist loan program, providing for the sale of certain property and the purchase of certain property, providing tax exemption for certain property of a public television station, establishing a targeted small business linked deposit program and Iowa satisfaction and performance bond

program, establishing a state fair authority, establishing an obstetrical and newborn indigent patient care program, accretion to bargaining units of certain teachers, providing for a loan of moneys in the permanent school fund, providing a tax deduction and a tax credit for certain purposes, making provisions retroactive, and providing effective dates. Approved 6-09-87 with the exception of Section 107, subsection 1, unnumbered paragraph 1; Section 109; Section 114 (a portion); Section 122; Section 126, subsection 2, paragraph b; Section 126, subsection 3; Section 126, subsection 4 (a portion); Section 126, subsection 6; Section 127; Section 133; Section 201, subsection 6; Section 205, subsection 5; Section 207, subsection 2; Section 210; Section 211; Section 220; Section 301, subsection 15; Section 302; Section 304; Section 306; Section 401, subsection 8; Section 402, subsection 2; Section 454, new subsection 10; Section 461; Section 405, unnumbered paragraph 2 (a portion); Section 405, subsection 12; Section 408, subsection 1, lettered paragraph a, unnumbered subparagraph 1; Section 409; Section 416; Section 421; Section 430; Section 448; Section 452; Section 471; Section 472; Section 491, subsection 4; and Section 491, subsection 5, numbered paragraph 2. See Governor's Item Veto Message.

- S.F. 513— 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. Approved 6-06-87.
- S.F. 515— Relating to the allocations and appropriations of lottery revenues and the programs for which the revenues may be used. Approved 6-07-87 with the exception of Section 4, subsections 8 and 11, and the first paragraph of subsection 12; Section 11, new lettered paragraph j; Section 13; and Section 20. See Governor's Item Veto Message.
- S.F. 516— Relating to the mentally retarded, developmentally disabled, and chronically mentally ill by creating a regional delivery system, and specifying duties, memberships, services, funding, and effective dates. Vetoed 6-09-87. See Governor's Veto Message.
- S.F. 517— Relating to state agencies receiving petroleum overcharge funds and appropriating petroleum overcharge funds. Approved 6-06-87.
- S.F. 518— Relating to and making appropriations to state agencies whose responsibilities relate to public defense, public safety, transportation, and enforcement, and including allocation of moneys from the road use tax fund and providing effective dates. Approved 6-08-87 with the exception of Section 1, subsection 3; Section 16; and Section 29. See Governor's Item Veto Message.
- S.F. 519— Relating to the time for claiming urban revitalization tax exemptions. Approved 5-28-87.
- S.F. 522— Relating to juveniles, regarding children in need of services, the detention of juveniles in adult detention facilities, and penalties for violations of certain misdemeanors and ordinances. Approved 5-27-87.
- SCR 35— Relating to the board of regents ten-year building program. Approved 6-09-87.

## GOVERNOR'S VETO MESSAGES

June 7, 1987

The Honorable Elaine Baxter  
Secretary of State  
State Capitol Building  
L O C A L

Dear Madam Secretary:

House File 153, an act relating to the state's conforming its income, franchise, and death taxes with the new federal tax provisions by updating references to the internal revenue code, rewriting the state minimum taxes to conform with the federal alternative minimum taxes, rewriting the state generation skipping transfer tax to conform with the federal provisions, striking obsolete and repealed items, clarifying the taxation of regulated investment company dividends and shares, extending the statute of limitations for certain refund claims, providing for waiver of penalty for underpayment of estimated tax, and providing effective dates, is hereby transmitted to you in accordance with Article III, Section 16, the Constitution of the State of Iowa.

House File 153 provides for the coupling of the state's individual, corporate, franchise and death taxes with changes made in the new federal income tax code. In the past 31 years, state action to conform Iowa's definitions of taxable income and allowable deductions with those of the federal income tax code has been relatively routine. The so-called coupling of these definitions has been done in order to provide Iowa taxpayers with the ability to keep one set of accounts for income tax purposes.

However, the Tax Reform Act of 1986 dramatically changed the federal definitions of what is taxable and what is not. A great number of so-called tax preferences or loopholes were eliminated from the federal tax code and, in return, the federal government dramatically reduced its income tax rates.

In Iowa, coupling with the federal definitions of taxable income would provide Iowa taxpayers with a substantial ease of accounting and tax preparation. However, simply coupling with the federal definitions without reducing the Iowa income tax rates would require Iowa taxpayers to pay an additional \$170 million of Iowa income taxes.

Since January, I have indicated that broadening Iowa's income tax base without an accompanying reduction in Iowa's income tax rates would not be acceptable. Iowa's income tax rate structure — with 13 rates and a top rate of 13% — is simply uncompetitive. It leaves Iowa with the highest top individual income tax rate in the country. Such a rate is counterproductive to the state's efforts to compete for new jobs, and greatly limits our ability to attract entrepreneurs.

As a result, I recommended that the General Assembly dramatically revise Iowa's income tax structure, while, at the same time, coupling with the federal definitions of taxable income and allowable deductions. Such a tax reform plan would have provided Iowa with a fair, simple, and competitive income tax structure. I am greatly disappointed that the Iowa General Assembly both in the regular session and in an extraordinary session which has just been completed, failed to adopt any tax reform in Iowa.

No rate reduction was provided for — leaving Iowa with a top rate of 13% — the highest in the nation. No simplification of Iowa's current income tax system is incorporated in the law — if anything, the Iowa income tax structure will be even more complex after the recent legislative action.

And, Iowa's income tax structure will not be fair due to the failure to close loopholes and the selective coupling done for operators of businesses who still must pay the high individual income tax rates.

I have clearly indicated my intent to veto this coupling bill without an accompanying income tax rate reduction bill. Since the forces of inertia in the General Assembly were sufficient to prevent a tax reform and rate reduction bill from reaching my desk, I must veto the \$170 million income tax increase which coupling would bring about.

I urge the General Assembly in the future to try again to reform Iowa's income tax system. We simply must reduce our highest in the nation top individual income tax rate and ease the paper work and enforcement burden for Iowa income taxpayers.

In summary, because of the failure of the Iowa General Assembly to reduce Iowa income tax rates, I must veto House File 153 — the income tax coupling bill.

Sincerely,  
Terry E. Branstad  
Governor

June 8, 1987

The Honorable Elaine Baxter  
Secretary of State  
State Capitol Building  
L O C A L

Dear Madam Secretary:

House File 377, an act relating to public financing of political campaigns, appropriating funds, and providing penalties and providing effective dates, is hereby transmitted to you in accordance with Article III, Section 16, of the Constitution of the State of Iowa.

House File 377 permits the public financing of political campaigns by creating an election campaign fund, supported by a negative income tax check-off. It also limits contributions and spending by participating candidates.

I understand and respect the intent behind this legislation — the influence of special interests and Political Action Committees (PACS) in Iowa elections. I, too, believe their influence is excessive, particularly in legislative races, and would support a limitation on PAC contributions. However, I cannot accept a system where the taxpayer foots the bill for political campaigns. For this reason and others specified in this message, I must veto House File 377.

House File 377 allows a candidate for the office of state representative or senator, Secretary of Agriculture, Secretary of State, Treasurer of State, Auditor of State, Attorney General, Lieutenant Governor, or Governor to apply for a grant from the political candidates fund to finance their campaign. The individual will be required to agree to restricting campaign expenditures to be eligible for a grant.

If an eligible candidate declines to register for a grant, the candidate's grant amount will be added to the amount allotted to the opponent, provided the opposing candidate is eligible and applies for a grant.

House File 377 funds this public financing program through a negative check-off — every taxpayer will automatically contribute \$1.50 to a campaign fund unless a designation to the contrary is made on the tax return. Presently, Iowa law provides that individuals who wish to contribute \$1 to the Republican or Democratic party may do

so only after indicating that on their tax form. However, House File 377 completely reverses that procedure. I cannot accept this shifting of the fund burden to the taxpayer. In addition, the taxpayer will no longer have a choice as to which party they desire to make a contribution.

Moreover, I do not believe that political campaigns should be financed with tax dollars. Political campaigns should be financed by individuals who are supportive of a particular candidate, not all Iowa taxpayers.

In addition to public funds being utilized through a negative check-off to finance political campaigns, there are other problems with House File 377.

This bill also does not put any restrictions on primary races. Therefore, an individual is permitted to raise and expend as much money as possible in a primary. Having won a well financed primary, a general election candidate will have been able to spend much more than the opponent without a primary.

House File 377 also does not take into consideration the various differences in legislative districts. Legislative districts have considerable demographic and political diversity — which can greatly influence the level of required expenditures. But House File 377 requires each candidate to spend the same amount of money, regardless of this diversity.

Large political action committees would have the ability under House File 377 to circumvent the law by forming several political action committees in order to increase their total contributions to a political candidate. These PACS also have the resources to make mass solicitations of individual contributions from members to be made directly to the candidates rather than through the PAC. Therefore, it is still possible for these committees to have great influence.

No provision is made in the legislation provided to guarantee the solvency of the campaign fund. Candidates who expect public funds may have to go without or have significant grant reductions if the program does not bring in as much funds as needed. In addition, no funds are provided to the Campaign Finance Disclosure Commission to administer the program.

As an alternative to public financing of campaigns, I would urge the General Assembly to consider limits on the ability of PACS to contribute to individual candidates. That action would remove the burden of financing campaigns by taxpayers and still limit special interest influencing.

For the above reasons, I am unable to accept House File 377.

Sincerely,  
Terry E. Branstad  
Governor

June 7, 1987

The Honorable Elaine Baxter  
Secretary of State  
State Capitol Building  
L O C A L

Dear Madam Secretary:

House File 407, an act relating to violations of motor vehicle laws regarding the retention of records of motor vehicle violations, the determination of the degree of an offense for a violation of Section 321J.2, and the authority of the Department

of Transportation to follow practices and procedures to aid enforcement of certain motor vehicle laws is hereby disapproved and transmitted to you in accordance with Article III, Section 16, of the Constitution of the State of Iowa.

House File 407 weakens Iowa's efforts to get drunk drivers off the roads.

This bill would allow an individual to escape from the mandatory six year revocation of his or her driving license for third or subsequent drunk driving violations depending upon how the county chooses to charge and convict the individual. This change in the law would inevitably encourage more plea bargaining and reduction of third offense charges, and would lead to greater disparity from county to county in how OWI offenders are charged.

House File 407 amends current law to require that the six year revocation of license would take effect only upon a conviction or plea of guilty to a third or subsequent OWI offense rather than a third or subsequent violation of the OWI law. There is a very definite and important distinction under the law as to the meaning of "violation" and "offense." For example, an individual could have four OWI convictions but that fourth OWI conviction may only be treated as a second offense OWI in the county of conviction as a result of a plea bargain.

This sets up the unequal treatment of license revocations for persons in similar circumstances. An individual who actually had three OWI convictions from one county would have his license revoked for six years, while the individual who actually had three OWI convictions but had the third conviction treated as a second offense OWI in another county as part of a plea agreement would not have his license revoked.

This bill also allows for the destroying of driving records of the department after three years for most offenses and six years for other offenses such as OWI. The Department of Transportation and the Department of Public Safety have expressed concern with this section. This provision can lead to confusion and be problematic for law enforcement since it establishes an arbitrary guideline for the disposition of driving records. This provision also is contrary to other sections of the Iowa Code such as sections 321.183, 321.194, 321.209(5) and 321.210, all of which necessitates that the Department of Transportation keep the records beyond the time required in Section 321.12.

For the reasons mentioned above, I hereby respectfully disapprove of House File 407.

Sincerely,  
Terry E. Branstad  
Governor

June 7, 1987

The Honorable Elaine Baxter  
Secretary of State  
State Capitol Building  
L O C A L

Dear Madam Secretary:

House File 500, an act relating to individual rights and providing penalties, is hereby transmitted to you in accordance with Article III, Section 16, of the Constitution of the State of Iowa.

This bill makes various changes to expand the liability of employers for discrimination actions. Iowa has a history of an outstanding commitment to equal opportunity. Indeed, this administration has made affirmative action and contract compliance some of its highest priorities. Moreover, many Iowa companies have been leaders in developing programs to insure reasonable opportunities for the handicapped and minorities to hold meaningful and rewarding jobs.

Some fine tuning of our current discrimination laws may be in order, particularly as it relates to public accommodations, age discrimination, and the need to speed up the disposition of claims before the commission.

However, House File 500 includes dramatic changes in Iowa's laws relating to the accommodation of the handicapped, remedies to claimants, and the assessments of civil costs for claims. I am deeply concerned that these changes in the law would impose costly, unrealistic, potentially counter-productive requirements on Iowa employers.

In short, House File 500 could cost Iowa jobs and, as a result, I cannot sign it into law.

Specifically, this legislation extends Iowa's current requirement for the reasonable accommodation of the handicapped on the job. Unfortunately, House File 500 greatly limits the ability of the employer to take into consideration the cost required for such accommodation. Current Iowa law allows employers to fully consider those costs when providing for job accommodations for the handicapped. In addition, the accommodation standards included in this legislation are confusing, at best. The vague and unclear standards included in House File 500 would make compliance and enforcement more difficult.

Secondly, this legislation greatly expands the use of punitive damages for such civil claims and expands the term "injury" to include pain, humiliation, and emotional distress. The use of this language, which is subject to widely varying legal interpretations, opens a pandora's box of potentially frivolous liability claims. Given the substantial current backlog of the Civil Rights Commission in handling existing claims, such an expansion could, in fact, reduce the ability of the commission to appropriately deal with serious complaints.

And thirdly, House File 500 requires that all costs for legal actions before the Civil Rights Commission be paid for by the respondent, even if the respondent has not violated any civil rights laws. Small businesses, in particular, would be seriously affected by shifting this cost burden.

In short, House File 500 excessively burdens Iowa employers with additional costs of doing business in our state. Given today's increasingly competitive marketplace, such additional costs of doing business in Iowa could drive some employers out of our state. At a time when Iowa is slowly regaining its economic vitality, the state cannot afford to reduce its ability to compete for new jobs. Indeed, this bill's impact on the disabled may be actually to eliminate potential jobs — not to create them.

However, I am willing to consider the need for modifications to the current Iowa Civil Rights law. I plan to convene a task force to be chaired by the Executive Director of the Civil Rights Department and composed of individuals particularly interested in this area of the law. I will ask the task force to review Iowa's current law and to make recommendations for consideration by the General Assembly in 1988. It is my hope that the task force can develop recommendations to allow Iowa to con-

tinue to be a leader in its commitment to civil rights and equal opportunity, while at the same time, not unduly burdening our businesses with excessive costs.

For the above reasons, I am unable to accept House File 500.

Sincerely,  
Terry E. Branstad  
Governor

June 7, 1987

The Honorable Elaine Baxter  
Secretary of State  
State Capitol Building  
L O C A L

Dear Madam Secretary:

Senate File 274, an act relating to the exporting of Iowa agricultural products and commodities, by providing for the establishment of an Iowa agricultural export trading company; establishing a certified Iowa commodity program, a new bureau of agriquality inspection within the Department of Agriculture and Land Stewardship; a state terminal and shippers program; an agrimarketing data bank; and a sealed carrier receptacle program; imposing penalties; and providing an effective date, is hereby transmitted to you in accordance with Article III, Section 16, the Constitution of the State of Iowa.

Senate File 274, establishes a state agricultural trading company, a certified Iowa commodity program, and a new agriquality inspection program within the Department of Agriculture and Land Stewardship. I understand the intent of Senate File 274 is to provide additional opportunities for Iowa farmers to export their products overseas. I respect and share that intent. However, Senate File 274 is an unwarranted state intrusion into the private sector, is an unnecessary duplication of existing services, and could actually be counterproductive to Iowa's export marketing efforts. For those reasons, I must veto Senate File 274.

Rather than working to expand exports through the private sector, this legislation attempts to establish a state export company. Leaders of Iowa's commodity groups have expressed serious reservations about this entity and commodity experts do not believe that a state grain export company would be viable. I can understand the emotional appeal of a state grain company, but it is not responsible to mislead farmers into believing that a state export trading company would be effective.

In October of last year, I announced the Iowa Certified Quality Grain program, directed by former Congressman Cooper Evans. This program is designed to provide state assurance of quality grain to our foreign customers. Indeed, Iowa farmers are justifiably concerned about the reduction in the quality of their product which occurs between the grain bin on the farm and delivery overseas. This lack of quality of U.S. grain has, in part, been responsible for the decline in U.S. grain exports in the 1980's.

However, last year the federal government took appropriate action to tighten up the federal government's inspection and quality control of U.S. marketed grain. In addition, a reduction in the value of the dollar and the federal farm program have spurred U.S. grain exports in recent months. The Iowa Certified Quality Grain program can work in tandem with those factors to improve Iowa's competitive share of the world grain market.

Indeed, former Congressman Evans already has offers on the table with a number of countries around the world who are interested in purchasing Iowa Certified Quality Grain. And, a trademark is being established for Iowa products. This program is being funded through the assistance of the Department of Economic Development, the Iowa Corn Growers Association, and the Iowa Soybean Association. Thus, a true public/private partnership has already been developed to promote the export of Iowa products.

Given the substantial progress which has already been made by the Iowa Certified Quality Grain program, I seriously question the need for Senate File 274.

Moreover, this act could, in fact, confuse potential buyers of Iowa products by setting up a duplicate marketing structure. With the export market now beginning to show some strength, we cannot afford to take the risk of reducing Iowa's chances to export additional commodities.

In short, Senate File 274, duplicates the existing Iowa Certified Quality Grain program by setting up a state export trading company which inappropriately injects the state into the private marketplace. This bill misleads farmers about the viability of a state grain company which could, in fact, be counter-productive to our efforts to increase the exports of Iowa grain.

For the above reasons, I must veto Senate File 274.

Sincerely,  
Terry E. Branstad  
Governor

June 9, 1987

The Honorable Elaine Baxter  
Secretary of State  
State Capitol Building  
L O C A L

Dear Madam Secretary:

Senate File 516, an act relating to the mentally retarded, developmentally disabled, and chronically mentally ill by creating a regional delivery system, and specifying duties, membership, services, funding, and effective dates is hereby transmitted to you in accordance with Article III, Section 16, of the Constitution of the State of Iowa.

Senate File 516 establishes up to 23 regional planning boards and advisory boards to implement the expansion of services to the mentally retarded, developmentally disabled, and the chronically mentally ill. In addition, this legislation provides a schedule for the full implementation of these services.

The Department of Human Services has estimated that full implementation of these services would cost the state an additional \$147 million per year. I cannot accept legislation which potentially obligates the taxpayer for those additional costs.

In addition, I have deep concerns about the establishment of up to 23 regional planning boards and advisory boards. I believe that this duplicates the existing service delivery system which ought to be streamlined, not greatly proliferated.

Moreover, I have by separate action vetoed \$2 million dollars in funding in House File 671 which is designed to be utilized by the regional boards and the department for expanded services provided for in Senate File 516.

I have directed the Department of Human Services to review the state's current service delivery system and develop recommendations for a rational, cost effective, and limited implementation program for the bill of rights. If appropriately done, the implementation of the bill of rights can greatly improve the delivery of needed human services in our state while limiting the increased cost for both state and local taxpayers. I will present recommendations to accomplish these goals to the next General Assembly.

For the above reasons, I cannot approve Senate File 516.

Sincerely,  
Terry E. Branstad  
Governor

#### GOVERNOR'S ITEM VETO MESSAGES

June 9, 1987

The Honorable Elaine Baxter  
Secretary of State  
State Capitol Building  
L O C A L

Dear Madam Secretary:

I hereby transmit House File 671, an act relating to the financing of public agencies and programs by making appropriations to agencies, boards, commissions, departments, and programs of state government for health and human rights, human services, the judicial branch, the Department of Justice, the Department of Corrections, the board of parole, the auditor of state, campaign finance, employment services, inspections and appeals, employment relations, and commerce, relating to human organ and tissue transplants, by providing for use of certain funds from a separate fund from civil penalties for certain violations, by providing for the repeal of the division of children, youth, and families in the Department of Human Rights, by transferring the gaming division to the Department of Inspections and Appeals, relating to the protection and advocacy designated in the state, by providing for budget reductions for certain agencies, and providing effective dates.

House File 671 makes appropriations for the financing of agencies ranging from Department of Health to the Department of Inspections and Appeals. It clearly provides for excessive spending, especially in human services area where appropriations exceed my recommendations by over \$20 million on an annualized basis. A myriad of new programs are created with future year costs that are even greater than those for which funds are appropriated in fiscal year 1988. Given the state's tight fiscal condition with the recent adjournment of the extraordinary session of the Seventy-second General Assembly, I must take action to cut \$19.203 million from this budget bill. To do otherwise would leave Iowans without a balanced budget and with an excessive level of spending.

The budget cuts incorporated in this item veto message affect new programs and existing programs for which additional funding is provided. Efforts are made to protect existing state obligations and areas of particular priority, such as welfare and foster care reform.

In combination with item vetoes incorporated in House File 511, state spending will be reduced by a total of \$35.13 million. This will allow the state to meet its legal obligations and provide a modest ending balance in fiscal year 1988, according to the Department of Management.

House File 671 is, therefore, approved as of this date with the following exceptions which I hereby disapprove.

I am unable to approve the item designated as that portion of Section 101, subsections 2, 3, and 4 in their entirety.

These subsections provide detailed performance measures and reporting requirements for the state Civil Rights Commission. The Department of Management has established an appropriate performance review system for the Commission. To allow the legislature to involve itself in the administration of state government is an inappropriate encroachment upon executive branch authority. As a result, I cannot approve these subsections.

I am unable to approve the item designated as that portion of Section 102, subsection 1, item b, in its entirety.

This provision in House File 671 establishes a new family self sufficiency program and provides a \$600,000 appropriation for it. While the purposes of the program may be commendable, the state simply cannot afford to establish these additional services at this time. In light of the legislature's recent action, we will do well to simply maintain existing programs and to direct available funds into priority areas that best serve the essential needs of Iowans. Additional funds for these purposes will have to wait until the state is in a better financial position.

I am unable to approve the item designated as that portion of Section 102, subsection 5, first unnumbered paragraph, which reads as follows:

"The governor's advisory council on juvenile justice shall determine the staffing level necessary to carry out federal and state mandates for juvenile justice."

This item inappropriately places the staffing authority within the Juvenile Justice Advisory Council rather than with the management of the entity. Appropriate staffing is an area of administrative discretion which must be retained by the staff of the Advisory Council in order to make certain that federal mandates are met.

I am unable to approve the item designated as that portion of Section 103, subsection 3; and Section 104, in its entirety.

This item provides \$95,000 for the elder law education program and an additional \$75,000 to the Department of Elder Affairs for an elder law on wheels program. Again, the purpose of these programs is commendable. However, they are add ons to the state budget which simply cannot be afforded at this time.

I am unable to approve the item designated as that portion of Section 105, subsection 8, second unnumbered paragraph.

This unnumbered paragraph requires the professional licensure boards to establish special accounts which are not subject to restrictions imposed on the state's general fund. While I believe that an appropriate level of funding must be provided to the professional licensure boards, I can not accept the further establishment of special funds outside the general fund. Taxpayers of this state need to have a clear accounting of the taxes and fees which are received and the funds which are expended. That can only be accomplished by maintaining these funds in the general fund of the state.

I am unable to approve the item designated as Section 112 in its entirety.

This section eliminates the compensation for members of the Health Facilities Council. Since these members were appointed to the Council with provisions for their compensation, removing that compensation now would be unfair and inappropriate. Grandfathering existing board members in and then eliminating the compensation for future members would be a more appropriate method of accomplishing the goals of this section.

I am unable to approve the item designated as that portion of Section 201, which reads as follows:

“As a condition of this appropriation, one hundred seventy thousand (170,000) dollars is allocated for five full-time equivalent positions for the bureau of operations analysis.”

This expenditure is inconsistent with the recommendations of restructuring and downsizing report of last year and with my budget recommendations. The restructuring consultants determined that this function can be accomplished without a separate appropriation. As a result, this is clearly an area of savings to help balance the state budget.

I am unable to approve the item designated as that portion of Section 201, unnumbered paragraphs 2 and 3 in their entirety.

This item places unnecessary and overly restrictive performance management requirements on the Department of Human Services. This is an executive branch function.

I am unable to approve the item designated as that portion of Section 203, subsection 1, lettered paragraph a, in its entirety.

This item increases the payment for AFDC recipients by 6.5 percent. The increase in state spending to pay for these additional welfare benefits is approximately \$5.7 million. Those funds will be set aside to help balance the budget. Given the shortage of state funds, we would do well to maintain existing services for these needy Iowans. Indeed, Iowa's current welfare payment level ranks well in comparison with neighboring states. Moreover, an increase in the reimbursement level for AFDC recipients was provided last year by 5.7 percent; an additional increase will have to wait until the state's fiscal house is in better order.

In addition, I am hopeful that we can embark on an aggressive program of welfare reform to provide better education and job training opportunities for Iowans on AFDC. Our goal should be to provide Iowans with an opportunity to climb the ladder out of poverty and I plan to make recommendations next session to the next General Assembly in 1988 to help accomplish that goal. New funding is retained in this bill to give AFDC recipients self-employment opportunities.

I am unable to approve the item designated as that portion of Section 203, subsection 1, lettered paragraph b, in its entirety.

This item provides \$400,000 in a new program for emergency assistance to AFDC recipients. While I understand the need to provide such assistance to needy families, I believe that we must accomplish this through our existing programs which already have liberal authorization levels. The state budget simply cannot afford this added level of spending at this time.

I am unable to approve the item designated as that portion of Section 203, subsection 1, lettered paragraph c, in its entirety.

This item appropriates \$350,000 to the Iowa Finance Authority for a special housing program. Low income housing is an important issue which should be addressed by the Iowa Finance Authority. I have signed into law provisions of House File 603 to provide the Authority with a mechanism to do so. However, the state budget cannot afford the additional \$350,000 in spending at this time. Other sources of funding for low income housing should be explored.

I am unable to approve the item designated as that portion of Section 203, subsection 2, which reads as follows:

"The Department of Human Services shall develop policies and guidelines to implement on a pilot basis a special case management program for Title XIX enrollees, after reviewing programs in place in other states. The department, in consultation with the legislative fiscal bureau and under monitoring by the fiscal committee of the legislative council, shall develop a methodology to evaluate and compare the effectiveness of the provision of Title XIX services through case management and through health maintenance organizations, in terms of both cost and health outcomes. The evaluation shall continue for at least eighteen months subsequent to the implementation of the programs."

This item in House File 671 would limit the ability of the Department of Human Services to put in place health maintenance organizations to contain health care costs. At the present time, the continued spiraling of costs for entitlement programs can be controlled only by eliminating available services or contracting for those services. An HMO concept is one worthy of investigation as we seek to contain these costs for taxpayers. Therefore, I cannot accept an eighteen month delay in efforts to control health care costs.

I am unable to accept the item designated as that portion of Section 203, subsection 2, which reads as follows:

"Effective October 1, 1987, the department shall extend coverage to include caretaker relatives under the medically needy program. The department shall increase resource limitations under the medically needy program to five thousand dollars for a one-person household and seven thousand five hundred dollars for a family of two or more persons. For the medically needy program, the department shall be allowed to set the length of the certification period, as authorized by federal regulations."

This item in House File 671 extends coverage of the medically needy program to caretaker relatives. The cost of this program is estimated at over \$500,000 in fiscal year 1988. Given the state's difficult budget conditions, I cannot approve this costly expansion of the medically needy program.

I am unable to approve the item designated as that portion of Section 203, subsection 2, which reads as follows:

"Effective October 1, 1987, the department shall extend medical assistance benefits for an additional six months to individuals who lose assistance through the aid to families with dependent children program solely due to the loss of the thirty dollars and one-third earned income disregard."

This item extends Medicaid benefits for an additional six months to those on AFDC affected by the thirty and one-third income disregard. This again expands the existing program and provides an additional cost of at least \$15,000. As a result, I cannot accept it at this time.

I am unable to approve the item designated as that portion of Section 203, subsection 2, which reads as follows:

"Effective January 1, 1988, the department shall provide medical assistance to all pregnant women, and infants and children up to age five on an incremental basis; and to all individuals who are aged, blind, or disabled, whose income does not exceed one hundred percent of the federal poverty level. Resource limitations shall be five thousand dollars for a one person household and seven thousand five hundred dollars for a family of two or more people. Aged, blind, or disabled individuals shall have income and resources treated according to supplemental security income methodologies. Pregnant women, and infants and children shall have income and resources treated according to aid to families with dependent children methodologies. All other medical assistance program requirements shall apply. Phased-in coverage for children shall begin January 1, 1988, for children up to the age of one and continued through January 1, 1992."

This item of House File 671 extends the medically needy program to pregnant women and children at the cost of over \$200,000. Again, given the state's fiscal condition, such an expansion of the medically needy program cannot be accomplished at this time. We should, instead, direct our limited resources to maintain existing services. Also, our Medicaid program offers among the widest array of services in the country. A further liberalization is not called for.

I am unable to approve the item designated as that portion of Section 203, subsection 2, which reads as follows:

"Of the funds appropriated in this subsection, the department shall expend not more than three hundred seventy-seven thousand (377,000) dollars for the following:

a. To develop necessary standards and payment processes, write administrative rules, develop employee and provider manuals, amend the state medical assistance plan, and provide employee and provider training to expand medical assistance coverage for the following services: case management, day training and habilitation, day treatment, and substance abuse.

b. To modify existing medical assistance service definitions to encompass the following additional services: transportation, medication management, partial hospitalization, rehabilitation services, diagnosis and evaluation, family support, and early intervention.

c. To develop and submit waiver applications for the following service areas: respite care, homemaker and chore housekeeping, in-home training, vocational services, nonmedical transportation, and behavior management.

Amendments to the medical assistance plan and modifications of existing medical assistance service definitions shall be completed for implementation no later than July 1, 1988.

By October 1, 1987, the department shall submit a revised medical assistance plan to the United States Department of Health and Human Services for implementation no later than July 1, 1988.

The department shall hire a contractor or employ a staff under a twelve-month personal service contract to complete the project. The department shall provide the General Assembly with a detailed progress report no later than January 1, 1988.

It is the intent of the General Assembly that county and block grant funds made available as a consequence of enhanced federal funding for services under medical assistance be used for purposes of implementing section 225C.28. The department shall develop a system for identifying prior expenditures on the services covered under changes to the medical assistance plan or by waiver application and proposals for requiring a maintenance of financial effort subsequent to a replacement of state or county funds by federal funds. Those proposals shall be submitted to the General Assembly by January 1, 1988."

This item in House File 671 expends \$337,000 of additional funds to expand existing medical assistance services. While I understand that this expansion is part of the proposed bill of rights program, the state can ill afford to expand existing programs when we are having a difficult time meeting our current obligations. Also, implementation of the bill of rights should wait until the state has planned a more cost-effective program. As a result, I cannot approve this additional spending at this time.

I am unable to approve that item designated as that portion of Section 203, subsection 11, lettered paragraph a, in its entirety.

This item provides an additional \$120,000 to the department for the displaced homemaker program. This program was recommended for elimination by the recent restructuring and downsizing report of state government. As a result, it is recommended for elimination here in tune with the critical need to reduce excessive state appropriations.

I am unable to approve the item designated as that portion of Section 203, subsection 13, in its entirety.

This subsection puts unreasonable and unnecessary restrictions on the ability of the executive branch to manage the appropriations to the entitlement programs. The section greatly limits the transfer authority and exempts these items from the 8.31 budget reduction allotments. This dramatic change in the state's budget and accounting methodologies could effectively hamstring our ability to respond to budget shortfalls which are made more likely due to the recent legislative action. In order for state government to maintain the availability of essential services to needy Iowans, appropriate budgetary flexibility is provided in the current budget control laws.

Without the ability to transfer funds, the state may force some recipients who are entitled to the programs to simply go without essential services. By exempting all of the human services entitlement programs from the across-the-board cut procedure, the legislature could force the impacts of such cuts to fall more fully on property taxpayers. Because of the substantial change in the state budget control act incorporated in this item and its potentially devastating impact on human service programs and property taxpayers, I must disapprove it.

I am unable to approve the item designated as that portion of Section 205, subsection 5, in its entirety.

This item of House File 671 requires the department to send department representatives to events where psychiatrists are likely to be recruited. Certainly, the department has the ability to appropriately recruit psychiatrists without this detailed directive from the General Assembly. The department does plan to aggressively recruit psychiatrists for the state mental health institutions without this unnecessary legislative order.

I am unable to approve that item designated as that portion of Section 205, subsection 6, in its entirety.

This item provides an additional \$200,000 in appropriations to a particular county's inpatient mental treatment center. This expansion of state funding for a county subsidy cannot be justified, given the state's tight financial situation.

I am unable to approve the item designated as that portion of Section 205, subsection 7, in its entirety.

This subsection provides an additional \$100,000 for rural mental health services. While I understand the need for these services in rural areas, I cannot approve an additional appropriation for that purpose at this time. It is expected that the federal government will provide additional funds to rural areas for such services in the near future. As a result, these state appropriations may not be needed.

I am unable to approve that item designated as that portion of Section 207, subsection 2, in its entirety.

This item provides \$2 million of new state appropriations to begin the implementation of the bill of rights. It is expected that the full cost of the implementation of this program could be up to \$147 million for state and local taxpayers. The additional liability for the state is excessive at this time.

Rather, with this action, I am retaining the authority of the department to expend \$600,000 to develop an appropriate plan for a rational, cost effective, and financially limited implementation of the bill of rights. I believe that an appropriate implementation plan could achieve the goals of many of the advocates of the bill of rights while rationalizing the state's current human service delivery system. In addition, the department will utilize a portion of the \$600,000 to reduce the population at the state hospital schools and the state mental health institutes, consistent with the goals of the bill of rights.

I am unable to approve the item designated as that portion of Section 213, subsection 5, second unnumbered sentence; Section 213, subsection 6, first paragraph; and Section 213, subsections 7, 8, 9, and 10, in their entirety.

These sections provide for an increase in reimbursement rates for human services providers. Some adjustments in reimbursement rates will be necessary in the future and are provided for hospitals. However, given the condition of the state's budget, such an increase simply cannot be afforded at this time. Almost \$8 million of spending can be cut from the state's budget by maintaining reimbursement rates at the current level. This item veto does just that. When the state's budgetary condition improves, I will be willing to consider appropriate increases in reimbursement rates. Indeed, I will review the need for that action when I present my fiscal year 1989 budget to the General Assembly in January.

I am unable to approve the item designated as Section 215 in its entirety.

This item prohibits the transfer of gamblers assistance funds to other programs in the Department of Human Services. While the gamblers assistance fund is needed to provide for awareness and treatment of addictions to gambling, this section inappropriately restricts the department's use of these funds. In a budgetary crunch, such funds may be necessary to provide essential services to needy Iowans. Thus, we should not excessively restrict the utilization of these funds for contingencies.

I am unable to approve the item designated as Section 227 in its entirety.

This section prohibits any transfers of appropriations in the supplemental appropriation bill. Such transfers are essential to ensure a balanced state budget and to provide appropriate funds for statutorily authorized services. A transfer procedure has been established in the budget control act and it will continue to be followed.

I am unable to approve the item designated as that portion of Section 301, subsection 6, in its entirety.

This item provides \$250,000 for the legal assistance to farmers program. Three hundred thousand dollars is approved for the farm mediation services program which can provide necessary legal and mediation assistance to farmers suffering financial difficulties. Given the increase in appropriations in the mediation service program and the state's difficult financial situation, the additional \$250,000 for legal services must be denied.

I am unable to approve that item designated as Section 301, subsection 8, in its entirety.

This item provides \$50,000 for dispute resolution centers. This is a commendable program, but one for which sufficient funds are not available.

I am unable to approve the item designated as Section 304, subsection 3, first paragraph.

This item establishes an inmate population review committee to review prison population trends. The Legislative Fiscal Bureau staffs the committee and legislators serve as members. Such an arrangement invades the administrative discretion of the executive branch. An executive branch committee with ex-officio legislative members would be acceptable.

I am unable to approve the item designated as that portion of Section 305, subsection 6, in its entirety.

This subsection establishes a new program to provide legal assistance to inmates in the Iowa correctional system who have the need for civil litigation. Providing free bankruptcy and dissolution services to inmates is a frill the state simply cannot afford.

I am unable to approve the item designated as Section 306, unnumbered paragraph 6, and subsections 1, 2, 3, and 4, in their entirety.

This item establishes detailed performance review and reporting requirements from the Department of Corrections. Again, the Department of Management has established an appropriate performance review mechanism and will provide reports to the legislative branch. However, this detailed level of performance management and reporting is an encroachment upon the executive branch's discretion to administer state programs.

I am unable to approve the item designated as Section 311 in its entirety.

This item in House File 671 prevents the Governor, the Director of Management, or any other person in the executive branch from reviewing the budget for the courts and making appropriate recommendations to the General Assembly. The Governor has the responsibility to provide for a balanced budget in recommendations made to the General Assembly. This legislation would seriously restrict the executive branch's ability to accomplish that important constitutional task and thus is not approved.

I am unable to approve the item designated as that portion of Section 401, which reads as follows:

"It is the intent of the general assembly that the auditor of state shall complete all audits for prior fiscal years required for the Iowa Department of Public Health, the Department of Human Services, the state Department of Transportation, and the state board of regents during the fiscal year beginning July 1, 1987 and ending June 30, 1988."

The legislature has established a reimbursement mechanism in House File 671 to allow the auditor to catch up on audits of state agencies. At the same time, the legislature reduced appropriations for the auditor by over \$500,000 from the Governor's recommended level. While some reimbursement is possible for non-general fund audits, the departments have not received the additional funds necessary to reimburse the auditor for additional general fund audits. Until the additional funds are provided, the auditor would do well to limit back audits to those which can be reimbursed with non-general funds.

I am unable to approve the item designated as that portion of Section 403, subsection 4, first paragraph.

This unnumbered paragraph restricts the management of the Department of Employment Services, as a single entity. This provision prohibits transfers between independent divisions. As such, the Department of Employment Services will be little more than a confederation, rather than a department with the integrated administrative services necessary to achieve operational efficiencies. As a result, I must disapprove this unnumbered paragraph.

I am unable to approve the item designated as that portion of Section 410, subsections 5 and 6 in their entirety.

These subsections provide for detailed performance evaluation reporting requirements for the Insurance Division. The Department of Management has developed appropriate performance measures which can be communicated at appropriate times to the legislative branch. However, this detailed list of performance measures encroaches upon executive branch's discretion to manage state government.

I am unable to approve the items designated as Sections 418 and 419 in their entirety.

These sections allow the chairpersons and ranking members of the appropriations committees to receive actual expenses for attending the Governor's budget hearings. In addition, it imposes an additional paperwork burden on the Department of Management to provide budget handouts to these individuals. The legislative branch has the ability to take care of these information needs without imposing additional burdens on the Department of Management.

I am unable to approve the item designated as Section 423 in its entirety.

This section of House File 671 eliminates over 28 positions from the merit system, most of which are clerical. The reorganization of state government limited the availability of nonmerit positions in state government. The merit system appropriately insulates state government from the "spoils system". It should be maintained.

In summary, House File 671 includes \$19.203 million of excessive spending. In addition, this legislation includes a number of statutory changes which encroach upon the ability of the executive branch to manage state government. The excessive spending and encroachments are removed from the bill.

For the above reasons, I hereby respectfully disapprove these items in accordance with Amendment IV of the Amendments of the 1968 Constitution of the State of Iowa. All other items in House File 671 are hereby approved as of this date.

Sincerely,  
Terry E. Branstad  
Governor

\*See footnote on page 2755

June 8, 1987

The Honorable Elaine Baxter  
Secretary of State  
State Capitol Building  
L O C A L

Dear Madam Secretary:

I hereby transmit Senate File 504, an act relating to the compensation and benefits for public officials and employees by specifying salary rates and ranges, by providing adjustments for salaries, by providing coverage and adjustments for health, life, disability and dental insurance, by changing retirement benefits received by certain members of the Iowa Public Employees' Retirement System, by creating a county compensation board and specifying its duties, by making coordinating amendments to the Code, and by providing effective dates.

Senate File 504 provides for salary and benefit increases for public officials and state employees. It ratifies the recent collective bargaining agreement and provides for a two percent scheduled increase for all state employees on July 1 of this year plus appropriate merit increases. In addition, substantial changes are made to the salaries provided for statewide elected officials, the judiciary, and members of the General Assembly.

I had recommended a 3.5 percent salary increase for elected officials and members of the General Assembly. That level of increase is consistent with the average cost of increases provided for other state employees. I am concerned that the increases provided for in Senate File 504, in some cases, greatly exceed my recommendations. Several items in Senate File 504 provide for large compensation increases for members of the General Assembly which are not reflected in their actual salaries. As a result, the average member of the General Assembly would receive a total compensation increase of approximately 30 percent if Senate File 504 were signed into law as enacted.

My recommendations reflected the fact that some salary adjustments are in order for elected officials, particularly since those salaries have been frozen for the past three years. However, I cannot accept the excessive level of compensation increases provided for members of the General Assembly in Senate File 504.

I am unable to approve that portion of Section 14, Subsection 1, which reads as follows:

In addition, each such member shall receive the sum of ~~forty~~ seventy-three dollars per day for expenses of office, except travel, for each day the General Assembly is in session commencing with the first day of a legislative session and ending with the day of final adjournment of each legislative session as indicated by the journals of the house and senate, except that in the event the length of the first regular session of the General Assembly exceeds one hundred ten calendar days and the second regular session exceeds one hundred calendar days, such payments shall be made only for one hundred ten calendar days for the first session and one hundred calendar days for the second session. However, members from Polk county shall receive ~~twenty-five~~ fifty dollars per day. Travel expenses shall be paid at the rate established by section 18.117 for actual travel in going to and returning from the seat of government by the nearest traveled route for not more than one time per week during a legislative session. However, any increase from time to time in the mileage rate established by section 18.117 shall not become effective for members of the General Assembly until the convening of the next General Assembly following the session in which the increase is adopted; and this provision shall prevail over any inconsistent provision of any present or future statute.

And, I am unable to approve that portion of Section 14, Subsection 2, which reads as follows:

The lieutenant governor while performing administrative duties of the office of lieutenant governor when the General Assembly is not in session or serving as the president of the senate during special sessions of the General Assembly shall receive ~~sixty~~ seventy-three dollars per diem and reimbursement for expenses incurred in performing such duties. The lieutenant governor may elect to become a member of any state group insurance plan for employees of the state established under chapter 509A and the disability insurance program established under section 79.20 on the same basis as a full-time state employee. The lieutenant governor shall authorize a payroll deduction of any premium due.

And, I am unable to approve the item designated as Section 14, Subsections 6 and 7 in their entirety.

These items in Senate File 504 would provide Polk County members of the General Assembly with a 100 percent increase in their daily allowance during the time the legislature is in session. In addition, non-Polk County legislators would receive an 82.5 percent increase in their daily allowance during the regular and special sessions. Such an increase in the daily allowance when combined with the 13 percent salary increase already provided for in Senate File 504 would allow legislators to receive a combined compensation increase of up to 30 percent.

Clearly, inflation has not increased by 82.5 percent or 100 percent over the past three years; such a large increase in the per diem is, therefore, difficult to justify. Moreover, given the difficult economic times which have faced many lowans over the past few years, elected officials would do well to set an appropriate example by moderating their compensation increases to those clearly provided in their salaries. By dramatically increasing the daily allowances, legislators have, in effect, provided a huge

hidden compensation increase for themselves. I cannot accept this back door method of increasing legislative compensation.

I am unable to approve that item designated as Section 15, in its entirety and Section 17, in its entirety.

This item in Senate File 504 provides that a portion of the health insurance costs for members of the General Assembly will be paid for by the state and allows the members an almost unlimited ability to change insurance coverage. In addition, this item provides that members of the General Assembly shall become members of the state disability insurance program, despite the fact that legislators have, in the past, not been considered full time state employees. This special treatment for members of the General Assembly ranges beyond the restrictions included in the health and disability insurance plans provided for other state employees. If members of the General Assembly wish to be part of those plans, they should live with the same rules as other state employees. Moreover, by requiring the taxpayers to foot a portion of the health insurance coverage for members of the General Assembly, another form of a hidden increase in compensation for members of the General Assembly is included in this bill. I cannot accept these well-masked attempts to increase the compensation of legislators.

I am also deeply concerned about the efforts of the General Assembly to use legal drafting devices to evade my item veto authority on compensation bills. The General Assembly has chosen to remove the appropriation from the salary bill and place it in a separate bill. In fact, that salary adjustment appropriation is made as a lump sum and is placed as a condition upon the approval of Senate File 504. I cannot accept that legislative device to clearly evade the Governor's item veto authority. (People ex rel State Board of Agriculture vs. Brady 115 NE 204)

In this case, the legislature is clearly incorporating a lump sum appropriation in a separate bill in order to evade the Governor's ability to strike specific items relating to the expenditure of that lump sum appropriation. That is clearly a legal device designed to avoid the Governor's ability to strike appropriation items and cannot be accepted.

Moreover, by tying two separate pieces of legislation together with a conditional lump sum appropriation, the legislature is attempting to greatly limit the Governor's authority to separately decide upon the merits of each appropriation item in each bill. Taken to its logical conclusion, the legislature could, in effect, eliminate the Governor's item veto authority by providing for the authorization for expenditures in one bill and a lump sum appropriation for those purposes in another. I cannot allow such an erosion of the Governor's item veto authority to occur.

The Governor's item veto authority was designed to provide the Governor with the ability to strike appropriation items. Nothing is more clearly related to the expenditure of taxpayers money than legislation providing additional salary increases. To view the item veto authority otherwise would greatly hamstring the gubernatorial authority over appropriations and potentially emasculate this important check on state spending.

In addition, the bill does authorize payments from a standing unlimited appropriation in Chapter 2 of the Code. An authorization of payment is an appropriation by definition.

In short, I cannot accept the items in Senate File 504 which provide for an 82.5 percent to 100 percent increase in daily allowances for legislators and allow legisla-

tors to receive special health insurance coverage treatment. Taken together, these benefit increases would increase legislative compensation by over 30 percent. That is an excessive increase.

For the above reasons, I hereby respectfully disapprove these items in accordance with Amendment IV of the Amendments of 1968 to the Constitution of the State of Iowa. All other items in Senate File 504 are hereby approved as of this date.

Sincerely,  
Terry E. Branstad  
Governor

\*See footnote on page 2755

June 9, 1987

The Honorable Elaine Baxter  
Secretary of State  
State Capitol Building  
L O C A L

Dear Madam Secretary:

I hereby transmit Senate File 511, an act relating to the financing of public agencies and programs and making appropriations to agencies, boards, commissions, departments, and programs of state government relating to elected officials, the executive council, management, revenue and finance, personnel, general services, economic development, agriculture, natural resources, and education, providing a property tax exemption for certain educational facilities, establishing an office of state-federal relations, providing for the education of American Indian children, establishing an occupational therapist loan program, providing for the sale of certain property and the purchase of certain property, providing tax exemption for certain property of a public television station, establishing a targeted small business linked deposit program and Iowa satisfaction and performance bond program, establishing a state fair authority, establishing an obstetrical and newborn indigent patient care program, accretion to bargaining units of certain teachers, providing for a loan of moneys in the permanent school fund, providing a tax deduction and a tax credit for certain purposes, making provisions retroactive, and providing effective dates.

Senate File 511 provides for appropriations and substantial statutory changes for agencies ranging from executive council to the Department of Education. This bill, in short, spends more than the state's taxpayers can afford. Senate File 511 authorizes a score of new programs; it attempts to hide the real level of spending in FY 88 by over \$12 million by appropriating funds in the wrong fiscal year; and it contains substantial statutory language which encroaches upon executive branch discretion in the administration of programs.

As a result, action must be taken to clean up this bill and to substantially cut the level of spending.

With the recent action by the extraordinary session of the 72nd General Assembly, the Department of Management estimates that the state will face a revenue shortfall of up to \$30 million in FY 88. This shortfall occurs despite the use of the additional one-time revenue achieved in FY 87 as a result of federal tax changes. Clearly, spending must be cut substantially in FY 88 if we are to have a balanced budget as required by the Iowa Constitution.

Therefore, I am taking action to remove \$15.95 million of excessive spending from Senate File 511. I also am removing \$19.203 million from House File 671 in order to provide the state with a balanced budget. Programs for which spending is cut or eliminated in this bill include those which have been recommended for elimination in the past, those new programs which impose upon the state's taxpayers new liabilities and additional spending for existing programs beyond that called for in my initial recommendations to the General Assembly.

Senate File 511 is, therefore, approved on this date with the following exceptions which I hereby disapprove.

I am unable to approve the item designated as Section 107, Subsection 1, unnumbered paragraph 1 in its entirety. This unnumbered paragraph requires the Department of General Services to continue the forms management program. This program was recommended for elimination by the recent restructuring and downsizing report for state government and I had recommended that we cut this program. The legislature provided an additional \$40,000 in the lump sum appropriation to the department. With this veto, that \$40,000 will revert to the state's general fund. The department can provide for appropriate controls on the use of forms by state agencies without the expenditure of these additional funds.

I am unable to approve the item designated as Section 109 in its entirety. Section 109 of Senate File 511 provides \$3 million to the Department of General Services in FY 89 and FY 90 to be used for capitol complex construction. This program is designed to supplement funds appropriated in the lottery bill to construct an underground office building for the General Assembly. I question the legislature's ability to obligate a future General Assembly for these funds. In addition, I believe it is inappropriate for the General Assembly to be spending millions of dollars to construct a new office building for the members.

I am unable to approve the item designated as that portion of Section 114 which reads as follows: "and the fiscal committee of the legislative council,"

This provision in Section 114 gives the fiscal committee of the legislative council the authority to, in effect, appropriate funds to the lottery division of the Department of Revenue and Finance. I believe this is an inappropriate delegation of responsibility to the fiscal committee of the legislature. The Department of Management will review the need for additional funds by the lottery division and will provide appropriate reports on those needs to the legislature.

I am unable to approve that item designated as Section 122 in its entirety. Section 122 of Senate File 511 appropriates \$4.25 million in FY 87 for various projects to the Department of General Services. These include capitol renovation projects and moving the historical division into the new historical building.

I had recommended a number of these funds for appropriation in FY 88. However, the legislature is attempting to use budget gimmickery to mask the actual level of spending in Fiscal Year 1988. This "appropriate-now and spend-later" budgetary practice is dangerous and will result in excessive spending in FY 88 and FY 89. Iowa taxpayers cannot afford these double expenditures and therefore I cannot allow this budget gimmickery to be passed into law. The historical division move and the capitol renovation projects can be accomplished by use of lottery funds.

I am unable to approve that item designated as Section 126, Subsection 2, paragraph b; Section 126, Subsection 3 in its entirety; that portion of Section 126, Subsec-

tion 4 which reads as follows: "with oversight of the office to be provided by the state-federal relations commission."

And Section 126, Subsection 6 in its entirety.

This item in Section 126 establishes a state-federal relations commission which, in effect, is a fourth branch of government composed of the three branches established in the Constitution. To be effective, Iowa's Washington office must be managed by the executive branch, albeit with appropriate communication with the other branches of government. Setting up a three-party team to manage a new independent agency would be unworkable and would greatly hamper the ability of Iowa to use its Washington office to return a greater share of our federal tax dollars to Iowa.

I am unable to approve that item designated as Section 127 in its entirety.

This section requires the governor to transmit final drafts of the governor's proposed budget expenditures no later than seven days following delivery of the budget message. A good faith effort will be made to have the draft budget bills submitted within seven days of the message. However, the language in Section 127 is unduly restrictive.

I am unable to approve that item designated as Section 133 in its entirety.

This section of Senate File 511 establishes an audit expense fund by the Department of Revenue and Finance. While I agree with the intent of this proposal — to provide additional auditors and to increase tax compliance — I cannot accept another fund separated from the state's general fund. Such action by the General Assembly tends to obscure the ability of taxpayers to view the real level of spending. Revolving funds should be used on only a very limited basis; direct appropriations from the general fund should be the general rule.

I am unable to approve that item designated as Section 201, Subsection 6 in its entirety.

This section of Senate File 511 imposes burdensome performance measures and reporting requirements on the Department of Agriculture and Land Stewardship. These management related goals and reporting mechanisms are the essence of executive branch administrative discretion. The Department of Management has developed performance measures for each department, consistent with the reorganization bill. The results of these measures can and will be shared with the legislative branch of government at appropriate times. Moreover, the agricultural marketing issue is now the subject of contention between the Department of Economic Development and the Department of Agriculture and Land Stewardship. These goals and mission statements simply tend to further confuse that marketing dichotomy. The legislature should take action to provide full marketing authority in the Department of Economic Development, as recommended in the recent reorganization legislation.

I am unable to approve that item designated as Section 205, Subsection 5 in its entirety.

This section of Senate File 511 imposes detailed performance measures on the law enforcement bureau of the fish and wildlife division of the Department of Natural Resources. Again, these management related goals and reporting mechanisms are the essence of executive branch administrative discretion. The Department of Management's performance measures can and will be shared at appropriate times with the

legislative branch of government. However, some administrative discretion in the management of state government must be maintained.

I am unable to approve that item designated as Section 207, Subsection 2 in its entirety.

This subsection appropriates \$60,000 to the Department of Natural Resources for Iowa's dues to the Midwest Interstate Low Level Radioactive Waste Compact for Fiscal Year 1988. However, even though the funds are to be used for FY 88, they are actually appropriated in FY 87. Again, this budget gimmickery is designed to mask the real level of spending provided for in the next fiscal year. The state must appropriate the funds necessary for this assessment from this important compact. I urge the General Assembly to take action to provide for those funds in an appropriate manner next fiscal year.

And I am unable to approve the item designated as Section 210 in its entirety.

Section 210 of Senate File 511 provides \$250,000 in FY 87 to the Department of Agriculture and Land Stewardship to pay the initial costs of establishing the agricultural export trading company. Since this state trading company was vetoed in Senate File 274, the need for these funds no longer exists. In addition, the legislature is again appropriating these funds in the wrong fiscal year in order to avoid allowing the taxpayers to see the actual level of spending provided in FY 88. As such, this section cannot be approved.

I am unable to approve that item designated as Section 211 in its entirety.

This section provides \$125,000 to the Department of Agriculture and Land Stewardship for the Iowa grain quality program. Again, funds are provided in the wrong fiscal year in order to hide the actual level of spending. In addition, Iowa has already established a certified Iowa quality grain program as a result of a cooperative effort with the private sector. Thus, additional state appropriations are not needed.

I am unable to approve that item designated as Section 220 in its entirety.

This section of Senate File 511 provides \$5 million to the Iowa agricultural development authority for agricultural loan assistance programs. I originally recommended that these funds be appropriated in FY 88 in order to provide necessary credit assistance to farmers in difficult financial shape and to provide a financial incentive for Iowans to re-enter the cattle market. I continue to strongly support those efforts.

However, the General Assembly again provides funds for this purpose in FY 87 to be spent in FY 88. I vetoed a similar effort in Senate File 355 because it requires double spending of state funds in future fiscal years. Given the state's fiscal situation, I cannot approve of this budget gimmickery. In the future, I plan to continue to urge the General Assembly to remove this buy-down program from the legislature's budgetary game playing. Funds are necessary to reinvigorate agriculture in Iowa and the legislature, in the future, ought to play it straight and provide the funds for the year in which they are to be spent.

I am unable to approve that item designated as Section 301, Subsection 15 in its entirety.

This subsection of Senate File 511 again imposes detailed performance measures and reporting requirements on the Department of Economic Development. The Department of Management's performance measures will be shared with the legislative branch

at appropriate times. That method will avoid the unnecessary encroachment of the legislative branch into the administrative discretion of the executive branch.

I am unable to approve that item designated as Section 302 in its entirety.

This section of Senate File 511 imposes restrictions on the use of community economic betterment funds, RISE funds, and job training programs. These programs must be flexible in order to respond quickly and appropriately to opportunities for new jobs. By planning additional restrictions on these funds, the legislature will cost Iowa jobs. Certainly, the considerations placed in Section 302 can and are a part of the department's decision making process. However, detailed legal restrictions would hamstring the department's ability to act quickly to obtain new jobs for Iowa.

I am unable to approve the item designated as Section 304, in its entirety.

Section 304 allows funds for tourism and marketing purposes to be carried over into FY 88. The intent of this portion of Section 304 is to increase the department's real level of spending in FY 88, while appropriating the funds in FY 87. The General Assembly cut tourism funds below last year's levels despite my call for a \$600,000 increase. I strongly support tourism marketing funding and will push hard to increase funds for that purpose next year.

I am unable to approve that item designated as Section 306 in its entirety.

This portion of Senate File 511 imposes detailed meeting and reporting requirements on the Department of Economic Development. These extensive requirements would add further bureaucratic weight to the Department of Economic Development's responsibilities. Such requirements would limit the department's ability to perform its primary mission — assistance in the creation of new jobs in our state. As a result, I cannot approve this section of Senate File 511.

I am unable to approve that item designated as Section 401, Subsection 8 in its entirety.

This subsection of Senate File 511 provides an additional \$60,000 to the regional library system for new grant programs. The legislature restored substantial funds to the regional library system in this appropriation. Providing funds above last year's level for studies and grants simply cannot be justified, considering the state's difficult financial situation.

I am unable to approve that item designated as Section 402, Subsection 2; Section 454, New Subsection 10; and Section 461 in its entirety.

This item of Senate File 511 establishes a new occupational therapist loan program. Many Iowa institutions have had difficulties recruiting occupational therapists. In addition, no Iowa college or university presently has an occupational therapist program. It would be appropriate for an Iowa educational institution to adopt such a program in order to improve the ability of Iowa institutions to attract needed occupational therapists. However, establishing a new loan program is not likely to provide any immediate relief. As a result, I must disapprove it.

I cannot approve the item designated as that portion of Section 405, unnumbered paragraph 2, which reads as follows:

"As a condition of the appropriation made in this subsection, the Department of Education shall expend at least one hundred fifty thousand

(150,000) dollars of the moneys appropriated in this subsection to increase the salaries of 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 comparable educational requirements."

This portion of Senate File 511 provides an inappropriate supplement of salaries to consultants in the Department of Education. While some review of the consultants salaries may be in order, direct legislative action to provide a salary adjustment to individual state employees is bad salary policy and cannot be approved.

I cannot approve the item designated as Section 405, Subsection 12 in its entirety.

This subsection provides \$250,000 to a particular merged area school to meet educational needs. I understand that the Des Moines Area Community College does have a funding problem caused by the new area college funding formula incorporated in this legislation and that these funds would help finance instructors. This problem is caused by the definition of contact hours in the formula. I will work with the Department of Education and the Des Moines Area Community College to resolve this contact hour definitional problem to prevent DMACC from being excessively penalized through the formula. However, I cannot approve a separate supplemental appropriation on top of the funding formula to deal with that issue. The funding formula is designed to provide all of the funds to the area colleges for educational purposes. Any difficulties with the formula should be resolved internally without a separate line item appropriation. The instructional problems at the Carroll DMACC campus must be addressed within the community college structure.

I am unable to approve the item designated as Section 408, Subsection 1, lettered paragraph a, unnumbered subparagraph 1.

This unnumbered paragraph requires that the Board of Regents provide free copies of the student newspapers to the chairpersons and ranking members of the education appropriations subcommittees, the legislative fiscal bureau, and the Department of Management. Legislating free newspapers in an appropriation bill is wrong and cannot be tolerated. If members of these committees wish to receive newspapers, they should work out an arrangement with the institutions and report it as a gift.

I am unable to approve the item designated as Section 409 in its entirety.

This section of Senate File 511 provides \$2 million of FY 87 funds to be spent in FY 88 for an amorphous silicon research facility at Iowa State University. I am supportive of this research effort and have encouraged the university and the company interested in this project to apply for oil overcharge funds under the competitive grant process. Indeed, members of the oil overcharge review committee have expressed an interest in the project. However, I cannot accept an FY 87 appropriation to be spent in FY 88 for this purpose. It again masks the real level of spending provided by the General Assembly.

I am unable to approve that item designated as Section 416 in its entirety.

This section of Senate File 511 punishes school districts that have not filed their economy committee task force report. Just a few districts have failed to do so, to date. I would encourage them to comply with Iowa law. However, I do not believe it is appropriate to deny children in those districts of all state aid as is required in Section 416. The punishment, in this case, exceeds the violation. As a result, I cannot approve

Section 416 but do request that the affected school districts comply with Iowa law and file their economy task force reports.

I am unable to approve that item designated as Section 421 in its entirety.

This section of Senate File 511 provides for detailed performance review measures and reporting requirements for regional libraries which should remain the prerogative of the executive branch of state government. These management review and reporting mechanisms violate the need for administrative discretion. The Department of Management will report to the legislative branch regarding the performance measures developed by the executive branch.

I am unable to approve the item designated as Section 430 in its entirety; and Section 448 in its entirety.

This item in Senate File 511 requires the establishment of adolescent task force local advisory committees. I am aware of and sensitive to the need to provide state assistance to adolescents. Specifically, I am approving Section 411 which provides for pregnancy prevention and services grants. I am pleased that this section of the bill directs these funds to be used in an appropriate way and prohibits the use of these funds for abortions.

However, the task force and the local advisory groups remain narrowly focused and would duplicate the task force on adolescent substance abuse, pregnancy, and suicides which I plan to appoint. That task force will represent a broad spectrum of citizens of Iowa and will make recommendations for consideration by the General Assembly in 1988.

I am unable to approve that item designated as Section 452 in its entirety.

This section in Senate File 511 provides an additional \$3.25 million to the merged area schools for salary adjustments. While I understand the need for salary adjustments at the merged area schools, I cannot approve a separate appropriation for that purpose. My recommendations to the General Assembly provided for full funding of the formula for merged area schools. This provided them with an additional \$8.8 million of state aid. Once the merged areas are engaged in formula funding, they should no longer expect additional salary supplements. Therefore, I cannot approve the additional salary supplement provided in Section 452.

I am unable to approve the item designated as Section 471 and Section 472 in its entirety.

This item in Senate File 511 legislates bargaining units for classroom teachers at the Iowa Braille and Sight Saving School and the Iowa School for the Deaf. Chapter 20 requires the Iowa Public Employment Relations Board to establish appropriate bargaining units. This legislation is clearly a violation of Chapter 20 by arbitrarily legislating bargaining units. That precedent should not be established.

I am unable to approve that item designated as that portion of Section 491, Subsection 4 in its entirety.

This subsection provides that \$200,000 from phase three of the educational excellence fund is to be used for pilot projects for sabbaticals for teachers. I cannot accept this diversion of performance-based pay funds for that purpose. While there may be some educational value in a sabbatical, I do not believe that the state ought to be providing line item funds for that purpose. Instead, local school districts should develop

performance-based pay plans that best suit the needs of their districts, subject to approval of the Department of Education.

I am unable to approve that item designated as Section 491, Subsection 5, numbered paragraph 2. This item requires that the appropriations for performance-based pay be placed on the chopping block if further budget cuts are needed. Since this provision substantially alters the existing state policy on budget reductions and establishes performance-based pay as the legislature's last priority, I cannot approve it. I believe that performance-based pay for education should be our top priority and I plan to treat it as such as the budget is implemented for the next fiscal year.

In summary, Senate File 511 includes excessive spending for new programs. With these actions, I have reduced spending in this bill by \$15.95 million. In addition onerous statutory language has been stricken. At the same time, our commitment to excellence in education in K-12 is maintained and strengthened.

For the above reasons, I hereby respectfully disapprove these items in accordance with Amendment IV of the Amendments of 1968 Constitution of the State of Iowa. All other items in Senate File 511 are hereby approved as of this date.

Sincerely,  
Terry E. Branstad  
Governor

\*See footnote on page 2755

June 7, 1987

The Honorable Elaine Baxter  
Secretary of State  
State Capitol Building  
L O C A L

Dear Madam Secretary:

I hereby transmit Senate File 515, an act relating to the allocations and appropriations of lottery revenues and the programs for which the revenues may be used.

Senate File 515, makes appropriations from lottery revenues to the various accounts of the Iowa Plan Fund. I am pleased that the General Assembly, for the most part, maintained our commitment to use the lottery funds for economic development and job creation activities. However, the language included in this legislation unwisely restricts the use of these funds for job creation purposes, provides funds for the construction of a legislative underground office facility which has little, if any, positive economic development impact, and inappropriately involves the legislative branch in executive branch management activities.

Senate File 515 is, therefore, approved on this date with the following exceptions which I hereby disapprove.

I am unable to approve the items designated as Section 4, Subsections 8, 11 in their entirety and the first paragraph of Subsection 12.

Subsections 8, 11 and a portion of 12 of Section 4 of Senate File 515 provide unnecessary restrictions on the ability of the Department of Economic Development to provide community economic betterment account funds. These funds are provided to local communities to assist in job creation efforts. One of the values of this program has been its flexibility — the department is able to act quickly and responsibly in the race for new jobs.

Subsections 8, 11 and 12 would greatly hamper the ability of the Department of Economic Development to respond quickly to an opportunity for new job creation in the state. Subsection 10 would require large upfront loans to eligible businesses which would quickly dry up available funds. While loans should be used where economically feasible, the department should retain the flexibility to use either grants or loans.

Subsection 11 requires a detailed competitive impact assessment before funds are authorized. The competitive impacts of CEB grants should and are a part of the department's decision-making process. However, the detailed restrictions imposed in Subsection 11 would greatly limit the ability of the department to act quickly in response to an economic development opportunity.

In addition, the designated portion of Subsection 12 would require the department to do an exhaustive analysis of each company's labor relations and "business ethics" record prior to providing assistance to create jobs. Such standards are illusory and could tie the department up into bureaucratic knots when speed and decisiveness are needed to obtain new jobs.

Taken together, these subsections could well cost Iowa jobs in the future by unnecessarily restricting the use of community economic betterment funds. They must therefore be disapproved.

I am unable to approve the item designated as that portion of Section 11, New Lettered Paragraph, j, which reads as follows: "the funds shall next be used to construct and equip additional space for the general assembly as approved by the legislative council;"

This item of Senate File 515 provides funds for the construction of an underground office building for the General Assembly. The General Assembly has also provided appropriations for the next several fiscal years to complete this multi-million construction project. Given the state's tight fiscal condition and the need for additional funds for economic development and other important priorities, I cannot approve this measure to construct a new legislative office building.

Lottery funds are to be used for economic development purposes. Constructing an underground office facility for the expansion of the General Assembly is not the type of job creation Iowans had in mind when the lottery funding package was first developed. For that reason, I cannot approve this item.

I am unable to approve the item designated as Section 13 in its entirety.

Section 13 of Senate File 515 requires all the agencies, boards and commissions which receive funds from the lottery to provide frequent reports to the legislative fiscal bureau. This is an excessive level of reporting and would limit the ability of the managers of these funds to appropriately administer the programs within the executive branch's discretion. Therefore, I cannot approve this item.

I am unable to approve the item designated as Section 20 in its entirety. Section 20 of Senate File 515 imposes burdensome performance measures and reporting requirements on the Department of Economic Development. The type of management related goals, and reporting mechanisms included in the bill are the essence of executive branch administrative discretion. The Department of Management has developed performance measures for each department. The results of these measures can be shared at appropriate times with the legislative branch.

In addition, the Department of Economic Development will respond to appropriate requests for information from the legislature regarding the implementation of economic development programs. However, the administration of programs must remain an executive branch prerogative without the encroachment incorporated in Section 20 of Senate File 515.

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 Senate File 515 are hereby approved as of this date.

Sincerely,  
Terry E. Branstad  
Governor

\*See footnote on page 2755

June 8, 1987

The Honorable Elaine Baxter  
Secretary of State  
State Capitol Building  
L O C A L

Dear Madam Secretary:

I hereby transmit Senate File 518, an act relating to and making appropriations to state agencies whose responsibilities relate to public defense, public safety, transportation, and enforcement, and including allocation of moneys from the road use tax fund and providing effective dates.

Senate File 518 provides appropriations for law enforcement and transportation related agencies in state government. While I have some concern about the excessive appropriations from the law enforcement training reimbursement fund, the appropriations made in this bill are generally in line with my original recommendations. However, Senate File 518 includes several provisions which excessively tie the hands of the executive branch of state government and must be vetoed.

I am unable to approve the item designated as Section 1, Subsection 3 in its entirety. Subsection 3 of Section 1 of Senate File 518 establishes detailed performance review measures and reporting requirements for the law enforcement academy's training program. The management-related goals and reporting mechanisms included in this subsection are the essence of executive branch administrative discretion. The Department of Management has developed performance measures for each department. The results of these measures can be shared at appropriate times with the legislative branch. However, the legislative requirements imposed in Subsection 3 are excessive and cannot be approved.

I am unable to approve Section 16 of Senate File 518 in its entirety. Section 16 requires the Department of Transportation to lower the entrance pipe by two feet at station 329 + 60 Rt on U.S. highway 63 in Tama county, Iowa. The level of the drainage pipe referred to in Section 16 is now under study by the Department of Transportation in order to relieve a drainage problem in the area. There are different views in the area about the appropriate level at which the pipe should be located. The decision on the appropriate level for the pipe is one which should clearly be subject to administrative discretion and executive branch expertise. Such detail directed by the General Assembly is a glaring example of excessive legislative branch encroachment into executive branch authority. As such, I cannot approve Section 16.

I am unable to approve Section 29 of Senate File 518 in its entirety. Section 29 of this bill amends the 1986 Iowa Acts, to require that DOT maintenance garages be placed in Tama-Toledo, Dubuque and Centerville. This section prohibits the department from placing these garages in any area around these communities. I understand the intent of this section is to require the department to place the garage in an appropriate location in Tama-Toledo. And I am pleased that the Department of Transportation officials do plan to build that garage very near those communities. However, by requiring that these garages be placed within the city limits of Dubuque and Centerville, the legislature inadvertently created a serious problem for the department. At the present time, the maintenance garage in the Dubuque area is now under construction just outside of the city limits of that community. And the Centerville area garage is also proposed to be constructed just outside the city limits. Neither of these projects could move forward if this legislation were signed into law.

For the above reasons, I hereby respectfully disapprove these items in accordance with Amendment IV of the Amendments of 1968 to the Constitution of the State of Iowa. All other items in Senate File 518 are hereby approved as of this date.

Sincerely,  
Terry E. Branstad  
Governor

\*For language struck from bill by item veto, see 1987 Acts of the General Assembly

## IN MEMORIAM

## House

Memorials adopted by the House of Representatives, 1987 Regular Session of the Seventy-second General Assembly, commemorating the life, character, and public service of the former members of the House of Representatives.

- HARRY R. GITTINS . . . . . August 10, 1910—July 26, 1986  
 MILLARD F. HICKLIN . . . . . August 28, 1908—July 4, 1986  
 FRANCIS T. MCGILL . . . . . October 1, 1888—December 22, 1986  
 ANDREW J. NIELSEN . . . . . January 6, 1889—July 13, 1986  
 JAMES E. PATTON . . . . . July 16, 1895—November 28, 1984  
 AMOS C. PETERSON . . . . . June 27, 1892—March 7, 1987  
 HILLMAN H. SERSLAND . . . August 10, 1906—October 21, 1985  
 WALDEN T. SMITH . . . . . February 3, 1902—December 28, 1986  
 NATHAN F. SORG . . . . . December 25, 1909—May 11, 1985  
 HENRY W. WORMLEY . . . . . May 13, 1898—August 19, 1985

## HARRY R. GITTINS

Mr. Speaker: Your committee, appointed to prepare a suitable resolution commemorating the life, character, and public service of the late Honorable Harry R. Gittins begs leave to submit the following Memorial:

Harry R. Gittins was born August 10, 1910, on a farm near Underwood, Iowa. On October 1, 1940 he married Ramona Peterson, R.N., of Underwood, to which union three sons and two daughters were born.

A graduate of Underwood High School, he received his Bachelor of Science degree in Mathematics from the University of Nebraska and his masters in Mathematics from UCLA. He was a teacher, coach, principal and school superintendent, and a member of the Lions Club; was in charge of Institutional Affairs for Pottawattamie County for nine years, served as a member of the Pottawattamie County Board of Supervisors and was chosen by Governor Robert Ray to head up the state advisory board for planning and programming; was a member of Kiwanis, Farm Bureau, Board of Directors of the County Mental Health Center, and listed in Marquis Who's Who in the Midwest, 1967 edition.

A Republican, Mr. Gittins represented Pottawattamie County during the Fifty-ninth, Sixtieth, Sixtieth Extra and Sixty-second General Assemblies.

Harry R. Gittins died July 26, 1986, and is survived by Ramona, his wife of forty-five years; three sons, Robert M. of Council Bluffs, Rodney P. of Council Bluffs, Roger D. of Phoenix, Arizona; two daughters, Mrs. Dr. Garth (Harriet) Warner and Mrs. Dennis (Patricia) Conlon, both of Seattle, Washington; two sisters, Lauretta Tey of Omaha, Nebraska, and Lucille Driver of Council Bluffs; and seven grandchildren.

*Now Therefore, Be It Resolved by the House of Representatives of the Seventy-Second General Assembly of Iowa, That in the passing of the Honorable Harry R. Gittins, 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.*

JOAN L. HESTER  
EMIL S. PAVICH  
J. BRENT SIEGRIST

Committee

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MILLARD F. HICKLIN

Mr. Speaker: Your committee, appointed to prepare a suitable resolution commemorating the life, character, and public service of the late Honorable Millard F. "Mike" Hicklin begs leave to submit the following Memorial:

Millard F. Hicklin was born August 28, 1908 in Wapello, Iowa, the son of Edwin and Millicent Reichley Hicklin. On September 29, 1933 he married Cleora Jackson in Des Moines, Iowa, to which union one son and one daughter were born.

"Mike" attended Wapello public schools, the University of Iowa, and graduated from Drake University Law School in 1933. A Navy veteran of World War II, he practiced law in Wapello for 17 years. After serving 8 years in the Iowa Legislature, he moved to Des Moines to serve as Secretary/Treasurer of the Iowa Railway Committee until his retirement in 1971. He then returned to Wapello and served as zoning administrator for the city of Wapello, Louisa County mental health referee, and an inheritance tax appraiser. He was a member of the Iowa State and Louisa County bar associations; the Pioneer Lawmakers; Davenport Consistory KCCH; Wapello Lodge No. 5, AF and AM; and the American Legion.

A Republican, Mr. Hicklin represented Louisa County during the Fiftieth, Fiftieth Extra, Fifty-first, Fifty-second, Fifty-second Extra and Fifty-third General Assemblies.

Millard F. "Mike" Hicklin died July 4, 1986. He is survived by his wife, Cleora, of Wapello; a son, Thomas, of Littleton, Colorado; a daughter, Mary Margaret Morris, of Des Moines; three grandchildren, and four sisters.

*Now Therefore, Be It Resolved by the House of Representatives of the Seventy-second General Assembly of Iowa, That in the passing of the Honorable Millard F. Hicklin, 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 the Chief Clerk be directed to forward an enrolled copy to the family of the deceased.*

VIRGIL E. COREY  
DONALD R. PLATT  
DAN PETERSEN

Committee

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FRANCIS THOMAS MCGILL

Mr. Speaker: Your committee, appointed to prepare a suitable resolution commemorating the life, character, and public service of the late Honorable Francis Thomas (Frank) McGill begs leave to submit the following Memorial:

Frank McGill was born October 1, 1888 in Cleveland, Ohio and lived most of his life in Sioux County. He married Lona Norris in 1926, to which union one son and one daughter were born.

A 1916 graduate of the University of Iowa Law School, Mr. McGill practiced law in Fort Dodge, Iowa until 1917. During the war, he operated a Knights of Columbus service man's canteen at Camp Dodge. After the war, he returned to Rock Valley to work in the bank and practice law, which he continued to do until his death. Frank McGill was mayor of Rock Valley for thirteen years and was the City Attorney for many years; he was a charter member of the Rotary Club; served on the school board; was trustee in St. Mary's Catholic Church; president of the Community Oil board for 40 years; was a member of the Sioux County and Iowa Bar Associations; and was Honorable Grand Marshall of the Rock Valley Centennial parade.

A Democrat, Mr. McGill represented Sioux County during the Forty-sixth and Forty-sixth Extra General Assemblies.

Francis Thomas McGill died December 22, 1986. He is survived by his son, Thomas of Rock Valley, Iowa; his daughter, Mary Goin of Mitchell, South Dakota; fourteen grandchildren and twenty-two great grandchildren. He was preceded in death by his wife in 1976.

*Now Therefore, Be It Resolved by the House of Representatives of the Seventy-second General Assembly of Iowa, That in the passing of the Honorable Frank McGill, 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.*

LEE PLASIER  
TOM MILLER  
KENNETH DE GROOT

Committee

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ANDREW J. NIELSEN

Mr. Speaker: Your committee, appointed to prepare a suitable resolution commemorating the life, character, and public service of the late Honorable Andrew J. Nielsen begs leave to submit the following Memorial:

Andrew J. Nielsen was born January 6, 1889, in Omaha, Nebraska. He married Emma Batchellor Nielsen, to which union one son and one daughter were born.

Having moved to Iowa when he was a child, Andrew J. Nielsen attended Creighton and Omaha Universities; served in the Army during World War I; was a Methodist Minister, a member of the Iowa Bar, a member of the Offutt Chapter of the Retired Officers Association, the American Legion, the 40 & 8, and the Fraternal Order of Eagles. After being divorced from his wife, Emma, Mr. Nielsen married Catherine Peet in 1940. Andrew J. Nielsen served as acting City and County Attorney, and was an elected Municipal Court Judge.

A Republican, Mr. Nielsen represented Pottawattamie County during the Forty-ninth, Fiftieth, Fiftieth Extra, Fifty-first, Fifty-second and Fifty-second Extra General Assemblies.

Andrew Nielsen died July 13, 1986. He is survived by his wife, Catherine Peet Nielsen of Council Bluffs; his son, Paul of Los Angeles, California; and his daughter, Bertha Thompson of Simi Valley, California. Mr. Nielsen was preceded in death by his first wife, Emma, in 1962.

*Now Therefore, Be It Resolved by the House of Representatives of the Seventy-second General Assembly of Iowa, That in the passing of the Honorable Andrew J. Nielsen, 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  
WILLIAM H. HARBOR  
J. BRENT SIEGRIST

Committee

## JAMES E. PATTON

Mr. Speaker: Your committee, appointed to prepare a suitable resolution commemorating the life, character, and public service of the Honorable James E. Patton begs leave to submit the following Memorial:

James E. Patton was born July 16, 1895 in Ford County, Illinois, the son of John and Mary (Brown) Patton. He moved with his parents to Buchanan County in 1905. On June 14, 1926 he married Gladys Utley at Nashua, Iowa, to which union three sons were born.

Mr. Patton was educated in the Buchanan County Schools and later at the state teachers college at Cedar Falls, Iowa. He served as an Instructor in the 169th Machine Gun Battalion of the Army during World War I. He lived on his 350 acre farm, two miles south of Manchester, Iowa where he was engaged in turkey production, farming, dairying, and beef cattle. He retired January 1, 1959. His civic and community involvement included: a Blue Lodge member of the Manchester Masonic Lodge #165, a Nazareth Yorkrite Body, serving the Eastern Star, White Rose, and as an El Kahir Shriner; an elder in the Presbyterian Church; and a member of the Prairie Center and Pomona Granges.

A Republican, Mr. Patton represented Delaware County during the Fifty-eighth, Fifty-ninth, Sixtieth, Sixtieth Extra, Sixty-first and Sixty-second General Assemblies.

James E. Patton died November 28, 1984. He is survived by his wife Gladys; three sons, James of Solon; William of Storm Lake; and Dr. Roger Patton of Milwaukee, Wisconsin; nine grandchildren; two great-grandchildren; one brother, John Patton of Independence; and five sisters, Mary Kaney of Atlanta, Georgia, Mrs. Anthony (Mable) Fleider of Denver, Colorado, Mrs. Alice Fleider of Merit Island, Florida, Mrs. Irene Williams of Tampa, Florida, and Mrs. Florence Snapp of Waterloo.

*Now Therefore, Be It Resolved by the House of Representatives of the Seventy-second General Assembly of Iowa, That in the passing of the Honorable James E. Patton, 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.*

DARRELL R. HANSON  
ROGER A. HALVORSON  
JOSEPH M. KREMER

Committee

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 AMOS C. PETERSON

Mr. Speaker: Your committee, appointed to prepare a suitable resolution commemorating the life, character, and public service of the late Honorable Amos C. Peterson begs leave to submit the following Memorial:

Amos C. Peterson was born on June 27, 1892, near Nashua, Iowa. On April 18, 1917 he married Rilla Butler, to which union one son was born.

A farmer, Mr. Peterson raised and bred registered Holstein cattle and purebred Duroc hogs. He was a member of the Methodist Church; the Iowa Farm Bureau; the Nashua School Board; township trustee; director of Farm Bureau; secretary of Nashua Co-op Creamery; director of Nashua Equity and Lumber Co.; and director of the Big 4 Fair Association.

A Republican, Mr. Peterson represented Chickasaw County during the Forty-fifth and Forty-sixth General Assemblies.

Amos C. Peterson died March 7, 1987. He is survived by his wife, Rilla Peterson, of Waterloo; his son, Roger, of Allison; two sisters, Lyla (Mrs. Russel) Chambers, of Charles City, and Vina (Mrs. Robert) Chambers, of Modesto, California; two grandchildren and two great-grandchildren.

*Now Therefore, Be It Resolved by the House of Representatives of the Seventy-second General Assembly of Iowa, That in the passing of the Honorable Amos C. Peterson, 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.*

DEO KOENIGS  
PAUL W. JOHNSON  
RAY LAGESCHULTE

Committee

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#### HILLMAN H. SERSLAND

Mr. Speaker: Your committee, appointed to prepare a suitable resolution commemorating the life, character, and public service of the late Honorable Hillman H. Sersland begs leave to submit the following Memorial:

Hillman H. Sersland was born August 10, 1906 in Winneshiek County. On August 28, 1929 he married the former Irene W. Olson of Decorah, to which union two sons and one daughter were born.

Mr. Sersland farmed and operated the Sersland Implement Company in Decorah; was an active member of the Washington Prairie Lutheran Church, where he held numerous offices; was a member and past president of the Winneshiek County Farm bureau; was a charter member and past president of the local Lion's Club; was a member of the Winneshiek County Health Improvement board and Elks Club.

A Republican, Mr. Sersland represented Winneshiek County during the Fifty-fifth, Fifty-sixth, Fifty-seventh, Fifty-eighth, Fifty-ninth, Sixtieth and Sixtieth Extra General Assemblies.

Hillman H. Sersland died October 21, 1985. He is survived by his wife, Irene, of Decorah; two sons; Howard of Decorah and Walter of Monona; his daughter, Marilyn Bostrom of West Union; nine grandchildren; five great-grandchildren; three brothers, Raymond of Decorah, Arnold of Mt. Vernon, Washington, and Kenneth of Madison, Wisconsin; two sisters; Agnes (Mrs. Orval) Seegmiller of Waterloo, and Florence Johnson of Decorah.

*Now Therefore, Be It Resolved by the House of Representatives of the Seventy-second General Assembly of Iowa, That in the passing of the Honorable Hillman Sersland, 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.*

PAUL W. JOHNSON  
ROGER A. HALVORSON  
DONALD D. AVENSON

Committee

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WALDEN T. SMITH

Mr. Speaker: Your committee, appointed to prepare a suitable resolution commemorating the life, character, and public service of the late Honorable Walden T. Smith begs leave to submit the following Memorial:

Walden T. Smith was born February 3, 1902 in Webster, Iowa, the son of Andrew and Mary Ellen Kile Smith. On June 28, 1934 he married Elizabeth Jones, to which union three daughters were born.

Mr. Smith was a school superintendent who had served at Mediapolis from 1936-1943, at Huron from 1949-1952, and at Sperry from 1967-1972. Owner, publisher and editor of the Mediapolis New Era from 1942-1957, Mr. Smith was a member of the United Methodist Church, Mediapolis; the Masonic Lodge; and was a charter member of the Mediapolis Lions Club.

A Republican, Mr. Smith represented Des Moines County during the Fifty-second and Fifty-second Extra General Assemblies.

Walden T. Smith died December 28, 1986. He is survived by his three daughters; Mrs. Marilyn (Mike) Seelinger, of Manchester, Mrs. Walda (Jack) Gustafson, of Brooklyn, and Mrs. Margaret (William) Breuer, of Wapello; ten grandchildren; one great-granddaughter and two step-great-granddaughters. He was preceded in death by his wife, Elizabeth, on October 5, 1981.

*Now Therefore, Be It Resolved by the House of Representatives of the Seventy-second General Assembly of Iowa, That in the passing of the Honorable Walden T. Smith, 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 the Chief Clerk be directed to forward an enrolled copy to the family of the deceased.*

DENNIS COHOON  
CLAY SPEAR  
CLYDE NORRGARD

Committee

## NATHAN F. SORG

Mr. Speaker: Your committee, appointed to prepare a suitable resolution commemorating the life, character, and public service of the late Honorable Nathan F. Sorg begs leave to submit the following Memorial:

Nathan F. Sorg was born December 25, 1909. In 1934 he married Nellie M. Lyman, to which union two daughters were born.

Mr. Sorg attended Hawkeye Public Schools and after graduation went to the University of Northern Iowa to receive his B.A. He then went on to receive his B.S. and M.S. from the State University of Iowa. He was a member of the Masonic Lodge; A.F. and A.M. No. 6 of Marion; B.P.O. Elks No. 251; Cedar Rapids Consistory; the Iowa Pharmaceutical Association; was a trustee of the Marion Water Department for 13 years; and was on the Board of Directors of the Farmers State Bank for 31 years. He and his wife Nellie owned Sorg Pharmacy in Marion, Iowa until his retirement in 1975.

A Republican, Mr. Sorg represented Linn County during the Sixty-second, Sixty-third and Sixty-fourth General Assemblies.

Nathan F. Sorg died May 11, 1985. He is survived by his wife, Nellie Sorg, Des Moines; his daughters; Barbara Lyford, of Des Moines, and Ruth Bernstein, of Marion; and five grandchildren.

*Now Therefore, Be It Resolved by the House of Representatives of the Seventy-second General Assembly of Iowa, That in the passing of the Honorable Nathan F. Sorg, 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.*

RON J. CORBETT  
MARY A. LUNDBY  
RICHARD V. RUNNING

Committee

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HENRY W. WORMLEY

Mr. Speaker: Your committee, appointed to prepare a suitable resolution commemorating the life, character, and public service of the late Honorable Henry W. Wormley begs leave to submit the following Memorial:

Mr. Wormley was born in Kingsley, Iowa on May 13, 1898. He married Delia Sitzman of Kingsley, to which union two sons were born.

Henry graduated from Kingsley High School and attended the University of Iowa, receiving a BA and his LLB degree in 1923. He practiced law in Kingsley for over twenty years and served as mayor for ten of those years. In 1945, he was appointed to serve as Assistant Attorney General of Iowa. He was a veteran of World War I and a member of the American Legion and the Sons of the American Revolution.

A Republican, Mr. Wormley represented Plymouth County during the Fiftieth, Fiftieth Extra and Fifty-first General Assemblies.

Henry Wormley died August 19, 1985. He is survived by his sons; John M. Wormley, of Glendora, California, and Thomas L. Wormley, of Des Moines; six grandchildren and two great grandchildren. He was preceded in death by his wife.

*Now Therefore, Be It Resolved by the House of Representatives of the Seventy-second General Assembly of Iowa, That in the passing of the Honorable Henry W. Wormley, 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 J. PAULIN  
WAYNE BENNETT  
TOM MILLER

Committee

## GENERAL INDEX

ADAMS, JANET—Representative **Hamilton-Webster Counties**

Amendments filed—1456, 1688, 1689, 1840, 2093

Amendments offered—642, 2240

Appointed to the Social Services Block Grant Advisory Committee—594

Bills introduced—394, 429, 683, 1184

Committee appointments—26

Leave of absence—709, 1150

Resolutions offered—1118, 2160

Subcommittee assignments—112, 139, 199, 302, 363, 380, 381, 398, 407, 462, 580, 608, 627, 646, 1116, 1206, 1239, 1240, 1261, 1300

## ADDRESSED THE HOUSE—

(See also Joint Convention and/or Special Presentation)

Dr. Michael Grimes, attorney from Ireland—654-655

Karen Christensen, 1987 Iowa Junior Miss—240

The Honorable Delwyn Stromer, Minority Floor Leader—7, 2367

The Honorable Donald D. Avenson, Speaker of the House—8-10, 2368-2369

The Honorable Dorothy F. Carpenter, Assistant Minority Floor Leader—13-14

The Honorable Emil S. Pavich—5-6

The Honorable Paul W. Johnson—13

The Honorable Robert C. Arnould, Majority Floor Leader—6-7, 2367-2368

The Honorable Thomas J. Jochum—12-13

\*\*\*\*\*1987 SECOND EXTRAORDINARY SESSION\*\*\*\*\*

The Honorable Donald D. Avenson, Speaker of the House—68

## ADMINISTRATIVE RULES REVIEW COMMITTEE—

Appointments to—41, 2001

## ADVISORY COMMISSION ON INTERGOVERNMENTAL RELATIONS—

Appointment to—594

## AGRICULTURE, COMMITTEE ON—

Amendments filed—610, 721, 1160, 1232, 1301

Amendments offered—657, 900, 1274, 1286, 1611

Appointed—25

Bills introduced—533, 540, 601, 634, 683, 699, 717, 758, 807, 869

Recommendations—317, 511, 537, 580, 609, 647, 670, 704, 719, 749-750, 802, 1159, 1230, 1240, 1261-1262, 1300

Subcommittee assignments—241, 316, 344, 345, 468, 509, 535, 536, 595, 608, 628, 668, 702-703, 867, 1116, 1117, 1206, 1207, 1239

## AGRICULTURAL ENERGY MANAGEMENT ADVISORY COUNCIL—

Appointments to—41, 593

## AMENDMENTS—

(See also Bills and/or individual listings)

Amendments filed, not otherwise printed during session—2379-2700

Amendments out of order—287, 424, 1919

Filed—56, 57, 199, 256, 290, 317, 333, 338-339, 347, 365, 382, 390-391, 401, 409, 428, 444, 452, 464, 470-471, 486, 497, 511-512, 531, 538, 552-553, 564-565, 581-582, 598,

610, 632, 648, 674-675, 688, 708, 721-722, 754-757, 805-806, 849-851, 868, 918-919, 955-956, 1009-1010, 1044-1045, 1119-1120, 1160-1161, 1183, 1207, 1232, 1242-1243, 1267-1269, 1301, 1383-1384, 1455-1457, 1519-1520, 1544, 1574, 1597, 1627-1628, 1658-1659, 1688-1689, 1732-1733, 1763, 1840-1841, 1863-1864, 1922-1923, 2008-2009, 2093-2094, 2161-2163, 2225, 2373

Filed from the floor—84, 86, 87, 90, 108, 108-109, 109-110, 163-164, 164-166, 167, 267, 267-268, 268, 268-270, 271, 271-272, 277, 278, 278-279, 279, 279-280, 280, 281, 286, 287, 320, 324, 328, 438, 440, 506, 558-559, 640, 680, 736, 736-737, 740-741, 741, 742, 742-743, 743, 745, 819-820, 823-824, 828, 829, 829-830, 831, 837-838, 839-841, 842, 843-844, 845, 875-876, 878, 928, 969-970, 970, 982-984, 984, 988-989, 989, 990-994, 997-998, 1001-1005, 1022, 1023, 1029, 1030, 1035-1036, 1036, 1062-1066, 1077, 1081-1082, 1082, 1083-1084, 1087, 1094, 1101, 1102-1104, 1104, 1105-1109, 1110-1111, 1111-1112, 1112, 1112-1113, 1113, 1113-1114, 1138, 1149, 1154, 1171-1172, 1175, 1179-1180, 1180, 1295, 1374-1375, 1378, 1379, 1436-1437, 1439-1442, 1454, 1466, 1471-1472, 1472-1476, 1476, 1481, 1482, 1483, 1484, 1485, 1485-1487, 1488-1490, 1491-1493, 1498, 1498-1499, 1501, 1502, 1503, 1503-1504, 1504, 1506, 1512-1513, 1513, 1514-1515, 1515-1516, 1517, 1607, 1607-1608, 1609, 1615, 1615-1624, 1633, 1702, 1740, 1740-1741, 1741, 1741-1742, 1743-1744, 1744, 1756, 1814-1822, 1822-1823, 1823, 1827, 1828, 1828-1829, 1829, 1832-1833, 1833, 1850, 1851, 1851-1853, 1854, 1855, 1856, 1868, 1886, 1886-1887, 1887, 1889-1890, 1890, 1891-1892, 1892-1893, 1893, 1893-1894, 1894, 1894-1895, 1895-1896, 1896-1906, 1906, 1911, 1911-1912, 1912, 1913-1915, 1915-1917, 1917, 1917-1918, 1918-1919, 1919, 1978-1980, 1991, 1994, 1995, 1998, 1998-1999, 1999, 2049-2056, 2076-2077, 2078-2079, 2079, 2087, 2099, 2105, 2113, 2115, 2122, 2126, 2140, 2142, 2146-2156, 2173-2174, 2221-2222, 2223, 2280-2281, 2291-2292, 2292, 2293-2295, 2296, 2303, 2304, 2304-2305

Senate amendment ruled out of order—1703

Senate amendments considered—350, 615, 1213, 1527, 1561, 1576, 1588, 1662, 1677, 1680, 1692, 1706, 1727, 1771, 1933, 1954, 1956, 1964, 2020, 2032, 2090, 2097, 2128, 2164, 2203, 2205, 2246, 2256, 2263, 2268, 2284, 2287, 2296, 2300, 2302, 2307, 2314

Senate amendments filed—317, 497, 538, 610, 674, 849, 1119, 1232, 1456, 1519, 1520, 1544, 1574, 1597, 1627, 1658, 1689, 1732, 1840, 1922, 2008, 2009, 2093, 2094, 2161, 2162, 2163, 2373

\*\*\*\*\*1987 EXTRAORDINARY SESSION\*\*\*\*\*

Amendments filed, not otherwise printed during session—52

Filed—22

Filed from the floor—16, 17-18, 18-19

Senate amendments considered—24

\*\*\*\*\*1987 SECOND EXTRAORDINARY SESSION\*\*\*\*\*

Filed from the floor—59-61, 62, 63-65, 65

APPOINTMENTS—

Administrative Rules Review Committee:

Representative Tabor—41, 2001

Representative Clark—2001

Representative Parker—2001

Agricultural Energy Management Advisory Council:

Representative Johnson—41

Representative Paulin—41

Representative Osterberg—593

- Capitol Planning Commission:
  - Representative Hanson of Delaware—593
  - Representative Black—1838
- Commission on Children, Youth and Families:
  - Representative Haverland—593
  - Representative Mullins—593
- Communications Review Commission:
  - Representative Hummel—593
  - Representative Koenigs—593
  - Representative Renaud—593
- Department of Elder Affairs:
  - Representative Harper—593
- Economic Development Board:
  - Representative Groninga—42
- Education Commission of the States:
  - Representative Ollie—593
- Interstate Cooperation Commission:
  - Representative Connors—593
  - Representative Fogarty—593
  - Representative Lageschulte—593
  - Representative Pellett—593
  - Representative Teaford—593
- Iowa Advisory Commission on Intergovernmental Relations:
  - Representative Renken—41
  - Representative Beatty—594
- Iowa Boundary Commission:
  - Representative Muhlbauer—41
  - Representative Pavich—41
- Iowa Commission On Compensation, Expenses and Salaries for Elected Officials:
  - Paul Copenhaver—42
- Iowa Commission on Interstate Cooperation:
  - Representative Connors—42
  - Representative Fogarty—42
- Iowa Development Commission:
  - Representative Bennett—42
- Iowa Health Data Commission:
  - Representative Hammond—42
- Law Enforcement Academy Council:
  - Representative Peterson of Carroll—594
- Legislative Council, 1987-1988 (Section 2.41, Code of Iowa):
  - Representative Arnould—234
  - Representative Avenson—234
  - Representative Buhr—235
  - Representative Carpenter—235
  - Representative Chapman—235
  - Representative Connors—235
  - Representative Harbor—235
  - Representative Jochum—235
  - Representative Stromer—235
  - Representative Van Maanen—235

## Legislative Fiscal Committee, 1987-1988 (Section 2.45, Code of Iowa):

Representative Doderer—235  
 Representative Jochum—235  
 Representative Swartz—235  
 Representative Schnekloth—235  
 Representative Van Maanen—235

## Medical Assistance Advisory Council:

Representative Hanson of Woodbury—594

## Social Services Block Grant Advisory Committee:

Representative Adams—594  
 Representative Norrgard—594

## State Functional Classification Review Board:

Representative Cohoon—594

## APPROPRIATIONS CALENDAR—

1463, 1844, 1870, 1886, 1988, 1998, 2078, 2101, 2109, 2118, 2243, 2276, 2366

## APPROPRIATIONS, COMMITTEE ON—

Amendments filed—391, 1009, 1840, 2094, 2163  
 Amendments offered—414, 1187, 1844, 1849, 1989, 2080, 2101, 2244, 2276  
 Appointed—25  
 Bills introduced—456, 1354, 1760, 1834, 1869  
 Recommendations—390, 463, 1009, 1382, 1763, 1839, 1885-1886, 1921, 1988, 2078, 2080, 2092, 2159-2160  
 Resolution relating to, HCR 30—1301, 1356-1357 adopted, 1357, 1462  
 Resolutions offered—1922, 2160  
 Subcommittee assignments—199, 337, 389, 449, 1008, 1300, 1731, 2091, 2092  
 \*\*\*\*\*1987 EXTRAORDINARY SESSION\*\*\*\*\*  
 Resolution relating to, HCR 54—21

## APPROPRIATIONS, SUBCOMMITTEES—

Appointed—28-29

## ARNOULD, ROBERT C.—Representative Scott County, Majority Floor Leader

Amendments withdrawn—586  
 Appointed to the Legislative Council—234  
 Ask and received unanimous consent that House Joint Resolution 11 be referred to Labor and Industrial Relations—502-503  
 Ask and received unanimous consent that the following bills were rereferred to committees:  
 House File 108—586  
 House File 657—1201  
 Senate File 397—1446  
 Bills introduced—1233, 2164  
 Bills removed from regular calendar—1557-1558  
 Ethics committee appointed—40  
 Leave of absence—472  
 Presented to the House the Honorable Doris Peick, former member of the House—379  
 Presented to the House the Honorable Paul Simon, United States Senator from Illinois and a candidate for President of the United States—1381  
 Remarks by—6-7, 2367-2368  
 Resolutions offered—11, 12, 332, 447, 1301, 1356-1357, 1626, 2372  
 Unanimous consent—859

## \*\*\*\*\*1987 EXTRAORDINARY SESSION\*\*\*\*\*

Organization of the House—2-3

Resolutions offered—50

## \*\*\*\*\*1987 SECOND EXTRAORDINARY SESSION\*\*\*\*\*

Organization of the House—58

Resolution offered—67

## ASSISTANT MAJORITY FLOOR LEADERS—

Florence D. Buhr, Representative **Polk** County

(See Buhr, Florence D.—Representative **Polk** County, Assistant Majority Floor Leader)

John Groninga, Representative **Cerro Gordo** County

(See Groninga, John—Representative **Cerro Gordo** County, Assistant Majority Floor Leader)

Rod Halvorson, Representative **Webster** County

(See Halvorson, Rod—Representative **Webster** County, Assistant Majority Floor Leader)

Bob Skow, Representative Adair-Dallas-Guthrie-Madison Counties

(See Skow, Bob—Representative Adair-Dallas-Guthrie-Madison Counties, Assistant Majority Floor Leader)

## ASSISTANT MINORITY FLOOR LEADERS—

Wayne Bennett, Representative **Ida-Monona-Woodbury** Counties

(See Bennett, Wayne—Representative **Ida-Monona-Woodbury** Counties, Assistant Minority Floor Leader)

Dorothy F. Carpenter, Representative **Polk** County

(See Carpenter, Dorothy F.—Representative **Polk** County, Assistant Minority Floor Leader)

Kyle Hummel, Representative **Benton-Black Hawk** Counties

(See Hummel, Kyle—Representative **Benton-Black Hawk** Counties, Assistant Minority Floor Leader)

Donald J. Paulin, Representative **Plymouth-Woodbury** Counties

(See Paulin, Donald J.—Representative **Plymouth-Woodbury** Counties, Assistant Minority Floor Leader)

AVENSON, DONALD D.—Representative Chickasaw-Fayette Counties

(See Speaker of the House—Donald D. Avenson, Representative Chickasaw-Fayette Counties)

## AWARDS AND GIFTS—

Certificates of excellence presented to House Pages—603, 2096

BEAMAN, JACK—Representative Adair-Adams-Cass-Clarke-Union Counties

Amendments filed—280, 452, 648, 756, 851, 1689, 1864

Bills introduced—144, 172, 246, 257, 306, 446, 513, 555, 567, 652, 846

Committee appointments—26, 27, 184, 1987

Leave of absence—862

Petitions presented—689

Presented to the House foreign exchange student, Dorothy Larson of Denmark—1158

Reports—2156-2157

Subcommittee assignments—254, 255, 302, 363, 380, 381, 529, 607, 628, 668, 703, 918, 1043, 2091

**BEATTY, LINDA L.—Representative Warren County**

Amendments filed—805, 806, 955, 1010, 1383

Amendments offered—1014, 1025, 1026, 1046

Amendments withdrawn—1026

Appointed to the Iowa Advisory Commission on Intergovernmental Relations—594

Bills introduced—201, 239, 349, 394, 488, 613, 684, 1184

Committee appointments—16, 27, 2156

Petitions presented—852

Reports—17-19, 169, 2197-2200

Subcommittee assignments—242, 243, 295, 344, 408, 449, 469, 484, 509, 510, 536, 579, 607, 608, 646, 668, 669, 1043, 1044, 1159, 1206, 1228, 1229, 1261

**BENNETT, WAYNE—Representative Ida-Monona-Woodbury Counties, Assistant Minority Floor Leader**

Amendments filed—317, 452, 754, 755-756, 756, 849, 850, 868, 1044, 1062-1066, 1087, 1243, 1383, 1384, 1436-1438, 1615, 1689, 1732, 1733, 1743-1744, 1864, 1922, 1998

Amendments offered—322, 459, 787, 790, 1062, 1067, 1087, 1088, 1089, 1091, 1092, 1615, 1691, 1735, 1742, 1743, 1745, 1866, 1925, 1929

Amendments withdrawn—1078, 1436

Appointed to the Iowa Development Commission—42

Bills introduced—144, 252, 318, 319, 320, 367, 465, 513, 540, 555

Committee appointments—25, 26, 28, 1522, 2221

Reports—2283

Resolutions offered—2008

Subcommittee assignments—628, 702, 1240, 1656

**BILLS—**

(See also action on House Joint Resolutions, House Files, Senate Joint Resolutions and Senate Files in Legislative Index Volume)

Amendments not otherwise printed during session—2379-2700

Approved—406, 482, 495, 684, 718, 953, 1115, 1543, 1572, 1593, 1655, 1686-1687, 1761, 1838, 1862-1863, 2006-2007, 2158-2159

Approved after session—2715-2725

Consideration of—260, 310, 320, 352, 367, 411, 430, 456, 473, 489, 493, 501, 514, 541, 546, 556, 570, 587, 614, 656, 679, 690, 709, 724, 731, 759, 811, 854, 858, 863, 872, 921, 936, 972, 1013, 1018, 1046, 1052, 1123, 1163, 1168, 1186, 1211, 1234, 1244, 1271, 1290, 1302, 1355, 1389, 1435, 1446, 1462, 1523, 1578, 1601, 1630, 1639, 1661, 1691, 1735, 1738, 1764, 1842, 1844, 1857, 1866, 1870, 1886, 1925, 2011, 2101, 2108, 2168, 2366

Deferred—313, 372, 378, 430, 431, 436, 495, 503, 505, 527, 556, 560, 572, 577, 588, 640, 642, 657, 659, 679, 693, 716, 728, 729, 733, 759, 800, 813, 853, 855, 857, 866, 873, 897, 909, 921, 925, 930, 933, 948, 962, 963, 966, 968, 972, 994, 1013, 1015, 1020, 1024, 1025, 1046, 1123, 1125, 1131, 1163, 1186, 1203, 1211, 1250, 1255, 1272, 1277, 1284, 1298, 1305, 1311, 1312, 1317, 1318, 1319, 1322, 1355, 1360, 1364, 1372, 1373, 1462, 1463, 1522, 1527, 1546, 1557, 1560, 1601, 1606, 1624, 1631, 1635, 1661, 1726, 1738, 1764, 1836, 1844, 1869, 1885, 2013, 2015, 2019, 2107, 2156, 2176, 2217, 2296

Introduction of—21-22, 47-49, 58-60, 94-95, 132-134, 142-144, 171-173, 183-184, 200-201, 237-239, 245-246, 251-253, 253, 257-258, 259, 291-292, 293, 299-301, 305-308, 309-310, 318-320, 329, 334-336, 340-342, 348-350, 383-385, 392-395, 402-404, 405, 410-411, 419, 429-430, 441-442, 445-446, 453-454, 456, 465-467, 472-473, 481-482, 487-489, 498-499, 513-514, 532-534, 539-541, 546, 554-556, 566-569, 583-585, 599-601,

605-606, 611-613, 625-626, 633-634, 635, 649-653, 676-677, 682-684, 696-697, 698-699, 714-715, 716-717, 723, 758-759, 800, 807-809, 846-847, 852, 853, 857, 869-870, 957, 1011, 1184, 1233, 1270, 1354, 1445, 1458, 1654, 1726, 1727, 1760, 1834-1835, 1869, 2000, 2164, 2177

Item veto messages—2001-2005

Item vetoed after session—2721, 2724, 2724-2725, 2725, 2733-2755

Referred to committees—502-503, 531, 706, 753, 804, 1300, 2092

Rereferred to committees—260, 562, 586, 1201, 1446, 2374

Sent to governor—448, 684, 866, 1572-1573, 1625, 1687, 1838, 1862, 2375

Sent to secretary of state—1182

Veto messages—490-492, 699-702, 2253-2255, 2726-2733

Vetoed after session—2715, 2716, 2718, 2722-2723, 2725

Withdrawn—314, 859, 860, 861, 1212, 1235, 1256, 1380, 1381, 1445, 1558, 1571, 2010

Withdrawn from committee—2217

\*\*\*\*\*1987 EXTRAORDINARY SESSION\*\*\*\*\*

Approved after session—53

Consideration of—6

Introduction of—5

\*\*\*\*\*1987 SECOND EXTRAORDINARY SESSION\*\*\*\*\*

Approved after session—69

Consideration of—59

Introduction of—59

Sent to Governor—68

BILLS SENT TO GOVERNOR—

(See Bills, Sent to the Governor)

BISIGNANO, TONY—Representative **Polk** County

Amendments filed—464, 511, 610, 632, 755, 919, 1010, 1044, 1160, 1183, 1597, 1659, 1840, 1978-1980, 2093

Amendments offered—789, 1449, 1978

Amendments withdrawn—1450

Bills introduced—238, 245, 258, 410, 446, 487, 540, 584, 633, 683, 1184

Committee appointments—19, 26, 27, 28

Leave of absence—758, 1575

Petitions presented—539

Resolutions offered—409, 2160

Subcommittee assignments—248, 363, 407, 579, 580, 646, 1044, 1228, 1261, 1656

BLACK, DENNIS H.—Representative **Jasper-Marshall** Counties

Amendments filed—347, 512, 531, 610, 632, 674, 708, 805, 849, 919, 1010, 1207, 1457, 1733, 1763, 1911-1912

Amendments offered—372, 640, 982, 1645, 1911, 2312

Amendments withdrawn—1579, 2312

Bills introduced—144, 251, 252, 292, 307, 309, 335, 341, 555, 567, 568, 649, 651, 653, 677, 1184

Committee appointments—19, 26, 27, 1920

Leave of absence—410, 2097

Presented to the House the Honorable Brian Carter, former member of the House—748

Presided at sessions of the House—558, 1144, 1884

Reports—22

Resolutions offered—1242

Rulings made—1884

Subcommittee assignments—199, 254, 302, 344, 381, 399, 408, 462, 536, 550, 607, 628, 702, 703, 1116, 1117, 1228

**BLANSHAN, GENE**—Representative Boone-Carroll-Greene Counties  
 Amendments filed—565, 581, 582, 674, 722, 755, 805, 806, 843-844, 1001-1005, 1010, 1045, 1232, 1383, 1544, 1627, 2009, 2146-2156, 2161, 2162  
 Amendments offered—680, 814, 822, 843, 1277, 1606, 2146, 2172, 2174, 2208  
 Amendments withdrawn—2173, 2215, 2251  
 Bills introduced—183, 258, 349, 466, 1184  
 Committee appointments—25, 27, 2156, 2221, 2328  
 Leave of absence—1525  
 Presented to the House Karen Christensen, 1987 Iowa Junior Miss—240  
 Presented to the House Jimmy Mauro, student at the University of Iowa and a member of the football team—801  
 Presided at sessions of the House—329, 989, 1050, 1487, 1866  
 Reports—2197-2200, 2255  
 Subcommittee assignments—111, 174, 242, 249, 294, 295, 296, 316, 364, 380, 389, 449, 450, 469, 510, 536, 608, 669, 702, 703, 718, 1042, 1044, 1207, 1229

**BOARDS, COMMISSIONS, COMMITTEES AND/OR COUNCILS**—  
 (See Appointments and/or Communications, subheading Reports and/or individual headings)

**BRAMMER, PHILIP E.**—Representative Linn County  
 Amendments filed—632, 755, 805, 849, 851, 868, 919, 1010, 1119, 1268, 1597, 1627, 1659, 1688, 1840-1841, 1922, 2094, 2162  
 Amendments offered—907, 921, 925, 945, 946, 1151, 1154, 1155, 1304, 1694, 1966, 2169, 2174  
 Amendments withdrawn—1155, 2172  
 Bills introduced—144, 307, 334, 403, 429, 446, 534, 569, 612, 1184  
 Committee appointments—26, 27, 28, 1546, 2221  
 Leave of absence—132, 237, 251, 1121, 1171, 1854  
 Petitions presented—58  
 Reports—2283  
 Subcommittee assignments—248, 254, 295, 316, 331, 338, 362, 363, 364, 399, 407, 408, 426, 443, 449, 462, 469, 510, 550, 563, 579, 607, 628, 668, 685, 802, 867, 1043, 1116, 1229, 1240

\*\*\*\*\*1987 EXTRAORDINARY SESSION\*\*\*\*\*

Committee appointment—36  
 Reports—38-48

**BRANSTAD, CLIFFORD O.**—Representative Hancock-Kossuth-Winnebago Counties  
 Amendments filed—464, 511-512, 531, 806, 849, 955, 990-994, 1045, 1110-1111, 1120, 1383, 1457, 1501, 1689, 1911-1912, 2049-2056, 2093, 2094  
 Amendments offered—1018  
 Bills introduced—94, 252, 300, 306, 310, 465, 513, 539  
 Committee appointments—11, 25, 27, 2156  
 Leave of absence—472, 624  
 Petitions presented—334, 1244, 1521  
 Reports—2229  
 Resolutions offered—333, 2008  
 Subcommittee assignments—139, 175, 303, 468, 535, 563, 668, 703, 1116, 1117, 1206, 1229

**BRANSTAD, GOVERNOR TERRY E.**—  
 (See Governor Branstad, Terry E.)

## BUDGET MESSAGE—

Delivered by Governor Terry E. Branstad—185-197  
Resolution relating to, HCR 3—12 adopted

## BUHR, FLORENCE D.—Representative Polk County, Assistant Majority Floor Leader

Amendments filed—565, 806, 1045, 1457, 1466  
Amendments offered—570, 571, 811, 837, 950  
Amendments withdrawn—570, 1466  
Appointed to the Legislative Council—235  
Bills introduced—237, 238, 349, 453, 466, 488, 555, 611, 683  
Committee appointments—14, 25, 26, 27, 116, 2101, 2156, 2328  
Petitions presented—348  
Presented to the House the Honorable Senator Joseph Biden, United States Senator from Delaware—379  
Presided at sessions of the House—827, 1609  
Reports—116, 2197-2200, 2364-2365  
Resolutions offered—56, 409, 1573  
Rulings made—1624  
Subcommittee assignments—111, 175, 242, 243, 295, 316, 364, 407, 449, 536, 608, 646, 668, 703, 1044, 1159, 2092

## CANVASS OF VOTES—

Certification—1-4  
For Governor and Lieutenant Governor—23  
Report of tellers—114  
Resolution relating to, HCR 1—11 adopted, 12, 47  
Tellers and judges of—114-116

## CAPITOL PLANNING COMMISSION—

Appointments to—593, 1838

## CARPENTER, DOROTHY F.—Representative Polk County, Assistant Minority Floor Leader

Amendments filed—56, 86, 163-164, 164-166, 267, 268, 271, 271-272, 278, 279-280, 280, 286, 287, 347, 452, 565, 755, 757, 805, 849, 989, 1045, 1077, 1119, 1242, 1383, 1454, 1456, 1512-1513, 1544, 1733, 1828, 1829, 1833, 1851, 1893, 1922, 1995, 1998, 2304-2305  
Amendments offered—84, 163, 164, 267, 268, 271, 278, 279, 353, 825, 989, 1070, 1077, 1397, 1454, 1512, 1649, 1828, 1829, 1833, 1893, 1995, 1998, 2215, 2304  
Amendments withdrawn—287, 1099  
Appointed to the Legislative Council—235  
Bills introduced—144, 173, 257, 292, 300, 341, 350, 555, 683  
Committee appointments—26, 27, 28, 1546, 2376  
Petitions presented—539, 611  
Remarks by—13-14  
Resolutions offered—409, 2160  
Subcommittee assignments—111, 139, 242, 254, 295, 316, 337, 338, 363, 389, 407, 449, 468, 469, 510, 550, 551, 579, 580, 595, 608, 668, 702, 703, 718, 867, 1043, 1207, 1240  
\*\*\*\*\*1987 EXTRAORDINARY SESSION\*\*\*  
Amendments filed—17-18  
Amendments offered—17  
Committee appointments—36  
\*\*\*\*\*1987 SECOND EXTRAORDINARY SESSION\*\*\*\*\*  
Amendment filed—62  
Amendment offered—62

## CERTIFICATE OF ELECTION —

- Of Governor Terry E. Branstad—115
- Of Lieutenant Governor Jo Ann Zimmerman—115-116

## CERTIFICATES OF RECOGNITION —

- Amanda Kerns, Fenton, 103rd birthday—564
- Amy Elizabeth Kujac, Madrid, first place winner, National Women's History Month essay contest—564
- Ann Muller, Humboldt, Women's History Month—1183
- Association of Farm Workers Opportunity Program, Washington, D.C.—45
- Athelston, City of, centennial anniversary—2375
- Benton, City of, centennial anniversary—749
- Bluffs Run, Council Bluffs—236
- Burlington High School Boys Basketball Team, Class 3-A Boys State Basketball Tournament Champion—954
- Byran and Hilda Walla, Cedar Rapids, 50th wedding anniversary—45
- Christine Miller, Marshalltown, Girl Scout Gold Award—2375
- Dr. C. Joseph Giangreco, Council Bluffs, service and dedication to the Iowa School for the Deaf—2372
- Elkader High School Boys Basketball Team & Coach Mike Billings, Elkader—1300
- Esterville High School Boys Basketball Team, Class 2-A Boys State Basketball Tournament Champion—954
- Garnavillo High School Girls Basketball Team & Coach Richard Bangs, Garnavillo—1299
- Jeannie Demers, Storm Lake—564
- Jenny Synhorst, Spencer, statewide essay contest "Write Women Back in History"—496
- Jenny Urbain, Epworth, honorable mention, National Women's History Month essay contest—749
- Karen Lynn Hummel, Vinton, won Iowa Girls High School Athletic Association's 1986 Overall State High Jump Championship—1921
- Karyn Entler, Rutland, statewide essay contest for Women's History Month—1183
- Koren Lea Schemmel, Farley, third-place award, National Women's History Month essay contest—749
- Leslie Weiss, Marshalltown, Girls Scout Gold Award—2375
- Lorimor, City of, centennial anniversary—749
- Maloy, City of, centennial anniversary—749
- Marshall High School Mock Trail Team, Marshalltown—1299
- Michelle Merris, Marshalltown, Girl Scout Gold Award—2375
- Moville, City of, centennial anniversary—289-290
- Mrs. Darlene Larson, Iowa Mother of the Year—496
- Palmer High School Boys Basketball Team, Class A Boys State Basketball Tournament Champion—954
- Peter W. De Yager, Hull, 1987 Iowa Small Business Person of the Year—1544
- Pocahontas High School Boys Basketball Team, Pocahontas, Class 1-A Boys State Basketball Tournament Champion—954
- Recognize Cornelius "Conny" Bodine, Jr., service & dedication to people of Sioux City as major & one of the leading statesman of Iowa—1921
- Reverend Cecil H. Friedman, Algona, 25 yrs. service, Garrigan High School—1688
- Robert Skahill, Dubuque, 30th anniversary, All State Insurance, and 65th birthday—444
- Sarah Stanton, Spencer, statewide essay contest "Write Women Back in History"—496

Shannon City, City of, centennial anniversary—749  
 Sibley-Ocheyedan Chapter of FFA, 50th anniversary—954  
 Stanton High School Boys Basketball Team & Coach Don Hicks, Stanton—1300  
 Thomas Jefferson High School, Council Bluffs, students, Iowa Skilled Olympics, sponsored by the Vocational Industrial Clubs of Iowa—2372

\*\*\*\*\*1987 EXTRAORDINARY SESSION\*\*\*\*\*

Robert B. Kay, Clarion, forty years, practicing attorney in Clarion, member of the Iowa Bar Association—21

CHAPLAINS—

Resolution relating to, SCR 6—134, 138, 139, 144-145, 152-168 adopted

CHAPMAN, KAY—Representative Linn County

Amendments filed—553, 558-559, 837-838, 868, 928, 1120, 1183, 1456, 1597, 1763, 1922, 2093

Amendments offered—837, 926, 928, 1259, 1507, 1927, 2108

Appointed to the Ethics committee—40

Appointed to the Legislative Council—235

Bills introduced—132, 143, 183, 200, 201

Committee appointments—26, 27, 28, 40

Leave of absence—723, 1152

Petitions presented—920

Presided at sessions of the House—658, 789, 1559, 1991

Reports—40-41, 361-362, 954, 2372

Resolutions offered—16, 108

Subcommittee assignments—112, 139, 174, 249, 254, 337, 362, 389, 407, 408, 469, 579, 608, 685, 848, 1043, 1117, 1229, 1656

\*\*\*\*\*1987 SECOND EXTRAORDINARY SESSION\*\*\*\*\*

Amendment filed—65

CHIEF CLERK OF THE HOUSE, Joseph O'Hern

Acknowledgements—202, 208, 233, 386-387, 666

Administered oath of office to the Temporary Speaker, the Honorable Charles Poncy—1

Communications received and on file—43-45, 90, 112, 129-130, 135-136, 169, 197, 201-202, 208, 233, 235, 247-248, 253, 288, 293-294, 315, 343, 386-388, 388, 396, 400-401, 406, 460-461, 468, 495, 508, 666, 802, 1008, 1116, 1543-1544, 1573, 1594-1595, 1596, 1655-1656

Elected acting Chief Clerk—1

Elected permanent Chief Clerk—11

Reports:

Certificates of recognition—45, 236, 289-290, 444, 496, 564, 749, 954, 1183, 1299-1300, 1544, 1688, 1921, 2372, 2375

Committee recommendations—45, 96, 144-145, 169-170, 249-250, 255-256, 290, 296-297, 803-804, 317, 332, 338, 346-347, 364-365, 381-382, 390, 427-428, 451, 463-464, 470, 484-486, 510-511, 530-531, 537-538, 552, 580-581, 595-598, 609-610, 629-632, 647, 670-674, 686-688, 703-708, 719-721, 749-754, 802-805, 867, 955, 1008-1009, 1117-1118, 1159-1160, 1230-1232, 1240-1242, 1261-1267, 1300-1301, 1382, 1596, 1657, 1731-1732, 1763, 1839-1840, 1885-1886, 1921, 1988, 2008, 2078, 2080, 2092-2093, 2118, 2159-2160, 2200, 2219

Conference committee reports filed—1041, 2090, 2224, 2369

Enrolled bills—448, 684, 866, 1182, 1572-1573, 1625, 1687, 1838, 1862, 2375

## Resolutions relating to:

House Resolution 1—16 adopted

Senate Concurrent Resolution 1—47, 56, 95 adopted

Senate Concurrent Resolution 6—134, 138, 139, 144-145, 152-168 adopted

Took oath of office—1

\*\*\*\*\*1987 EXTRAORDINARY SESSION\*\*\*\*\*

Communications received and on file—23

Message to Governor and Senate—50

## Reports:

Certificates of recognition—21

Committee recommendation—6

\*\*\*\*\*1987 SECOND EXTRAORDINARY SESSION\*\*\*\*\*

Message to Governor and Senate—67

## Reports:

Committee recommendation—58-59

Enrolled bill—68

CHIEF JUSTICE OF THE SUPREME COURT, The Honorable W. W. Reynoldson—  
(See Supreme Court of Iowa)

CHILDREN, YOUTH AND FAMILIES, COMMISSION ON—  
Appointments to—593

## CLAIMS—

(See Claims Filed)

(See Management, Department of)

(See State Appeal Board)

## CLAIMS FILED—

(See also Management, Department of)

(See also State Appeal Board)

Claims approved—209-233

Claims disapproved—202-208, 234, 387-388, 666, 1594-1595

Claims filed—202-208, 209-233, 234, 387-388, 666, 1594-1595

Communication from Department of Management—208

Communications from State Appeal Board—201, 233, 386, 686, 1594

CLARK, BETTY JEAN—Representative Cerro Gordo-Floyd-Mitchell Counties

Amendments filed—271-272, 280, 317, 756, 919, 1268, 1840-1841, 1911

Amendments offered—798

Amendments withdrawn—353

Appointed to the Administrative Rules Review Committee—2001

Bills introduced—22, 48, 59, 144, 172, 183, 201, 239, 299, 309, 342, 394, 488, 555, 683

Committee appointments—26, 645, 2176

Leave of absence—649, 747, 920, 1270, 1608, 1737

Reports—2227

Resolutions offered—347, 1242

Subcommittee assignments—174, 344, 345, 363, 364, 529, 551, 579, 580, 646, 702, 1043,  
1117, 1229

COHOON, DENNIS M.—Representative Des Moines County

Amendments filed—1044, 1688, 2093

Appointed to the State Functional Classification Review Board—594

Bills introduced—142, 238, 307, 393

Committee appointments—26, 27, 145, 605, 1706  
 Leave of absence—649  
 Reports—2231-2233  
 Resolutions offered—604  
 Subcommittee assignments—139, 199, 236, 242, 302, 303, 380, 381, 462, 563, 595, 608,  
 628, 668, 685, 703, 848, 1239, 1240, 1300

#### COMMISSIONS, COMMITTEES, BOARDS AND/OR COUNCILS—

(See Appointments and/or Communications, subheading Reports and/or individual headings)

#### COMMITTEE MEETING REPORT—

Corrected committee report (Labor and Industrial Relations)—581

#### COMMITTEE RECOMMENDATIONS—

Agriculture—317, 390, 511, 537, 580, 609, 647, 670, 704, 719, 749-750, 802, 1159, 1230,  
 1240, 1261-1262, 1300  
 Appropriations—463, 1009, 1382, 1763, 1839, 1885-1886, 1921, 1988, 2078, 2080, 2092,  
 2159-2160  
 Economic Development—346, 595, 629, 686, 750, 1117, 1262, 2118  
 Education—255, 297, 338, 451, 580-581, 670-671, 704-705, 719-720, 1230, 1240-1241  
 Energy and Environmental Protection—256, 671, 720, 803, 1241, 1262  
 Ethics—256, 1262  
 Human Resources—290, 303, 332, 346, 427, 484, 530, 595-596, 629, 686, 751, 867, 1159-  
 1160, 1263, 1596  
 Judiciary and Law Enforcement—169-170, 249-250, 303, 381, 400, 463, 485, 530, 596-  
 597, 629-630, 671-672, 705-706, 751-752, 1230-1231, 1263-1265, 1301, 2202  
 Labor and Industrial Relations—451, 537, 581, 706, 720, 752, 803, 1241-1242, 2092  
 Corrected committee report—581  
 Local Government—346, 381-382, 400, 485, 530-531, 552, 597, 630-631, 672, 687, 720,  
 752-753, 1117-1118, 1230, 1265  
 Natural Resources and Outdoor Recreation—250, 290, 332, 400-401, 427, 463-464, 485,  
 531, 552, 597-598, 631, 672, 687, 720-721, 753, 803-804, 1265-1266  
 Rules and Administration—45, 96, 144-145, 1160  
 Small Business and Commerce—304, 346-347, 390, 401, 464, 485, 531, 552, 609-610,  
 631-632, 673, 706-707, 753, 804, 955, 1231, 1266  
 State Government—297, 317, 390, 401, 451, 470, 511, 537, 647, 673-674, 707-708, 721,  
 753-754, 804, 1118, 1231-1232, 1241-1242, 1266, 2092-2093  
 Transportation—297, 317, 451, 511, 538, 581, 674, 708, 721, 1118, 1232, 1266-1267  
 Ways and Means—297, 364-365, 427-428, 485-486, 538, 687-688, 804-805, 1009, 1301,  
 1382, 1657, 1731-1732, 1839-1840, 2008, 2219

\*\*\*\*\*1987 EXTRAORDINARY SESSION\*\*\*\*\*

Ways and Means—6

\*\*\*\*\*1987 SECOND EXTRAORDINARY SESSION\*\*\*\*\*

Ways and Means—58-59

#### COMMITTEES, COMMISSIONS, BOARDS AND/OR COUNCILS—

(See Appointments and/or Communications, subheading Reports and/or individual headings)

#### COMMITTEES, SPECIAL—

Appointments—8, 11, 14, 19, 49, 50, 113, 116, 145, 145-146, 146, 184, 185, 1581, 2376  
 Arrange for Inauguration, SCR 2—47, 56, 95 adopted

Escort Lieutenant-elect Jo Ann Zimmerman—50, 117, 145, 1581  
 Escort Pioneer Lawmakers—1581  
 Escort President of the Senate—22, 50, 113  
 Escort Speaker of the House, Donald D. Avenson—8  
 Escort Speaker Pro Tempore, John Connors—14  
 Escort the Chief Justice and the Justices of the Supreme Court and Judges of the Appellate Court—50, 146, 152, 185  
 From Senate—15, 2376  
 Notify and escort Governor Terry E. Branstad—11, 15, 50, 51, 55, 116, 117, 129, 146, 152, 185, 2376  
 Notify Senate—11, 19, 49, 113, 145, 184, 1581, 2376  
 Reports—15, 49, 113, 116-117, 145, 184, 1581, 2376

#### COMMUNICATIONS FROM—

Appeal Board, State, Claims—201-208, 209-233, 233-234, 386-388, 666-667, 1594-1595  
 Governor Terry E. Branstad—2376-2378  
 Louisiana, State of (SCR 54 & HCR 156)—44  
 Management, Department of, Claims—208-233  
 Minnesota, State of—253  
 Pennsylvania, State of (SR, Serial No. 180)—45  
 Reports:  
 Accountancy, Board of—247  
 Architectural Examiners, Board of—247  
 Auditor, State—43, 293  
 Children, Youth and Families, Commission on—197  
 Citizens' Aide/Ombudsman—135, 1116  
 Commerce, Department of (formerly Commission)—43, 247  
 Community Action Agencies, Division of—1008  
 Conservation Corps—235  
 Economic Development, Department of—112, 129  
 Education, Department of—129, 248, 1543-1544  
 Elder Affairs, Department of—315, 406  
 Employment Services, Department of—802  
 Engineering and Land Surveying Examiners, Board of—247  
 General Services, Department of—43  
 Health Data Commission—129  
 Health, Department of—288  
 Human Services, Department of—43, 468, 1596  
 Iowa Business Development Credit Corporation—1655-1656  
 Job Service, Department of—43  
 Legislative Extended Advisory Group—461  
 Legislative Extended Assistance Group—388, 406  
 Management, Department of—130, 294, 508, 1573  
 Merit Employment, Department of—43  
 Natural Resources, Department of—43, 90, 130, 136, 1573  
 Personnel, Department of—197, 508  
 Planning and Programming, Office for—235  
 Public Defense, Department of—44  
 Public Health, Department of—44  
 Railway Finance Authority—44, 396  
 Real Estate Commission—248  
 Regents, Board of—44

Regents, Board of (Ten-Year Bldg. Program)—90, 130

Revenue and Finance, Department of—44, 315

Status of Women, Commission on—43

Transportation, Department of—44, 130, 294, 343, 495

Treasurer, State—169

Water, Air and Waste Management, Department of—44

Representative Jim O'Kane—42

\*\*\*\*\*1987 EXTRAORDINARY SESSION\*\*\*\*\*

Governor Terry E. Branstad—1, 3-4

Report:

Blind, Commission for the—23

\*\*\*\*\*1987 SECOND EXTRAORDINARY SESSION\*\*\*\*\*

Governor Terry E. Branstad—56-57

#### COMMUNICATIONS REVIEW COMMITTEE—

Appointments to—593

#### COMPANION BILLS—

(See House and Senate Companion Bills listed in Legislative Index Volume)

#### COMPENSATION, EXPENSES AND SALARIES FOR ELECTED STATE OFFICIALS, COMMISSION ON—

Appointment to—42

#### CONDITION OF THE STATE MESSAGE—

(See State of the State Message)

#### CONFERENCE COMMITTEES—

Appointed—665, 1546, 1706, 1760, 1920, 1987, 1997, 2101, 2145, 2156, 2221, 2328

Reports:

House File 167—2156-2157 adopted

House File 355—1215-1234 adopted

House File 407—2166-2167 adopted

House File 500—2197-2200 adopted

House File 600—2255 adopted

House File 631—2177-2196 adopted

House File 671—2315-2326 adopted

Senate Concurrent Resolution 35—2228-2229 adopted

Senate File 17—2227 adopted

Senate File 311—2231-2233 adopted

Senate File 481—2283-2284 adopted

Senate File 504—2262 adopted

Senate File 511—2329-2360, 2361 adopted

Senate File 517—2364-2365 adopted

Reports called up:

House File 167—2156

House File 355—1215

House File 407—2166

House File 500—2197

House File 600—2255

House File 631—2177

House File 671—2315

Senate Concurrent Resolution 35—2228

Senate File 17—2227  
 Senate File 311—2231  
 Senate File 481—2283  
 Senate File 504—2261  
 Senate File 511—2329  
 Senate File 517—2364

Reports filed:

House File 355—1041  
 House File 395—2369  
 Senate File 17—2224  
 Senate File 311—2090-2091  
 Senate File 501—2369

\*\*\*\*\*1987 EXTRAORDINARY SESSION\*\*\*\*\*

Appointed—36

Report:

Senate File 523—38-48, 49 adopted

Report called up:

Senate File 523—38-48

Reports filed:

Senate File 523—38-48

Resolution relating to, HCR 53—21

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—755, 806, 1010, 1688, 1732, 1763, 2093, 2094, 2373

Amendments withdrawn—774, 891

Bills introduced—300, 539, 584, 683, 1184

Committee appointments—26, 27, 28, 145, 1997

Leave of absence—410, 913

Reports—2166-2167

Resolutions offered—805, 1658, 1763

Subcommittee assignments—254, 255, 289, 302, 316, 363, 380, 381, 399, 408, 528, 550,  
 607, 628, 685, 703, 848, 918, 1042, 1044, 2091

CONNORS, JOHN H.—Representative **Polk** County, Speaker Pro Tempore

Amendments filed—56, 281, 287, 511, 564, 565, 610, 648, 674, 675, 680, 755, 868, 1010,  
 1045, 1120, 1160, 1383, 2163

Amendments offered—287, 575, 590, 680, 690, 691, 770, 1200, 1446, 1448

Amendments withdrawn—680

Announcements—2106

Appointed to the Iowa Commission on Interstate Cooperation—42, 593

Appointed to the Legislative Council—235

Bills introduced—237, 257, 306, 383, 446, 453, 488, 540, 600, 649, 683, 1184

Committee appointments—26, 27, 2328, 2376

Elected Speaker Pro Tempore—12-15

Escorted to the Speaker's station—14

Leave of absence—891, 1233, 1639

Petitions presented—200, 334, 611, 723

Presentation of visitors—1158-1159, 1182-1183

Presented to the House visitors from our sister city Naucalpan—1186

Presided at sessions of the House—459, 682, 697, 716, 769, 925, 935, 1052, 1132, 1152, 1162, 1167, 1168, 1175, 1471, 1526, 1546, 1553, 1677, 1693, 1736, 1738, 1755, 1757, 1770, 1814, 1824, 1844, 1853, 1859, 2105, 2164, 2175, 2205

Remarks—14-15

Resolutions offered—409, 1119, 1597, 2160

Rulings made—1133, 1171, 1549, 1557, 1704, 1755, 1822, 2107

Subcommittee assignments—111, 139, 174, 242, 248, 316, 344, 345, 362, 363, 389, 399, 407, 408, 443, 449, 484, 528, 529, 563, 579, 646, 702, 703, 718, 867, 1043, 1117, 1207, 1229

\*\*\*\*\*1987 EXTRAORDINARY SESSION\*\*\*\*\*

Presided at sessions of the House—49

COOPER, JAMES J.—Representative Clarke-Monroe-Lucas-Wayne Counties

Amendments filed—512, 531, 632, 674, 708, 849, 850, 851, 919, 982-984, 1044, 1045, 1105-1109, 1207, 1242, 1615-1624, 2049-2056, 2094

Amendments offered—547, 638, 894, 2098

Bills introduced—21, 22, 144, 238, 246, 252, 257, 306, 309, 319, 335, 341, 393, 446, 1184

Committee appointments—25, 27, 185, 1987

Leave of absence—1046, 1651

Presided at sessions of the House—524

Reports—2156-2157

Resolutions offered—298, 2008

Subcommittee assignments—174, 236, 289, 302, 331, 344, 345, 380, 399, 408, 443, 496, 528, 529, 536, 579, 646, 667, 668, 685, 703, 1206

CORBETT, RON J.—Representative Linn County

Amendments filed—421, 688, 755, 755-756, 756, 849, 1207, 1268, 1627, 1763, 1886, 1922, 2122

Amendments offered—421, 827, 836, 1450, 1823, 1886, 2122

Amendments withdrawn—785

Bills introduced—143, 238, 246, 309, 310, 320, 454, 513, 612

Committee appointments—26, 27, 49, 1211

Leave of absence—340, 689

Resolutions offered—1210, 1732

Subcommittee assignments—254, 302, 381, 408, 462, 550, 607, 628, 702, 703, 1116

COREY, VIRGIL E.—Representative Des Moines-Louisa-Washington Counties

Amendments filed—56, 511-512, 675, 755-756, 756, 1029, 1383, 1832-1833, 1863, 1978-1980, 2161

Amendments offered—1029, 1832, 1868, 1925

Bills introduced—59, 144, 307, 319, 335, 350, 384, 392, 394, 446, 513, 555, 677

Committee appointments—14, 26, 604

Leave of absence—200, 366, 1171

Petitions presented—251, 472, 554, 566, 649

Presented to the House the Honorable Dean Corey, former member of the House—1455

Resolutions offered—604, 2160

Subcommittee assignments—254, 255, 302, 363, 380, 381, 407, 607, 628, 646, 703, 918, 1116, 1261

## CORRECTED HOUSE STUDY BILL TITLE—

Small Business and Commerce—426

## CREDENTIALS, COMMITTEE ON—

Appointed—1

Report—1-4

Report adopted—4

DAGGETT, HORACE—Representative **Adams**-Decatur-Ringgold-Taylor Counties  
 Amendments filed—280, 428, 675, 688, 741, 754, 755, 756, 868, 1383, 1627, 1689, 1733,  
 1828, 1906, 2373  
 Amendments offered—438, 741, 760, 782, 790, 799, 835, 1813, 1827, 1828, 1906  
 Amendments withdrawn—835  
 Bills introduced—59, 60, 94, 143, 144, 306, 342, 349, 403, 446, 513, 540, 555, 600, 650, 652  
 Committee appointments—26, 27, 28  
 Leave of absence—23, 200  
 Presented to the House three All-State Academic honor roll students, David Caraway,  
 Natalie Neill and Teresa Tasler, all serving as House Pages—1705  
 Resolutions offered—333, 1119  
 Subcommittee assignments—139, 295, 316, 362, 408, 550, 1043

## DAILY DEBATE CALENDAR—

House File 680—1836

House File 681—1836

Senate Concurrent Resolution 35—1836

Senate File 510—1836

DE GROOT, KENNETH—Representative **Lyon**-O'Brien-Osceola-Sioux Counties

Amendments filed—268-270, 271-272, 317, 688, 755, 806, 850, 851, 919, 1044, 1045,  
 1207, 1243, 1383, 1456, 1689, 1733, 1911-1912

Amendments offered—325, 1523, 1735

Amendments withdrawn—1086

Appointed to the Ethics committee—40

Bills introduced—142, 144, 238, 252, 334, 394, 465, 467, 513, 539, 555

Committee appointments—25, 27, 28, 40, 645, 1210, 1706

Petitions presented—171, 611, 709

Presented to the House foreign exchange students Hans Blom from Sweden and  
 Philip Martinez from Chile—847-848

Reports—2231-2233

Resolutions offered—464, 805, 1242, 2008

Subcommittee assignments—236, 344, 345, 509, 536, 595, 608, 668, 848, 1116, 1117

\*\*\*\*\*1987 EXTRAORDINARY SESSION\*\*\*\*\*

Leave of absence—37

## DEVELOPMENT, COMMISSION ON—

Appointment to—42

DIEMER, MARVIN E.—Representative **Black Hawk** County

Amendments filed—280, 438, 486, 512, 1301, 1911-1912, 2093, 2099

Amendments offered—438, 515, 1355, 2099

Amendments withdrawn—515, 2106

Bills introduced—94, 133, 143, 144, 172, 237, 238, 246, 257, 309, 349, 383, 466, 513,  
 584, 683

Committee appointments—26, 27, 1920, 2328  
 Leave of absence—1647, 1857  
 Resolutions offered—497  
 Subcommittee assignments—174, 302, 331, 344, 449, 496, 528, 579, 646, 718, 867, 1043, 1228

**DODERER, MINNETTE**—Representative **Johnson** County

Amendments filed—86, 286, 328, 565, 581, 582, 610, 755, 837-838, 849, 907, 1029, 1119, 1207, 1658, 1863, 1998, 1998-1999, 1999, 2093, 2161, 2162, 2291-2292, 2293-2295, 2303  
 Amendments offered—286, 591, 1133, 1998, 2291, 2292, 2303  
 Amendments withdrawn—592  
 Appointed to the Legislative Fiscal Committee—235  
 Bills introduced—307, 488, 683  
 Committee appointments—26, 27, 28, 1546, 2221  
 Leave of absence—566, 1121  
 Presented to the House the Honorable Virginia Poffenberger, former member of the House—1625  
 Presided at sessions of the House—1609, 1824  
 Reports—114, 2283  
 Resolutions offered—1118  
 Subcommittee assignments—138, 254, 294, 295, 296, 337, 363, 407, 468, 469, 510, 579, 608, 669, 718

\*\*\*\*\*1987 EXTRAORDINARY SESSION\*\*\*\*\*

Amendments offered—6  
 Committee appointments—36  
 Reports—38-48

\*\*\*\*\*1987 SECOND EXTRAORDINARY SESSION\*\*\*\*\*

Amendments filed—59-61  
 Amendments offered—59

**DVORSKY, ROBERT E.**—Representative Iowa-**Johnson** Counties

Amendments filed—278-279, 290, 486, 512, 955, 1009, 1082, 1119, 1175, 1207, 1268, 1383, 1607-1608, 1659, 2093, 2225  
 Amendments offered—360, 1082, 1098, 1607, 2312  
 Amendments withdrawn—547  
 Bills introduced—238, 245, 300, 307, 309, 341, 349, 403, 453, 683, 1184  
 Committee appointments—1, 26, 27, 1920  
 Reports—1-4  
 Subcommittee assignments—248, 302, 550, 595, 646, 718, 1239

**ECONOMIC DEVELOPMENT BOARD**—

Appointment to—42

**ECONOMIC DEVELOPMENT, COMMITTEE ON**—

Amendments filed—1267  
 Amendments offered—1535, 2118  
 Appointed—26  
 Bills introduced—385, 605, 650, 682, 808, 846, 847  
 Recommendations—346, 595, 629, 686, 750, 1117, 1262, 2118  
 Resolutions offered—805, 1118  
 Subcommittee assignments—289, 550, 595, 628, 2091

**EDDIE, RUSSELL J.—Representative Buena Vista-Pocahontas Counties**

Amendments filed—632, 648, 755, 849, 850, 1110-1111, 1733

Amendments offered—1739

Bills introduced—144, 252, 309, 350, 366, 403, 513, 540, 567

Committee appointments—16, 25, 26, 27

Leave of absence—445, 539, 554, 920

Petitions presented—142, 599, 676

Reports—17-19, 169

Resolutions offered—2008

Subcommittee assignments—364, 407, 408, 509, 536, 646, 702, 703, 867, 1042, 1116, 1207, 1229, 1261

**EDUCATION, COMMISSION OF THE STATES—**

Appointment to—593

**EDUCATION, COMMITTEE ON—**

Amendments filed—452, 1232

Amendments offered—1631

Appointed—26

Bills introduced—259, 583, 605, 677, 682, 716, 847, 853

Recommendations—255, 297, 451, 580-581, 670-671, 704-705, 719-720, 1230, 1240-1241

Subcommittee assignments—139, 199, 254, 255, 302, 338, 363, 380, 381, 408, 462, 550, 607, 608, 627, 702, 703, 918, 1116, 1117, 1239, 1240, 1300

**ELDER AFFAIRS, DEPARTMENT OF—**

Appointment to—593

Resolution relating to, HCR 12—497

**EMPLOYEES—**

(See Officers and Employees)

**ENERGY AND ENVIRONMENTAL PROTECTION, COMMITTEE ON—**

Amendments filed—1243, 1267

Amendments offered—1551, 2234

Appointed—26

Bills introduced—253, 676, 714, 807, 808, 852

Recommendations—256, 671, 720, 803, 1241, 1262

Subcommittee assignments—111, 112, 199, 248, 380, 398, 399, 449, 462, 536, 563, 718, 1116, 1206, 1207, 1229, 1239

**ENROLLED BILLS—**

(See Bills, Sent to Governor, Chief Clerk of the House, Joe O'Hern and/or Speaker of the House, Donald D. Avenson)

**ETHICS, COMMITTEE ON—**

Amendments filed—256

Amendments offered—260

Appointed—39-40

Recommendations—256, 1262

Resolutions offered—256, 273, 281

Resolutions relating to:

House Resolution 3—256, 260, 273-281, as amended, adopted; motion to reconsider, 293, motion to reconsider withdrawn, 352

House Resolution 4—256, 260, 281-287, as amended, adopted

## EXPLANATIONS OF VOTE—

- House File 21—Representatives Corey & Royer—386
- House File 39—Representative Poncy—1115-1116
- House File 65—Representative Petersen of Muscatine—396
- House File 65—Representative Daggett—405
- House File 73—Representative Groninga—1115
- House File 73—Representatives Poncy & Siegrist—1158
- House File 79—Representative Jay—562-563
- House File 79—Representative Eddie—578
- House File 90—Representative Ollie—684
- House File 90—Representative Cohoon—699
- House File 90—Representative Jay—718
- House File 92—Representative Connolly—442
- House File 105—Representative Poncy—1115-1116
- House File 114—Representatives Corey & Royer—386
- House File 131—Representative Jay—330
- House File 136—Representative Hermann—645
- House File 136—Representative Jay—718
- House File 138—Representative Groninga—442
- House File 153, H-3054 & H-3055—Representative Corey—330
- House File 167—Representative Corey—386
- House File 167—Representative Ollie—1730
- House File 168—Representatives Corey & Royer—386
- House File 169—Representatives Corey & Royer—386
- House File 170—Representative Jay—379
- House File 170—Representatives Corey & Royer—386
- House File 176—Representative Eddie—578
- House File 181—Representative Jay—495
- House File 193—Representatives Corey & Royer—386
- House File 194—Representatives Corey & Royer—386
- House File 207—Representatives Corey & Royer—386
- House File 210—Representative Eddie—1042
- House File 221—Representatives Corey & Royer—386
- House File 258—Representative Groninga—442
- House File 258—Representative Jay—448
- House File 265—Representative Groninga—442
- House File 265—Representative Jay—448
- House File 277—Representative Groninga—442
- House File 277—Representative Jay—448
- House File 278—Representative Groninga—442
- House File 303—Representative Lundby—666
- House File 303—Representative Cohoon—699
- House File 303—Representative Jay—718
- House File 304—Representative Jay—801
- House File 310—Representative Daggett—1007
- House File 310—Representative Eddie—1042
- House File 314—Representative Groninga—442
- House File 315—Representative Jay—495
- House File 316—Representative Jay—562-563
- House File 316—Representative Eddie—578
- House File 318—Representative Jay—495

- House File 334 – Representative Ollie – 1761
- House File 334 – Representative Connolly – 1837
- House File 355, H-3121 – Representatives Garman & Shoultz – 482
- House File 355 – Representative Jay – 495
- House File 355 – Representative Ollie – 1239
- House File 356 – Representative Cohoon – 699
- House File 360 – Representative Jay – 562-563
- House File 360 – Representative Eddie – 578
- House File 377 – Representative Kremer – 1205
- House File 379 – Representative Siegrist – 1158
- House File 382 – Representative Eddie – 1042
- House File 393 – Representative Eddie – 1042
- House File 394 – Representative Eddie – 578
- House File 398 – Representative Eddie – 1042
- House File 399 – Representative Eddie – 1042
- House File 407 – Representative Eddie – 578
- House File 410 – Representatives Groninga & Siegrist – 578
- House File 412 – Representatives Groninga & Siegrist – 578
- House File 412 – Representative Ollie – 1730
- House File 416 – Representatives Groninga & Siegrist – 578
- House File 426 – Representative Cohoon – 699
- House File 433 – Representative Hermann – 1182
- House File 438 – Representatives Connolly, Daggett, & Ollie – 953
- House File 443 – Representative Eddie – 1042
- House File 469 – Representative Connolly – 718
- House File 470 – Representative Hermann – 645
- House File 470 – Representative Jay – 718
- House File 487 – Representative Cohoon – 699
- House File 488 – Representative Connolly – 718
- House File 488 – Representative Schrader – 1731
- House File 488 – Representative Connolly – 1837
- House File 489 – Representative Cohoon – 699
- House File 490 – Representative Cohoon – 699
- House File 491 – Representative Hermann – 645
- House File 491 – Representative Jay – 718
- House File 492 – Representative Cohoon – 699
- House File 493 – Representative Cohoon – 699
- House File 494 – Representative Cohoon – 699
- House File 499 – Representative Swearingen – 866
- House File 505 – Representative Daggett – 953
- House File 506 – Representative Jay – 801
- House File 507 – Representative Daggett – 1007
- House File 507 – Representative Eddie – 1042
- House File 513 – Representative Connolly – 718
- House File 518 – Representative Eddie – 1042
- House File 520 – Representatives Connolly, Daggett, & Ollie – 953
- House File 523 – Representative Eddie – 1042
- House File 527 – Representatives Eddie & Halvorson of Webster – 1042
- House File 529 – Representative Eddie – 1042
- House File 536 – Representatives Connolly, Daggett & Ollie – 953
- House File 540 – Representative Neuhauser – 1182

- House File 556—Representative Daggett—1007
- House File 556—Representative Eddie—1042
- House File 567—Representatives Corey & Daggett—1007
- House File 567—Representative Eddie—1042
- House File 575—Representative Poncy—1115-1116
- House File 580—Representative Poncy—1115-1116
- House File 580—Representative Schrader—1731
- House File 580—Representative Connolly—1837
- House File 587—Representative Eddie—1042
- House File 588—Representative Daggett—953
- House File 591—Representative Daggett—953
- House File 594—Representative Poncy—1115-1116
- House File 594—Representative Ollie—1730
- House File 595—Representative Ollie—1730
- House File 599—Representative Eddie—1042
- House File 602—Representative Eddie—1042
- House File 609—Representatives Neuhauser & Royer—1182
- House File 613—Representative Eddie—1042
- House File 614—Representative Poncy—1115-1116
- House File 615—Representative Poncy—1115-1116
- House File 617—Representative Daggett—1007
- House File 617—Representative Eddie—1042
- House File 620—Representative Poncy—1115-1116
- House File 621—Representative Eddie—1042
- House File 622—Representative Poncy—1115-1116
- House File 624—Representative Daggett—1007
- House File 624—Representative Eddie—1042
- House File 626—Representative Connolly—1115
- House File 626—Representative Poncy—1115-1116
- House File 629—Representative Daggett—1007
- House File 629—Representative Eddie—1042
- House File 630—Representative Daggett—1007
- House File 630—Representative Eddie—1042
- House File 631—Representative Kremer—1158
- House File 631—Representative Neuhauser—1182
- House File 631—Representative Shoultz—2224
- House File 631—Representative Connolly—2371
- House File 633—Representatives Eddie & Halvorson of Webster—1042
- House File 636—Representative Eddie—1042
- House File 636—Representative Connolly—1837
- House File 639—Representative Daggett—1007
- House File 639—Representative Eddie—1042
- House File 640—Representative Eddie—1042
- House File 641—Representative Eddie—1042
- House File 642—Representative Ollie—1239
- House File 644—Representative Connolly—1041
- House File 644—Representatives Eddie & Halvorson of Webster—1042
- House File 645—Representative Eddie—1042
- House File 646—Representative Neuhauser—1182
- House File 646—Representative Ollie—1730
- House File 648—Representative Poncy—1115-1116

- House File 649—Representative Royer—1182  
House File 650—Representatives Neuhauser & Royer—1182  
House File 650—Representative Ollie—1239  
House File 651—Representative Connolly—1041  
House File 651—Representative Eddie—1042  
House File 652—Representative Poncy—1115-1116  
House File 653—Representatives Daggett & Garman—1007  
House File 653—Representative Eddie—1042  
House File 654—Representative Eddie—1042  
House File 654—Representative Ollie—1761  
House File 654—Representative Connolly—1837  
House File 655—Representative Poncy—1115-1116  
House File 656—Representative Connolly—1041  
House File 656—Representative Eddie—1042  
House File 658—Representative Eddie—1042  
House File 660—Representative Hermann—1007  
House File 660—Representative Eddie—1042  
House File 661—Representatives Eddie & Halvorson of Webster—1042  
House File 666—Representative Ollie—1239  
House File 671—Representative Royer—1543  
House File 680—Representative Eddie—2091  
House File 683—Representative Connolly—2091  
House Joint Resolution 14—Representative Eddie—578  
Senate Concurrent Resolution 4, H-3094—Representative Connolly—442  
Senate Concurrent Resolution 4, Representatives Connolly & Swearingen—442  
Senate Concurrent Resolution 4, H-3097 to H-3075—Representative Swearingen—442  
Senate File 19—Representative Siegrist—293  
Senate File 19, H-3035—Representative Siegrist—293  
Senate File 50—Representatives Corey & Royer—386  
Senate File 55—Representative Connolly—2091  
Senate File 76—Representative Royer—1543  
Senate File 101—Representative Ollie—1862  
Senate File 106—Representative Royer—1543  
Senate File 141—Representative Connolly—718  
Senate File 158—Representatives Groninga & Siegrist—578  
Senate File 161—Representative Royer—1543  
Senate File 162, H-4212A to H-3687—Representative Connolly—2371  
Senate File 162—Representative Connolly—2371  
Senate File 198—Representative Ollie—1455  
Senate File 201—Representative Garman—1593  
Senate File 214—Representative Royer—1543  
Senate File 222—Representative Royer—1543  
Senate File 268—Representative Ollie—1299  
Senate File 269—Representative Shoning—748  
Senate File 269—Representative Jay—801  
Senate File 273—Representative Royer—1543  
Senate File 274, H-4056—Representative Siegrist—1837  
Senate File 276—Representative Royer—1543  
Senate File 290—Representative Royer—1543  
Senate File 374—Representative Royer—1543  
Senate File 381—Representative Royer—1543

Senate File 382—Representative Ollie—1239  
 Senate File 388—Representative Royer—1543  
 Senate File 455, H-4124—Representative Eddie—1921  
 Senate File 455—Representative Eddie—1921  
 Senate File 459—Representative Royer—1543  
 Senate File 469—Representative Ollie—1625  
 Senate File 474—Representative Royer—1543  
 Senate File 480—Representative Royer—1543  
 Senate File 481—Representative Royer—1543  
 Senate File 499—Representative Ollie—1862  
 Senate File 511—Representative Daggett—2005-2006  
 \*\*\*\*\*1987 EXTRAORDINARY SESSION\*\*\*\*\*  
 Senate File 523—Representative Halvorson of Clayton—50

#### FEDERAL AGENCIES—

(See President of the United States, Congress and/or Federal Agencies)

#### FEY, THOMAS H.—Representative Scott County

Amendments filed—86, 919, 1010, 1044, 1161, 1544, 1840, 1840-1841, 1999, 2093  
 Amendments offered—1541, 1579, 1768  
 Bills introduced—238, 239, 319, 320, 349, 350, 541, 612, 683, 1184  
 Committee appointments—1, 26, 27, 28, 1987  
 Leave of absence—410, 723, 1162  
 Reports—1-4, 2156-2157  
 Resolutions offered—382, 2160  
 Subcommittee assignments—139, 248, 254, 289, 316, 344, 345, 407, 408, 668, 1206,  
 1239, 1656

#### FOGARTY, DANIEL P.—Representative Clay-Palo Alto Counties

Amendments filed—382, 531, 754, 849, 850, 851, 868, 919, 955, 1105-1109, 1110-1111,  
 1112-1113, 1615-1624, 1627, 2049-2056  
 Amendments offered—657, 900, 901, 1088, 1112, 1670  
 Amendments withdrawn—1112  
 Appointed to the Iowa Commission on Interstate Cooperation—42, 593  
 Bills introduced—21, 59, 144, 251, 252, 291, 335, 446, 465, 539, 555, 600, 613, 650, 1184  
 Committee appointments—25, 27, 1987  
 Petitions presented—93, 498, 532  
 Presented to the House Dr. Michael Grimes, an attorney from Ireland—654  
 Presented to the House the Honorable Jack Kibbie, former member of the  
 House—1007  
 Presided at sessions of the House—1052, 1927  
 Reports—2156-2157  
 Resolutions offered—564, 2008, 2092  
 Rulings made—1932  
 Subcommittee assignments—236, 249, 345, 380, 468, 496, 509, 595, 608, 668, 685, 702,  
 1043, 1116, 1206, 1261

#### FULLER, ROBERT D.—Representative Franklin-Hardin-Hamilton Counties

Amendments filed—531, 632, 648, 805, 850, 851, 1457, 1732, 1863, 1922, 2009, 2093  
 Amendments offered—855, 1487, 1895  
 Bills introduced—144, 171, 245, 258, 403, 445, 446, 541, 650, 1184  
 Committee appointments—16, 26, 27  
 Leave of absence—1020, 1155, 1270, 1629

- Reports—17-19, 169  
 Resolutions offered—298  
 Subcommittee assignments—242, 248, 295, 302, 331, 344, 364, 380, 408, 449, 529, 536,  
 563, 628, 668, 718, 1042, 1043, 1207
- GARMAN, TERESA**—Representative Boone-Story Counties  
 Amendments filed—538, 552, 564, 742-743, 754, 755, 756, 805, 850, 982-984, 1044, 1045,  
 1383, 1456, 1689, 1851, 2161  
 Amendments offered—543, 827, 1152, 1467, 1851, 2265  
 Bills introduced—144, 411, 446, 454, 513, 554, 846  
 Committee appointments—26, 27, 50  
 Leave of absence—142  
 Subcommittee assignments—112, 199, 242, 243, 295, 449, 469, 509, 510, 607, 608, 669,  
 1043, 1044, 1159, 1206, 1207
- GENERAL ASSEMBLY—HOUSE—**  
 (See also Rules and Administration Committee in the General Index and/or House  
 Concurrent Resolutions, House Resolutions and Senate Concurrent Resolu-  
 tions listed in Legislative Index Volume)  
 Resolutions relating to:
- House Concurrent Resolution 1, canvass of votes for gov. & lt. gov., state of  
 the state message—11 adopted, 12, 47
  - House Concurrent Resolution 2, message of the condition of the judicial  
 department—12 adopted, 60
  - House Concurrent Resolution 3, budget message—12 adopted, 60
  - House Concurrent Resolution 6, pioneer lawmakers—332, 447 adopted, 534
  - House Concurrent Resolution 28, review, legislative pay matrix—1160
  - House Concurrent Resolution 30, exempt bills sponsored by the appropriations  
 committees of the House and Senate, subsection 3, Joint Rule 20—1301,  
 1356-1357 adopted, 1357, 1462
  - House Concurrent Resolution 34, Midwestern Legislative Conference of the  
 Council of State Governments—1597, 2253 adopted
  - House Concurrent Resolution 46, budget process, executive branch and general  
 assembly—2160
  - House Concurrent Resolution 51, final adjournment—2372
  - House Resolution 1, appointment of clerks, secretaries and pages—16 adopted
  - House Resolution 2, rules—45, 46, 56, 57, 60-90 adopted
  - House Resolution 3, code of ethics—256, 260, 273-281, as amended adopted,  
 293, 352
  - House Resolution 4, rules for lobbyists—256, 260, 281-287, as amended adopted
  - Senate Concurrent Resolution 1, journal, bills, etc., furnished county auditors;  
 congressional delegation—47, 56, 95 adopted
  - Senate Concurrent Resolution 2, joint inaugural committee—47, 56, 95 adopted
  - Senate Concurrent Resolution 3, joint rules—93-94, 95, 96-110 as amended  
 adopted, 112, 199, 201, 259
  - Senate Concurrent Resolution 6, compensation of chaplains, officers and  
 employees—134, 138, 139, 144-145, 152-168 adopted
  - Senate Concurrent Resolution 14, Deere and Company, 150th anniversary—  
 586, 598, 896 adopted
  - Senate Concurrent Resolution 15, Memorial Session—535, 538, 593 adopted, 605
  - Senate Concurrent Resolution 40, adjournment—2369-2370 adopted
  - Senate Concurrent Resolution 43, bronze memorial, commemorate the bicen-  
 tennial of the Constitution—2306, 2372

## \*\*\*\*\*1987 EXTRAORDINARY SESSION\*\*\*\*\*

House Concurrent Resolution 55, provide for business, 1987 Extraordinary Session—21

House Concurrent Resolution 56, final adjournment—50

House Resolution 13, budgeting procedures & legislative rules, cmte. study—21

Senate Concurrent Resolution 46, business of 1987 Extraordinary Session—3, 21, 22

Senate Concurrent Resolution 47, final adjournment—50 adopted, 50-51

## \*\*\*\*\*1987 SECOND EXTRAORDINARY SESSION\*\*\*\*\*

House Concurrent Resolution 57, final adjournment—67 adopted

## GIFTS—

(See Awards and Gifts)

## GOVERNOR BRANSTAD, TERRY E.—

Addressed joint convention—51-55, 118-129, 185-197

Bills signed by—406, 482, 495, 684, 718, 953, 1115, 1543, 1572, 1593, 1655, 1686-1687, 1761, 1838, 1862-1863, 2006-2007, 2158-2159, 2715-2725

Certificate of election—114-115

Closing message—2377-2378

Committees to escort—51, 55, 117, 129, 146, 152, 185, 197

Committees to notify—11, 15, 50, 116, 185, 2376

Communication from—2376-2378

Delivered the Budget Message—185-197

Delivered the Inaugural address—118-122

Delivered the State of the State Message—51-55

Item veto messages—2001-2005, 2733-2755

Legislative priorities—122-129

Resolution relating to Budget Message, HCR 3—12 adopted, 60

Resolution relating to Inauguration, SCR 2—47, 56, 95 adopted

Resolution relating to the State of the State Message, HCR 1—11 adopted, 12, 47

Resolutions relating to:

House Concurrent Resolution 1—11 adopted, 12, 47

House Concurrent Resolution 3—12 adopted, 60

Took oath of office—118

Veto messages—490-492, 699-702, 2253-2255, 2726-2733

## \*\*\*\*\*1987 EXTRAORDINARY SESSION\*\*\*\*\*

Bill signed by—53

Communications from—1, 3-4

Message to—50

Proclamation (Extraordinary Session)—2

## \*\*\*\*\*1987 SECOND EXTRAORDINARY SESSION\*\*\*\*\*

Bill signed by—69

Communication from—56-57

Message to—67

Proclamation (Second Extraordinary Session)—57-58

## GRONINGA, JOHN—Representative Cerro Gordo County, Assistant Majority Floor Leader

Amendments filed—390, 708, 868, 1383, 1597, 1733, 1864, 2304

Amendments offered—493, 709, 1257, 1389, 1390, 1535, 1870, 2304

Appointed to the Economic Development Board—42

Bills introduced—238, 566, 601, 612, 1184

Committee appointments—26, 27, 28

Leave of absence—429

Presented to the House the Honorable Delbert Floy, former member of the Senate—406

Presided at sessions of the House—984, 1255, 1661, 2109, 2117

Rulings made—2112, 2113, 2114, 2115

Subcommittee assignments—174, 249, 316, 331, 362, 399, 426, 469, 550, 595, 628, 685, 802, 1042, 1116, 1117, 1229, 1656, 2091

**GRUHN, JOSEPHINE—Representative Dickinson-Emmet Counties**

Amendments filed—512, 755, 849, 850, 851, 868, 955, 1105-1109, 1110-1111, 1112-1113, 1615-1624, 2093

Amendments offered—939, 1095

Bills introduced—22, 144, 252, 257, 307, 349, 465, 539, 568, 600, 683, 1184

Committee appointments—1, 25, 27, 645

Petitions presented—58, 453, 649, 1046

Reports—1-4

Resolutions offered—688, 1573, 2008

Subcommittee assignments—139, 174, 248, 302, 331, 345, 380, 496, 509, 529, 595, 608, 686, 1116, 1206

**HALVORSON, RODNEY N.—Representative Webster County, Assistant Majority Floor Leader**

Amendments filed—86, 401, 722, 736, 740-741, 742-743, 806, 1010, 1045, 1119, 1160, 1232, 1242, 1456, 1840-1841, 2093, 2094, 2163

Amendments offered—476, 525, 693, 736, 737, 740, 744, 745, 1168, 1171, 1174, 1175, 1176, 1177, 1282, 1477, 1497, 1541, 1542, 2110, 2175, 2176

Amendments withdrawn—741, 1168, 1176, 1542, 2176

Announcement as Speaker—833, 835

Bills introduced—144, 384, 394, 403, 682, 683, 1184

Committee appointments—11, 25, 26, 27, 665, 2221, 2328, 2376

Petitions presented—142, 257, 299, 318

Presided at sessions of the House—829, 1076, 1639

Reports—15, 1215-1223

Rulings made—1644, 1646

Subcommittee assignments—111, 112, 242, 243, 295, 316, 449, 607, 608, 1008, 1159, 1731, 2092

**\*\*\*\*\*1987 EXTRAORDINARY SESSION\*\*\*\*\***

Bills introduced—5

Resolutions offered—21

**HALVORSON, ROGER A.—Representative Allamakee-Clayton Counties**

Amendments filed—56, 57, 279, 280, 401, 409, 464, 688, 755-756, 756, 805, 849, 919, 989, 1044, 1154, 1161, 1242, 1383, 1519, 1607, 1609, 1627, 1851-1853, 1856, 1886-1887, 1893-1894, 1906, 1998, 2008, 2009

Amendments offered—84, 279, 420, 690, 832, 833, 989, 1153, 1154, 1323, 1607, 1609, 1647, 1648, 1856, 1893, 2245

Amendments withdrawn—421

Bills introduced—49, 144, 171, 173, 200, 238, 292, 318, 336, 341, 342, 393, 404, 446, 513, 612

Committee appointments—25, 26, 27, 146, 1017, 1581, 2145, 2156

Leave of absence—251, 352, 366, 445, 542, 554, 611, 1757

Petitions presented—58, 142

Reports—2262

Resolutions offered—2160

Subcommittee assignments—139, 254, 295, 316, 331, 338, 363, 364, 399, 408, 426, 449, 462, 469, 510, 550, 579, 595, 628, 646, 668, 685, 802, 867, 1043, 1116, 1117, 1159, 1207, 1229, 1261

\*\*\*\*\*1987 EXTRAORDINARY SESSION\*\*\*\*\*

Amendments filed—16, 22

Amendments offered—16

Leave of absence—23

Resolutions offered—21

**HAMMOND, JOHNIE**—Representative **Story** County

Amendments filed—365, 409, 464, 486, 805, 806, 1045, 1120, 1183, 1268, 1301, 1383, 1457, 1466, 1732, 1733, 1840, 1863, 2078-2079, 2161, 2162, 2163, 2173-2174, 2225

Amendments offered—505, 524, 526, 941, 1130, 1225, 1466, 1500, 1526, 1742, 2173, 2281

Announced eight winners of the National Women's History Month essay contest for 1987—500

Appointed to the Iowa Health Data Commission—42

Bills introduced—48, 143, 173, 201, 307, 309, 319, 349, 350, 466, 567, 683, 1184

Committee appointments—26, 27, 95, 2176

Leave of absence—1134, 1857

Reports—2227

Resolutions offered—805, 1207, 1242, 1573, 2160

Subcommittee assignments—111, 174, 242, 243, 254, 295, 302, 316, 337, 344, 345, 363, 389, 407, 449, 469, 484, 510, 529, 579, 608, 646, 702, 718, 1043, 1117, 1207, 1229

**HANSEN, STEVE D.**—Representative **Woodbury** County

Amendments filed—86, 918, 984, 1268, 1658, 1688, 1689, 1922, 1998, 2162

Amendments offered—1077, 1310

Appointed to the Medical Assistance Advisory Council—594

Bills introduced—171, 238, 245, 341, 454, 567, 568, 1184

Committee appointments—26, 27, 2176

Presided at sessions of the House—1095

Reports—2227

Resolutions offered—511, 2008

Subcommittee assignments—139, 174, 242, 254, 295, 338, 362, 363, 380, 389, 399, 462, 469, 509, 668, 669, 703, 718, 1043, 1044, 1117, 1229, 1261

**HANSON, DARRELL R.**—Representative **Buchanan-Delaware-Linn** Counties

Amendments filed—57, 86, 271-272, 317, 324, 401, 452, 511, 806, 1023, 1044, 1119, 1207, 1243, 1268, 1383, 1456, 1457, 1485, 1503-1504, 1513, 1732, 1763, 1913-1915, 1915-1917, 1919, 2093, 2126, 2146-2156, 2163

Amendments offered—271, 324, 1091, 1173, 1179, 1503, 1513, 1857, 1913, 1915, 1919, 2013, 2126, 2173, 2206

Amendments withdrawn—2076

Appointed to the Capitol Planning Commission—593

Bills introduced—143, 144, 411, 446, 465, 466, 488, 514, 652, 1011

Committee appointments—26, 27, 28, 1017, 2221, 2328

Leave of absence—93, 1046

Petitions presented—334, 383

Presided at sessions of the House—270, 614, 1553, 2326

Reports—2255

Resolutions offered—1017, 1118

Subcommittee assignments—111, 174, 242, 243, 295, 316, 449, 462, 469, 509, 510, 550, 607, 608, 628, 669, 685, 718, 848, 1117, 1159, 1207, 1229, 2091

**HARBOR, WILLIAM H.**—Representative **Mills-Montgomery-Pottawattamie Counties**  
 Amendments filed—56, 57, 108, 280, 290, 339, 401, 409, 464, 598, 688, 755, 756, 919,  
 984, 1010, 1044, 1161, 1301, 1374-1375, 1519, 1597, 1627, 1689, 1733, 1763, 1856,  
 1886, 1886-1887, 1893-1894, 2008, 2009, 2094  
 Amendments offered—88, 108, 280, 419, 725, 1737, 1824, 1886, 2114  
 Appointed to the Legislative Council—235  
 Bills introduced—132, 133, 143, 144, 172, 239, 251, 306, 310, 319, 335, 342, 348, 402,  
 488, 513, 652  
 Committee appointments—25, 26, 27, 116, 606, 1997, 2101  
 Leave of absence—633  
 Petitions presented—453  
 Presided at sessions of the House—351  
 Reports—116, 2166-2167  
 Resolutions offered—581, 1119, 1573, 2160  
 Subcommittee assignments—112, 174, 199, 236, 249, 344, 389, 399, 469, 528, 646, 668,  
 685, 1206

\*\*\*\*\*1987 EXTRAORDINARY SESSION\*\*\*\*\*

Amendments filed—16, 22

**HARPER, PATRICIA**—Representative **Black Hawk County**  
 Amendments filed—1183, 1457, 1688, 1733, 2161, 2162  
 Amendments offered—660  
 Amendments withdrawn—1390, 1829  
 Appointed to the Department of Elder Affairs—593  
 Bills introduced—144, 257, 307, 349, 394, 402, 584, 612, 683, 698, 1184  
 Committee appointments—8, 26, 2156  
 Petitions presented—676, 709, 957  
 Reports—2229  
 Resolutions offered—497, 688, 1922  
 Subcommittee assignments—174, 242, 243, 248, 254, 255, 302, 316, 344, 363, 380, 381,  
 407, 408, 484, 536, 607, 628, 646, 703, 918, 1206

**HATCH, JACK**—Representative **Polk County**  
 Amendments filed—409, 806, 851, 984, 1045, 1083-1084, 1101, 1120, 1456, 1763, 1850,  
 1890, 1891-1892, 1893, 1895-1896, 1917, 2078-2079, 2079, 2093  
 Amendments offered—414, 929, 984, 1274, 1497, 1849, 1850, 1895, 1917, 2078  
 Bills introduced—238, 349, 402, 410, 487, 488, 540, 568, 584, 633, 650, 651, 683, 1184  
 Committee appointments—25, 26, 27, 2101, 2156  
 Leave of absence—637  
 Petitions presented—689  
 Presented to the House his brother, the Honorable Bill Hatch, state representa-  
 tive from New Hampshire—606  
 Presented to the House thirty members of the International Youth Peace Watch  
 from seven European nations—1455  
 Presided at sessions of the House—787  
 Reports—2229  
 Resolutions offered—409, 2008  
 Subcommittee assignments—174, 199, 399, 462, 535, 536, 608, 668, 702, 718, 867, 1008,  
 1117, 1206, 1229, 1731

**HAVERLAND, MARK A.**—Representative **Polk County**  
 Amendments filed—754, 755, 756, 806, 842, 1457, 1485, 1502, 1814-1822, 1827, 2093, 2162  
 Amendments offered—798, 817, 834, 836, 842, 1477, 1827

Amendments withdrawn—818, 1481  
 Appointed to the Commission on Children, Youth and Families—593  
 Bills introduced—144, 309, 342, 366, 384, 411, 488, 555, 1184  
 Committee appointments—26, 645  
 Presided at sessions of the House—2125  
 Resolutions offered—409, 2160  
 Subcommittee assignments—138, 139, 175, 254, 302, 338, 363, 364, 381, 407, 408, 462, 509, 550, 607, 628, 646, 702, 703, 1116, 1261

#### HEALTH DATA COMMISSION—

Appointment to—42  
 Communication from—129

#### HERMANN, DONALD F.—Representative **Scott** County

Amendments filed—56, 268-270, 271-272, 401, 754, 755, 806, 849, 850, 868, 1010, 1119, 1232, 1242, 1456, 1471-1472, 1689, 1994  
 Amendments offered—268, 1189, 1451, 1471, 1496, 1579, 1580, 1994  
 Appointed to the Ethics committee—40  
 Bills introduced—48, 59, 94, 143, 144, 245, 319, 320, 349, 384, 393, 445, 513, 555, 567  
 Committee appointments—26, 40  
 Leave of absence—1162, 1734, 2311  
 Petitions presented—200, 498, 1244  
 Resolutions offered—1573  
 Subcommittee assignments—174, 175, 242, 243, 254, 302, 363, 364, 484, 646, 1043  
 \*\*\*\*\*1987 SECOND EXTRAORDINARY SESSION\*\*\*\*\*  
 Amendment filed—62

#### HESTER, JOAN L.—Representative Harrison-Pottawattamie Counties

Amendments filed—280, 675, 688, 754, 755, 756, 805, 850, 1457, 1481, 1485, 1498-1499, 1689, 1978-1980  
 Amendments offered—690, 691, 1468, 1481, 1498  
 Bills introduced—183, 245, 306, 335, 340, 394, 488, 513, 555  
 Committee appointments—26, 27, 604, 1997, 2031  
 Leave of absence—183, 487, 920, 1046, 1162  
 Petitions presented—171  
 Resolutions offered—604, 1119  
 Subcommittee assignments—174, 242, 243, 248, 254, 302, 316, 344, 363, 380, 381, 399, 407, 408, 462, 484, 608, 627, 646, 703, 1239, 1240, 1300

#### HOLVECK, JACK—Representative **Polk** County

Amendments filed—267-268, 277, 281, 286, 287, 1119, 1383, 1456, 1515-1516, 1517, 1840, 1922  
 Amendments offered—260, 267, 277, 281, 286, 287, 1165, 1515, 1517  
 Appointed to the Ethics committee—40  
 Bills introduced—173, 309, 319, 453, 612, 683, 1184  
 Committee appointments—26, 27, 28, 40  
 Leave of absence—429, 472, 1609  
 Resolutions offered—409, 2160  
 Subcommittee assignments—254, 398, 449, 462, 536, 1116, 1117, 1229

#### HOUSE COMMITTEE ASSIGNMENTS—29-39

#### HOUSE CONCURRED—

House File 79, H-4333—2165  
 House File 130, H-3130, as amended—1663  
 House File 153, H-3672—2260

House File 164, H-4244, as amended—2265  
House File 167, H-3896, as amended—1671  
House File 170, H-3202—1528  
House File 210, H-4111—2023  
House File 241, H-3833—1569  
House File 310, H-3888—1968  
House File 316, H-4112, as amended—2100  
House File 328, H-3840—1666  
House File 334, H-3883, as amended—1694  
House File 346, H-3832—1562  
House File 371, H-3360, as amended—1568  
House File 375, H-3870—1680  
House File 377, H-4326—2206  
House File 398, H-3773—1589  
House File 410, H-3771—1665  
House File 411, H-3839, as amended—1976  
House File 412, H-3892—1673  
House File 464, H-3841—1563  
House File 469, H-4099, as amended—1980  
House File 472, H-3982—1977  
House File 488, H-3891—1699  
House File 492, H-3772—1570  
House File 493, H-4204—2130  
House File 494, H-3843—1565  
House File 499, H-3878, as amended—1834  
House File 506, H-3770—1577  
House File 518, H-4100—2026  
House File 520, H-3774—1685  
House File 533, H-4114—1969-1970  
House File 540, H-3836—1683  
House File 567, H-4118, as amended—1967  
House File 574, H-4038—2021  
House File 575, H-4037—2022  
House File 580, H-3889, as amended—1702  
House File 588, H-4211—2266  
House File 591, H-4352—2249  
House File 594, H-3895—1668  
House File 595, H-3894—1675  
House File 599, H-4103—2274  
House File 600, H-3904, as amended—2077  
House File 603, H-4040—2028  
House File 620, H-4117—2025  
House File 626, H-3835, as amended—2056, 2142  
House File 633, H-4368—2307  
House File 636, H-3899—1729  
House File 640, H-3842, as amended—1728  
House File 646, H-3898—1672  
House File 654, H-3893—1696  
House File 655, H-3871—1698  
House File 658, H-3906, as amended—2140  
House File 660, H-3887—1678

House File 669, H-4370—2314  
 House File 675, H-4353, as amended—2305  
 House File 676, H-4365—2302  
 House File 682, H-4364—2299  
 Senate File 19, H-3052—351  
 Senate File 55, H-4233—2204  
 Senate File 148, H-4242—2129  
 Senate File 298, H-3569—1238  
 Senate File 399, H-3884—1682  
 Senate File 461, H-4155—2257  
 Senate File 480, H-4240—2039  
 Senate File 515, H-4360—2285  
 Senate File 518, H-4371—2298  
 Senate Concurrent Resolution 4, H-3148—624

## HOUSE INSISTS—

House File 167—1987  
 House File 600—2221  
 Senate File 17—2176  
 Senate File 311—1704  
 Senate File 481—1546  
 Senate File 510—2100  
 Senate File 511—2031

## HOUSE RECEDES—

Senate File 290—1679  
 Senate File 513—2230

## HOUSE REFUSED TO CONCUR—

House File 244, H-4036—1955  
 House File 345, H-4035—1956  
 House File 355, H-3179—623  
 House File 395, H-3901—1677  
 House File 407, H-3838—1693  
 House File 500, H-4113—1964  
 House File 631, H-4027—1726  
 House File 671, H-4165—1952  
 Senate Concurrent Resolution 4, H-3148—616  
 Senate Concurrent Resolution 35, H-4268—2128  
 Senate File 298, H-3569—1214  
 Senate File 501, H-4379—2311  
 Senate File 504, H-4258—2090  
 Senate File 517, H-4373—2301

\*\*\*\*\*1987 EXTRAORDINARY SESSION\*\*\*\*\*

Senate File 523, H-4393—36

## HOUSE RULES AND ADMINISTRATION COMMITTEE—

(See Rules and Administration, Committee On)

## HUMAN RESOURCES, COMMITTEE ON—

Amendments filed—486, 531, 598, 632, 688, 721, 868, 1267  
 Amendments offered—642, 660, 934, 941, 1037, 1290, 1373  
 Appointed—26

Bills introduced—300, 305, 329, 350, 419, 533, 600, 612, 650, 698, 809, 857, 869  
 Recommendations—290, 303, 332, 346, 427, 484, 530, 595-596, 629, 687, 720, 751, 867,  
 1159-1160, 1263, 1596  
 Resolutions offered—1597  
 Subcommittee assignments—174, 175, 242, 243, 254, 302, 316, 344, 345, 363, 364, 407,  
 408, 484, 529, 579, 580, 646, 702, 703, 1116, 1117, 1229, 1261

**HUMMEL, KYLE**—Representative **Benton-Black Hawk Counties**, Assistant Minority  
 Floor Leader

Amendments filed—84, 347, 444, 464, 553, 632, 756, 805, 806, 839-841, 868, 919, 1010,  
 1036, 1207, 1232, 1242, 1456, 1520, 1851-1853, 1863, 1886-1887, 2009, 2093, 2094,  
 2225  
 Amendments offered—84, 474, 478, 559, 786, 838, 839, 841, 893, 976, 1035, 1036, 1125,  
 1496, 1587, 1639, 2265, 2275  
 Amendments withdrawn—356, 841  
 Appointed to the Communications Review Commission—593  
 Bills introduced—144, 238, 300, 393, 487, 513, 957  
 Committee appointments—25, 26, 27  
 Petitions presented—318, 340  
 Presided at sessions of the House—1282  
 Resolutions offered—1119  
 Subcommittee assignments—289, 331, 337, 344, 380, 579, 685, 718, 802, 1008, 1228,  
 1229, 1300

**INAUGURATION**—

Canvass of votes—114-115  
 Certificates of election—115-116  
 Committee appointed—95  
 Inaugural address by Governor Terry E. Branstad—118-122  
 Resolution empowering joint resolution to arrange for, SCR 2—47, 56, 95 adopted

**INTERGOVERNMENTAL RELATIONS, ADVISORY COMMISSION ON**—

Appointments to—41, 594

**INTERIM COMMITTEES**—

(See also Legislative Council and/or Study Committees)

Appointments—41, 234, 235, 593, 594, 1838, 2001

Resolutions relating to:

House Concurrent Resolution 8-unnecessary collection of information and dupli-  
 cation of form by state agencies—347  
 House Concurrent Resolution 12-alternate housing and levels of care for elders,  
 cmte. study—497  
 House Concurrent Resolution 13-mandatory seat belt legislation, cmte.  
 study—511  
 House Concurrent Resolution 15-school reorganization procedures, cmte.  
 study—531  
 House Concurrent Resolution 22-relationship between economic development  
 and various state programs in support of a diversified economy, cmte.  
 study—805  
 House Concurrent Resolution 24-tax on moneys and credits—1118  
 House Concurrent Resolution 25-job retraining program for the retention of  
 existing jobs in Iowa—1118

- House Concurrent Resolution 29-child protection—1242
- House Concurrent Resolution 31-review services for the elderly, cmte. study—1573
- House Concurrent Resolution 32-gaps in the availability of capital in Iowa, feasibility of various credit enhancement mechanisms, legislation with potential to increase the availability and affordability of capital in Iowa, cmte. study—1574
- House Concurrent Resolution 33-reform of the welfare system, cmte. study—1597
- House Concurrent Resolution 40-long-range plan, renovation and expansion, correctional facilities, cmte. study—1922
- House Concurrent Resolution 41-involuntary commitment process, mentally ill, cmte. study—1922
- House Concurrent Resolution 44-vocational agriculture education needs, cmte. study—2008
- House Concurrent Resolution 45-state agency jurisdiction, Iowa Braille and Sight-saving School and Iowa School for the Deaf, cmte. study—2160
- House Concurrent Resolution 46-budget process, executive branch and general assembly, cmte. study—2160
- House Concurrent Resolution 47-health care for the citizens of Iowa, cmte. study—2160
- House Concurrent Resolution 48-AIDS, cmte. study—2160
- House Concurrent Resolution 49-runaway children, cmte. study—2160
- House Concurrent Resolution 50-examine the needs of mentally ill and mentally retarded defendants, offenders, and persons who are dangerous to others, cmte. study—2161
- House Concurrent Resolution 52-classified and restricted access research at the regents' university, cmte. study—2372
- House Resolution 5-develop alternatives to the plugging of agricultural drainage wells, cmte. study—564
- Senate Concurrent Resolution 33-reform of the welfare system, cmte. study—2144, 2161, 2231 adopted, 2234

#### INTERSTATE COOPERATION, COMMISSION ON—

Appointments to—42, 593

#### INTRODUCTION OF BILLS—

(See Bills, Introduction of, and/or individual listings)

#### IOWA BOUNDARY COMMISSION—

Appointments to—41

#### JAY, DANIEL J.—Representative Appanoose-Davis-Wapello Counties

Amendments filed—688, 868, 919, 988-989, 989, 1044, 1101, 1119, 1120, 1154, 1161, 1207, 1383, 1456, 1514-1515, 1607, 1609, 1627, 1628, 1659, 1689, 1733, 1922, 1998, 2093, 2162, 2225, 2373

Amendments offered—937, 988, 1101, 1133, 1138, 1139, 1140, 1141, 1313, 1514, 1607, 2245

Amendments withdrawn—1134, 1142

Bills introduced—144, 238, 341, 342, 488, 489, 499, 584, 1184

Committee appointments—25, 26, 27, 146, 1997

Leave of absence—472

Reports—2166-2167

Resolutions offered—2160

Subcommittee assignments—139, 236, 249, 295, 316, 338, 345, 363, 364, 389, 399, 407, 408, 449, 469, 510, 550, 579, 607, 668, 867, 1043, 1159, 1207, 1229, 1261

**JOB SERVICE OF IOWA—**

Communication from—43

Resolution relating to, SCR 9—379, 382, 405 adopted, 405

**JOCHUM, THOMAS J.—Representative Dubuque County**

Amendments filed—421-424, 1268, 1383, 1456, 1457, 1472-1476, 1476, 1484, 1485-1487, 1597, 1627, 1893-1894, 1894-1895, 1896-1906, 1906, 2087, 2094, 2225, 2280-2281

Amendments offered—421, 1471, 1472, 1476, 1484, 1485, 1494, 1553, 1557, 1601, 1894, 1896, 1906, 1982, 1984, 1985, 1989, 2080, 2087, 2105, 2276, 2280, 2281

Amendments withdrawn—1484, 1985, 2281

Appointed to the Legislative Council and the Legislative Fiscal Committee—235  
Bills introduced—683

Committee appointments—25, 26, 665, 1997, 2031, 2145

Presented to the House the Honorable Michael Dukakis, Governor of Massachusetts—724

Remarks by—12-13

Reports—114, 1215-1223, 2262, 2315-2326, 2329-2360

Resolutions offered—2160, 2161

Subcommittee assignments—199, 337, 389, 449, 550, 1008, 1731, 2091, 2092

**JOHNSON, PAUL W.—Representative Allamakee-Winneshiek Counties**

Amendments filed—86, 271-272, 512, 531, 806, 850, 1105-1109, 1383, 1456, 1544, 1615-1624, 1840-1841, 1890, 1891-1892, 1922, 2093

Amendments offered—641, 1105, 1551, 1552

Appointed to the Agricultural Energy Management Advisory Council—41

Bills introduced—144, 252, 393, 394, 652

Committee appointments—25, 26, 27, 28, 184, 679, 1017, 1760

Leave of absence—709, 869

Petitions presented—93, 200, 453, 599

Presented to the House the Honorable Seymour Tofte, former member of the House—866

Presided at sessions of the House—87, 639, 1446, 1827

Remarks by—13

Reports—2177-2196

Resolutions offered—1017, 1922, 2008

Rulings made—1449

Subcommittee assignments—112, 174, 199, 302, 316, 331, 344, 345, 362, 443, 496, 529, 535, 646, 668, 686, 718, 867, 1116, 1117, 1207, 1229, 1239

**JOINT CONVENTIONS—**

Canvass of votes—23, 114-115

Condition of the Judicial Department Message—146-152

Memorial Session—1598-1600

State of the State Message—51-55

To honor Pioneer Lawmakers—1581-1585

Resolutions relating to:

House Concurrent Resolution 1, state of the state message—11 adopted, 12, 47

House Concurrent Resolution 1, canvass of votes, gov. & lt. gov.—11 adopted  
12, 47

- House Concurrent Resolution 2, condition of the judicial department message—  
12 adopted, 60
- House Concurrent Resolution 3, budget message—12 adopted, 60
- House Concurrent Resolution 6, Pioneer Lawmakers—332, 447 adopted, 534

## JOINT RULES—

(See also Rules and/or Rules and Administration, Committee On)

Pursuant to Joint Rule 11 (code editor's correction bill):

Senate File 373, H-3724B—1353

Senate File 373, H-3900—1704

Pursuant to Joint Rule 12 (amendments by other House):

Senate File 373, H-3900—1704

Resolutions relating to:

House Concurrent Resolution 30—1301, 1356-1357 adopted, 1357, 1462

Senate Concurrent Resolution 3—93-94, 95, 96-110 amended, adopted; motion  
to reconsider, 112, 199, motion to reconsider lost, 201, 259

Rules invoked:

Rule 13.3 (conference committee):

House File 355—1223

Senate File 511—2361

Rule 17 (fiscal notes):

House File 377—1171

House File 377, H-3629—1171

House File 626, H-4237—2056

House File 683—1932

House Joint Resolution 11—494

Senate File 274, H-3911—1624

\*\*\*\*\*1987 EXTRAORDINARY SESSION\*\*\*\*\*

House Concurrent Resolution 53—21

House Concurrent Resolution 54—21

House Resolution 13—21

Senate Concurrent Resolution 46—3, 21, 22

## JUDICIARY AND LAW ENFORCEMENT, COMMITTEE ON—

Amendments filed—598, 674, 1267, 1268, 1269

Amendments offered—1249, 1306, 1323, 1357, 1366, 1607

Appointed—26

Bills introduced—172, 252, 253, 305, 404, 466, 473, 482, 533, 600, 601, 605, 613, 625,  
634, 682, 696, 697, 698, 715, 723, 758, 759, 809, 846, 847, 852

Recommendations—169-170, 249-250, 303, 381, 400, 463, 485, 530, 596-597, 629-630,  
671-672, 705-706, 751-752, 1230-1231, 1263-1265, 1301, 2202

Subcommittee assignments—138, 139, 241, 242, 254, 295, 316, 337, 338, 362, 363, 364,  
389, 399, 407, 408, 449, 468, 469, 509, 510, 550, 551, 579, 580, 595, 607, 608, 646,  
668, 669, 703, 867, 1043, 1159, 1207, 1229, 1261

KNAPP, DONALD J.—Representative **Dubuque-Jones Counties**

Amendments filed—1010, 1383

Amendments offered—1027

Bills introduced—319

Committee appointments—11, 25, 26, 27, 113, 2328

Leave of absence—554, 709, 723, 758

Reports—15, 2364-2365

Subcommittee assignments—138, 175, 242, 243, 295, 302, 338, 407, 469, 509, 607, 608,  
628, 646, 668, 669, 1008, 1043, 1159, 2092

- KOENIGS, DEO A.**—Representative Chickasaw-Howard-Mitchell Counties  
 Amendments filed—290, 531, 754, 849, 850, 851, 868, 955, 994, 1044, 1113, 1242, 1301, 1457, 1574, 1615-1624, 1627, 1689, 1732, 1733, 1763, 2161, 2373  
 Amendments offered—1078, 1113, 1247, 1539, 1635, 1975  
 Amendments withdrawn—1071, 1086, 1498, 1541, 1638, 1976  
 Appointed to the Communications Review Commission—593  
 Bills introduced—144, 454, 1184  
 Committee appointments—25, 27, 28, 116, 679, 1706  
 Petitions presented—676, 723  
 Presented to the House the Honorable Randy Hughes, former member of the House—1625  
 Presided at sessions of the House—545  
 Reports—116, 2231-2233  
 Resolutions offered—538, 678, 688, 1922, 2008  
 Subcommittee assignments—174, 248, 302, 399, 496, 509, 536, 563, 608, 628, 668, 685, 703, 848, 1044, 1206
- KREMER, JOSEPH M.**—Representative Black Hawk-Buchanan Counties  
 Amendments filed—56, 320, 409, 452, 511, 632, 721, 754, 919, 990-994, 1044, 1383, 1457, 1544, 1689, 1740, 2049-2056, 2093, 2094  
 Amendments offered—434, 522, 657, 865, 900, 937, 1066, 1740, 1743, 2110  
 Amendments withdrawn—90, 1759  
 Bills introduced—144, 335, 393, 403, 446, 513, 555, 612  
 Committee appointments—25, 26, 27, 1017, 2176  
 Leave of absence—969, 1082, 1152, 1175, 1857, 2076  
 Petitions presented—532, 758  
 Reports—2227  
 Resolutions offered—497, 2008  
 Subcommittee assignments—139, 242, 254, 295, 338, 363, 381, 469, 509, 536, 703, 867, 1043, 1117, 1206, 1229  
 \*\*\*\*\*1987 EXTRAORDINARY SESSION\*\*\*\*\*  
 Leave of absence—37
- LABOR AND INDUSTRIAL RELATIONS, COMMITTEE ON**—  
 Amendments filed—538, 721, 1242  
 Amendments offered—1310  
 Amendments withdrawn—586  
 Appointed—26  
 Bills introduced—456, 532, 583, 698, 699, 716, 807  
 Corrected committee report—581  
 Recommendations—537, 581, 706, 720, 752, 803, 1241, 2092  
 Subcommittee assignments—248, 362, 363, 407, 408, 443, 528, 563, 702, 703, 1043, 1044
- LAGESCHULTE, RAYMOND**—Representative Black Hawk-Bremer-Butler Counties  
 Amendments filed—280, 382, 452, 511, 755-756, 756, 849, 1010, 1119, 1207, 1383, 1627, 1689, 1732, 1733  
 Amendments offered—431, 1031, 1095, 1993  
 Amendments withdrawn—493, 1033  
 Appointed to the Interstate Cooperation Commission—593  
 Bills introduced—59, 144, 488, 513  
 Committee appointments—26, 27, 28, 679, 1706  
 Leave of absence—709, 905  
 Reports—2231-2233

Subcommittee assignments—139, 254, 289, 302, 337, 362, 380, 381, 389, 399, 408, 462, 469, 579, 608, 848, 1043, 1239, 1240, 1261, 1300, 1656

**LAW ENFORCEMENT ACADEMY COUNCIL—**

Appointment to—594

**LEAVE OF ABSENCE—**

23, 47, 60, 89, 93, 132, 142, 183, 200, 237, 251, 268, 293, 305, 310, 340, 348, 350, 352, 355, 366, 402, 410, 429, 445, 472, 487, 501, 532, 539, 542, 554, 566, 611, 624, 633, 637, 638, 649, 676, 689, 709, 723, 747, 758, 773, 825, 842, 862, 869, 891, 904, 905, 908, 913, 914, 920, 969, 1011, 1020, 1046, 1074, 1082, 1083, 1121, 1134, 1138, 1145, 1150, 1152, 1155, 1162, 1171, 1175, 1209, 1233, 1244, 1270, 1355, 1385, 1476, 1507, 1521, 1525, 1545, 1575, 1578, 1606, 1608, 1609, 1629, 1639, 1647, 1651, 1734, 1737, 1757, 1850, 1854, 1857, 1859, 1860, 2076, 2097, 2104, 2201, 2303, 2311, 2361

\*\*\*\*\*1987 EXTRAORDINARY SESSION\*\*\*\*\*

23, 37

**LEGISLATIVE COUNCIL COMMITTEE—**

(See also Study Committees)

Appointments to—234, 235

Resolutions relating to:

House Concurrent Resolution 9—382  
 House Concurrent Resolution 12—497  
 House Concurrent Resolution 13—511  
 House Concurrent Resolution 15—581  
 House Concurrent Resolution 22—805  
 House Concurrent Resolution 24—1118  
 House Concurrent Resolution 25—1118  
 House Concurrent Resolution 29—1242  
 House Concurrent Resolution 31—1573  
 House Concurrent Resolution 32—1574  
 House Concurrent Resolution 33—1597  
 House Concurrent Resolution 39—1922, 2161  
 House Concurrent Resolution 40—1922  
 House Concurrent Resolution 41—1922  
 House Concurrent Resolution 44—2008  
 House Concurrent Resolution 45—2160  
 House Concurrent Resolution 46—2160  
 House Concurrent Resolution 47—2160  
 House Concurrent Resolution 48—2160  
 House Concurrent Resolution 49—2160  
 House Concurrent Resolution 50—2161  
 House Concurrent Resolution 52—2372  
 House Resolution 5—564

\*\*\*\*\*1987 EXTRAORDINARY SESSION\*\*\*\*\*

Resolution relating to:

House Resolution 13—21

**LEGISLATIVE EMPLOYEES—**

(See Officers and Employees)

**LEGISLATIVE FISCAL BUREAU—**

Resolution relating to, HCR 9-program evaluation of external foster care review—382

**LEGISLATIVE FISCAL COMMITTEE —**

(See also Legislative Council)

Appointments to—235

**LOBBYISTS —**

(See Ethics, Committee On)

**LOCAL GOVERNMENT, COMMITTEE ON —**

Amendments filed—347, 531, 552, 632, 674, 721, 754, 755, 1267

Amendments offered—411, 661, 894, 929, 996, 1014, 1766

Appointed—2

Bills introduced—385, 405, 533, 625, 634, 650, 651, 696, 807

Recommendations—381-382, 400, 485, 530-531, 552, 597, 630-631, 672, 687, 720, 752-753, 1117-1118, 1230, 1265

Subcommittee assignments—241, 242, 295, 344, 346, 363, 364, 399, 408, 484, 528, 536, 579, 646, 667, 668, 867, 1042, 1043, 1044, 1228, 1229, 1261

**LUNDBY, MARY A. — Representative Linn County**

Amendments filed—421, 452, 742-743, 806, 868, 919, 1383, 1763, 1855, 1922, 2093

Amendments offered—742, 1855

Amendments withdrawn—1099

Bills introduced—143, 144, 252, 258, 291, 341, 410, 513, 555, 613

Committee appointments—26, 27, 145, 1211, 2156

Leave of absence—638

Subcommittee assignments—242, 380, 536, 595, 628, 668, 1116, 1239

\*\*\*\*\*1987 EXTRAORDINARY SESSION\*\*\*\*\*

Amendments filed—18-19

Amendments offered—18

**MAJORITY FLOOR LEADER, Robert C. Arnould — Representative Scott County**

(See Arnould, Robert C. — Representative Scott County, Majority Floor Leader)

**MANAGEMENT, DEPARTMENT OF —**

Claims approved—209-233

Claims disapproved—234, 387-388, 666, 1594-1595

Claims filed—209-233, 234, 387-388, 666, 1594-1595

Communication from—208

**MAULSBY, RUHL — Representative Calhoun-Sac-Webster Counties**

Amendments filed—56, 401, 409, 464, 470, 722, 755, 756, 806, 819-820, 849, 919, 1010, 1120, 1171-1172, 1243, 1689, 1733, 1741, 1822-1823, 1828-1829

Amendments offered—418, 476, 787, 788, 819, 835, 837, 1100, 1171, 1736, 1741, 1822, 1828

Amendments withdrawn—791, 820, 837, 1099

Bills introduced—144, 446, 499, 513, 539, 555, 567, 677

Committee appointments—1, 25, 26, 27, 1997, 2031

Petitions presented—498, 611

Reports—1-4

Subcommittee assignments—199, 236, 302, 345, 408, 550, 703, 1008, 1043, 1731, 2092

**MAY, DENNIS — Representative Cerro Gordo-Winnebago-Worth Counties**

Amendments filed—742, 1383, 1615-1624, 1732, 2093, 2094

Amendments offered—742, 1611, 1615, 1745, 2107

Amendments withdrawn—1615, 1726

Bills introduced—238, 245  
 Committee appointments—25, 26, 28, 95  
 Resolutions offered—688, 2008  
 Subcommittee assignments—316, 344, 380, 718, 867, 1117, 1206, 1229, 1239

**McKEAN, ANDREW (ANDY)—Representative Jones-Linn Counties**

Amendments filed—86, 271-272, 464, 511-512, 754, 756, 805, 806, 850, 868, 1383, 1456, 1574, 1689, 1840, 1911, 1991, 2093, 2126  
 Amendments offered—826, 827, 1493, 1911, 1991, 2126  
 Bills introduced—144, 245, 336, 446, 499, 513, 555, 568, 652  
 Committee appointments—25, 26, 2156  
 Leave of absence—200, 709, 908, 1046, 1152, 1639  
 Resolutions offered—333  
 Subcommittee assignments—112, 199, 254, 302, 380, 381, 398, 408, 462, 536, 550, 563, 607, 628, 702, 703, 1116, 1206, 1229, 1239, 2092

\*\*\*\*\*1987 SECOND EXTRAORDINARY SESSION\*\*\*\*\*

Amendment filed—65  
 Amendment offered—65  
 Amendment withdrawn—65

**McKINNEY, WAYNE, JR.—Representative Dallas County**

Amendments filed—290, 512, 648, 754, 918, 1627, 1658, 1923, 2008  
 Amendments offered—320, 911, 912, 1366, 1663  
 Amendments withdrawn—1663  
 Committee appointments—25, 26, 27, 95, 146  
 Petitions presented—445  
 Resolutions offered—2008  
 Subcommittee assignments—139, 254, 337, 381, 389, 408, 468, 469, 579, 608, 668, 703, 1008, 1043, 1116, 1117, 1159, 1207, 1229, 1300, 2092

**MEDICAL ASSISTANCE ADVISORY COUNCIL—**

Appointment to—594

**MEMORIALS—**

Committees appointed—604, 605, 606, 679, 1210, 1210-1211, 1522  
 In Memoriam List—2756  
 Joint Memorial Session—1598-1600  
 Memorial Services Committee appointed—645  
 Memorials—2757-2764  
 Resolution relating to, SCR 15—535, 538, 593 adopted, 605  
 Resolutions relating to—604, 605, 606, 678, 1210, 1210-1211, 1522

**MESSAGES—**

(See also Communications, Joint Conventions and Addressed the House)

From Governor Terry E. Branstad—2376-2378  
 From Senate—47, 60, 93-94, 113, 134, 197, 240, 247, 259, 260, 301, 309, 336, 366, 379, 385-386, 446-447, 455, 489, 492-493, 507-508, 534, 556, 577, 585-586, 602-603, 634-635, 644, 653-654, 678, 689-690, 801, 809-811, 825, 853, 872, 916, 920-921, 936, 960-962, 1040-1041, 1049-1050, 1051-1052, 1157-1158, 1163, 1167-1168, 1181-1182, 1185-1186, 1205, 1209-1210, 1289-1290, 1385-1389, 1458-1462, 1518-1519, 1521-1522, 1545, 1558-1559, 1571-1572, 1575-1576, 1590, 1601, 1629-1630, 1639, 1660-1661, 1690, 1704, 1734-1735, 1764, 1770-1771, 1835, 1836-1837, 1865-1866, 1924-1925, 1953, 1996-1997, 2010, 2029-2030, 2031, 2089-2090, 2095-2096, 2117, 2144,

- 2145, 2205, 2220-2221, 2226, 2250, 2261, 2267-2268, 2286-2287, 2306, 2327, 2328, 2363-2364, 2369-2370, 2370-2371, 2375-2376
- Immediate messages— 12, 95, 96, 168, 201, 281, 337, 405, 412, 425, 442, 480, 548, 560, 605, 626, 714, 748, 847, 855, 892, 896, 909, 916, 930, 933, 935, 942, 948, 966, 968, 971, 986, 990, 1013, 1020, 1024, 1031, 1037, 1115, 1131, 1156, 1181, 1190, 1205, 1225, 1227, 1236, 1238, 1357, 1445, 1507, 1527, 1546, 1591, 1593, 1624, 1635, 1727, 1760, 1836, 1861, 1953, 1987, 1988, 1997, 2000, 2090, 2109, 2131, 2143, 2145, 2158, 2168, 2177, 2202, 2205, 2217, 2218, 2220, 2226, 2228, 2234, 2243, 2245, 2246, 2252, 2253, 2258, 2261, 2263, 2275, 2283, 2287, 2302, 2307, 2308, 2311, 2315, 2328, 2364, 2366
- Item veto messages— 2001-2005, 2733-2755
- Senate messages considered— 134, 239, 246-247, 258, 292, 308, 343, 385, 395, 404, 454, 467, 499, 500, 514, 534, 569, 601, 613, 653, 677, 684, 699, 724, 847, 853, 862, 870-872, 920, 957, 1011, 1050, 1121, 1162, 1184-1185, 1204-1205, 1209, 1233, 1571, 1578, 1654, 1703, 1760, 1771, 1835, 1981, 2000, 2096, 2108, 2366
- Veto messages— 490-492, 699-702, 2253-2255, 2726-2733
- \*\*\*\*\*1987 EXTRAORDINARY SESSION\*\*\*\*\*
- From Governor Terry E. Branstad— 1, 3-4
- From Senate— 3, 4-5, 23, 36, 37, 49-50, 50-51
- Immediate messages— 21, 36
- Senate messages considered— 5
- To Governor— 50
- To Senate— 50
- \*\*\*\*\*1987 SECOND EXTRAORDINARY SESSION\*\*\*\*\*
- From Senate— 58, 66, 67, 68
- Immediate message— 66
- To Governor— 67
- To Senate— 67
- METCALF, JANET S.**— Representative **Polk** County
- Amendments filed— 279, 333, 347, 365, 452, 553, 558, 722, 754, 756, 828, 982-984, 1044, 1268, 1628, 1733, 1864, 1911, 1922, 2291-2292, 2292
- Amendments offered— 279, 557, 558-559, 783, 800, 818, 821, 828, 908, 1123, 1303, 1304, 1647, 1652, 1911, 1926, 2292
- Amendments withdrawn— 376, 785
- Bills introduced— 392, 411, 446, 513, 554, 567, 612, 649, 651, 682, 758, 846
- Committee appointments— 26, 27, 28, 95, 2221, 2376
- Leave of absence— 355, 1578
- Reports— 2283
- Resolutions offered— 409, 647, 805
- Subcommittee assignments— 174, 248, 380, 407, 462, 718, 1042, 1044, 1117, 1229, 1240
- MILEAGE, COMMITTEE ON**—
- Appointments to— 16
- Report— 17-19
- Report adopted— 49
- Supplemental report— 169
- Supplemental report adopted— 184
- MILLER, TOM H.**— Representative **Cherokee-Clay-O'Brien** Counties
- Amendments filed— 280, 452, 688, 755, 756, 806, 919, 956, 1384, 1456, 1840
- Amendments offered— 1992
- Amendments withdrawn— 1035

Bills introduced—144, 319, 513, 555, 584, 599, 723  
 Committee appointments—26, 28, 1210, 1522  
 Leave of absence—532, 1046, 1152  
 Presided at sessions of the House—1142  
 Resolutions offered—108  
 Subcommittee assignments—175, 254, 364, 407, 408, 550, 595, 628, 646, 703, 848, 2091

**MINORITY FLOOR LEADER, Delwyn Stromer—Representative Franklin-Hancock-Wright Counties**  
 (See Stromer, Delwyn—Representative Franklin-Hancock-Wright Counties, Minority Floor Leader)

**MOTIONS TO RECONSIDER—**

Filed:

House File 39—1039  
 House File 47—442  
 House File 105—1039, 1040  
 House File 153—330  
 House File 221—379  
 House File 244—917  
 House File 304, H-3136—578  
 House File 327—460  
 House File 393—748  
 House File 398—1006  
 House File 438—917  
 House File 471—645  
 House File 499, H-3312B & H-3292—801  
 House File 525—801  
 House File 589—1239  
 House File 599—1006  
 House File 617—917  
 House File 620—1040  
 House File 642—1156  
 House File 648—1040  
 House File 649—1156  
 House File 650—1157  
 House File 656—1006  
 House File 661—1007  
 House File 683, H-4149—1920  
 House Resolution 3—293  
 Senate Concurrent Resolution 3—110  
 Senate File 201—1593  
 Senate File 219, H-3423—519  
 Senate File 276—1454  
 Senate File 298, H-3569—1227, 1228  
 Senate File 341—1299  
 Senate File 373—1381  
 Senate File 455, H-3740—1624  
 Senate File 458—1381  
 Senate File 482—1655

Deferred:

House File 589—1236

## Lost:

House File 39—2373  
House File 244—952  
House File 438—2374  
House File 471—2374  
House File 499, H-3312B—843  
House File 499, H-3292—845  
House File 620—1145-1146  
House File 649—1225  
House File 650—1227  
House File 661—1146  
Senate Concurrent Resolution 3—201  
Senate File 201—2374  
Senate File 219, H-3423—1526

## Prevailed:

House File 47—522  
House File 304, H-3136 as amended—638  
House File 327—1591-1592  
House File 393—974  
House File 525—1151  
House File 599—1146  
House File 617—951  
House File 642—1225  
Senate File 455, H-3740—1857  
Senate File 458—1587

## Ruled out of order:

House File 39—2373  
House File 244—952  
House File 438—2374  
House File 589—1252  
House File 599—1146-1147  
House File 617—951  
House File 620—1145-1146  
House File 642—1225  
House File 649—1225  
House File 650—1227  
House File 661—1146  
Senate File 455, H-3740—1857

## Withdrawn:

House File 105—1145  
House File 153—336-337  
House File 221—979  
House File 398—1016-1017  
House File 648—1125  
House File 656—1146  
House File 683, H-4149—1925  
House Resolution 3—352  
Senate File 276—1578  
Senate File 298, H-3569—1236  
Senate File 341—1578  
Senate File 373—1445  
Senate File 482—1760

## Motions to reconsider (from the floor):

House File 167, H-3071—493  
House File 499, H-3308—843  
House File 499, H-3289—843  
House File 499, H-3273—844  
House File 499, H-3346—844  
House File 499, H-3916 to H-3878—1826  
House File 589—1236  
House File 600, H-4028—2075  
House File 617, H-3437—951  
House File 619, H-3619—1200  
House File 619—1201, 1202  
House File 626—2141  
House File 626, H-3835 & H-4237—2142  
House File 631, H-3363, as amended—1112  
House File 631, H-3467—1112  
House File 631, H-3370—1113  
House File 671, H-3844—1505  
House File 671, H-3801—1506  
House File 675, H-4367—2305  
Senate Concurrent Resolution 4, H-3148—623  
Senate File 298, H-3276—747  
Senate File 455, H-4124—1859  
Senate File 471, H-3908—1609  
Senate File 511—2362

## Lost:

House File 499, H-3273—844  
House File 499, H-3346—845  
House File 589—1252  
House File 619, H-3619, as amended—1200  
House File 619—1202  
House File 671, H-3801—1506  
House File 675, H-4367—2305  
Senate File 471, H-3908—1610

## Prevailed:

House File 167, H-3071—493  
House File 499, H-3289—843  
House File 499, H-3916 to H-3878—1826  
House File 600, H-4028—2075  
House File 617, H-3437—951  
House File 626—2142  
House File 626, H-3835 & H-4237—2142  
House File 631, H-3363, as amended—1112  
House File 631, H-3467—1112  
House File 631, H-3370—1113  
House File 671, H-3844—1505  
Senate Concurrent Resolution 4, H-3148—623  
Senate File 298, H-3276—747  
Senate File 298, H-3569—1236-1237  
Senate File 455, H-4124—1860  
Senate File 511—2362

## Ruled out of order:

House File 619—1202  
House File 671, H-3844—1505

## Withdrawn:

House File 499, H-3308—843

**MUHLBAUER, LOUIS J.—Representative Crawford-Shelby Counties**

Amendments filed—531, 648, 806, 850, 851, 990-994, 997-998, 1105-1109, 1207, 1242, 1615-1624, 1732, 1863, 2049-2056, 2373

Amendments offered—711, 896, 996, 997

Appointed to the Iowa Boundary Commission—41

Bills introduced—184, 320, 342, 403, 499

Committee appointments—25, 27, 1997

Leave of absence—23, 310, 350, 920, 1521

Petitions presented—340

Reports—2166-2167

Resolutions offered—688, 805, 1119, 2008

Subcommittee assignments—242, 295, 344, 399, 468, 484, 509, 529, 536, 608, 646, 667, 668, 685, 703, 867, 1042, 1043, 1116, 1206, 1239

Took oath of office—132

**MULLINS, SUE B.—Representative Humboldt-Kossuth-Palo Alto-Pocahontas Counties**

Amendments filed—271-272, 280, 464, 511-512, 756, 850, 868, 919, 955, 956, 1044, 1045, 1110-1111, 1111-1112, 1112, 1138, 1161, 1268, 1384, 1456, 1457, 1501, 1597, 1659, 1863, 1912, 1918-1919

Amendments offered—909, 1069, 1086, 1110, 1112, 1137, 1138, 1187, 1500, 1912, 1918

Amendments withdrawn—1089, 1476

Appointed to the Commission on Children, Youth and Families—593

Bills introduced—49, 143, 144, 172, 183, 238, 246, 306, 394, 540, 652, 683

Committee appointments—25, 26, 665, 1760

Introduced to the House, Women's History Essay Contest Winners—500

Leave of absence—410, 624, 891

Reports—2177-2196

Subcommittee assignments—111, 112, 174, 199, 242, 243, 254, 302, 344, 345, 363, 398, 399, 462, 484, 529, 579, 646, 702, 1008, 1117, 1206, 1229, 1300, 1731

**NATURAL RESOURCES AND OUTDOOR RECREATION, COMMITTEE ON—**

Amendments filed—428, 832, 688, 722

Amendments offered—939, 1608

Amendments withdrawn—515

Appointed—27

Bills introduced—253, 259, 336, 404, 482, 498, 532, 546, 683, 696, 697, 717, 758

Recommendations—250, 290, 332, 400-401, 427, 463-464, 485, 531, 552, 597-598, 631, 672, 687, 720-721, 753, 803-804, 1265-1266

Resolutions offered—632

Subcommittee assignments—174, 175, 248, 302, 331, 344, 345, 380, 443, 496, 529, 550, 595, 646, 686, 718, 1116, 1117

**NEUHAUSER, MARY C.—Representative Crawford-Shelby Counties**

Amendments filed—444, 470, 582, 632, 755, 823-824, 955, 1045, 1242, 1383, 1384, 1456, 1457, 2093

Amendments offered—725, 823, 906, 1164, 1303, 1536

Bills introduced—245, 307, 349, 394, 567, 612, 683, 697, 1184

Committee appointments—11, 26, 27, 1706

Leave of absence—1074, 1121, 1860

Reports—2231-2233

Resolutions offered—1044

Subcommittee assignments—139, 236, 248, 254, 302, 381, 399, 408, 462, 550, 607, 627, 628, 685, 702, 703, 848, 1042, 1116, 1206

#### NOMINATIONS—

For Acting Chief Clerk—1

For Permanent Chief Clerk—11

For Speaker of the House—5-8

For Speaker Pro Tempore—12-15

For Temporary Speaker—1

#### NORRGARD, CLYDE L.—Representative **Des Moines**-Henry Counties

Amendments filed—365, 990-994, 1484, 1485, 1659, 1840

Amendments offered—376, 934, 1661

Appointed to the Social Services Block Grant Advisory Committee—594

Bills introduced—142, 144, 238, 245, 393, 394, 446, 488, 1184

Committee appointments—25, 26, 27, 605

Leave of absence—1476, 1606, 2361

Petitions presented—472

Resolutions offered—2008

Subcommittee assignments—112, 174, 199, 242, 243, 254, 295, 302, 363, 364, 398, 462, 484, 536, 579, 580, 646, 867, 1042, 1116, 1117, 1206, 1239

#### OATH OF OFFICE—

By Acting Chief Clerk, Joseph O'Hern—1

By Governor-elect Terry E. Branstad—118

By Representative-elect Emil S. Pavich—132

By Representative-elect Louis J. Muhlbauer—132

By Representative-elect Mike Peterson—132

By Temporary Speaker, Representative Poncy—1

By members of the House—4-5

By permanent officers of the House—11

#### OBJECTIONS—

Raised—374, 524, 715, 903, 987, 1030, 1193, 1255, 1365, 1378, 1452, 1453, 1605, 1644, 1756, 1757, 2103, 2112, 2292

Suspension of rules—1244

#### OFFICERS AND EMPLOYEES—

Elected Joseph O'Hern, acting Chief Clerk—1

Elected Joseph O'Hern, permanent Chief Clerk—11

Elected the Honorable Charles Poncy, Temporary Speaker—1

Elected the Honorable Donald D. Avenson, Speaker of the House—5-8

Employees of the House—19-21

Leave of absence—954

Pages—20-21

Pay grades and steps, list of—176-182, 361, 953-954

Resignation of Representative Jim O'Kane—42

Resignations—41, 42, 954

Resolutions relating to:

House Concurrent Resolution 28—1160

House Resolution 1—16 adopted

Senate Concurrent Resolution 6—134, 138, 139, 144-145, 152-168 adopted

Special presentation to House Pages—603, 2096  
Took oath of office—1, 4-5, 118, 132

**OLLIE, C. ARTHUR—Representative Clinton County**

Amendments filed—756, 805, 829, 831, 1597, 1633, 1688, 1814-1822, 1823, 1840, 1906, 2093, 2161

Amendments offered—774, 829, 831, 1631, 1633, 1814, 1823, 1891

Amendments withdrawn—829

Appointed to the Education Commission of the States—593

Bills introduced—172, 237, 238, 306, 1184

Committee appointments—26, 1581

Leave of absence—913, 1209

Petitions presented—807

Presided at sessions of the House—556, 896, 1757

Resolutions offered—1573, 2160

Subcommittee assignments—289, 408, 550, 595, 628, 703

\*\*\*\*\*1987 EXTRAORDINARY SESSION\*\*\*\*\*

**ORGANIZATION OF THE HOUSE—2-3**

\*\*\*\*\*1987 SECOND EXTRAORDINARY SESSION\*\*\*\*\*

**ORGANIZATION OF THE HOUSE—58**

**OSTERBERG, DAVID—Representative Cedar-Linn Counties**

Amendments filed—86, 271-272, 497, 511, 850, 851, 990-994, 1045, 1083-1084, 1456, 1615-1624, 1732, 1840, 1890, 1891-1892, 2093

Amendments offered—86, 1083, 1099, 1286, 1391, 1854

Appointed to the Agricultural Energy Management Advisory Council—593

Bills introduced—144, 252, 340, 534, 555, 584, 634, 652

Committee appointments—25, 26, 28, 1546, 2221

Leave of absence—89, 869

Petitions presented—392

Reports—2283

Resolutions offered—688, 1763, 1922, 2008

Subcommittee assignments—111, 112, 199, 398, 399, 462, 867, 1240

\*\*\*\*\*1987 EXTRAORDINARY SESSION\*\*\*\*\*

Committee appointments—36

Reports—38-48

\*\*\*\*\*1987 SECOND EXTRAORDINARY SESSION\*\*\*\*\*

Amendment filed—63-65

Amendment offered—63

**PAGES—**

Appointment of—20-21

Resolution relating to, SCR 6—134, 138, 139, 144-145, 152-168 adopted

Special presentation to—603, 2096

**PARKER, EDWARD G.—Representative Jasper-Marion-Polk-Warren Counties**

Amendments filed—805, 1045, 1120, 1659, 1733, 1840, 2009, 2093

Amendments offered—876, 1190, 1312, 1321, 1728, 2131

Amendments withdrawn—1132, 1858

Appointed to the Administrative Rules Review Committee—2001

Bills introduced—238, 300, 307, 429, 445, 488, 683

Committee appointments—26, 27, 28

Leave of absence—723

Resolutions offered—1574, 2160  
Subcommittee assignments—331, 337, 344, 380, 550, 579, 685, 718, 802, 1228, 1229, 1656, 2091

**PAULIN, DONALD J.**—Representative **Plymouth-Woodbury** Counties, Assistant Minority Floor Leader

Amendments filed—56, 531, 632, 648, 755, 850, 851, 903, 918, 919, 1009, 1044, 1045, 1383, 1384, 1456, 1659, 1840, 1864  
Amendments offered—86, 544, 903, 1071, 1081, 1522, 1548, 1649, 1889, 1995  
Amendments withdrawn—725, 1089  
Appointed to the Agricultural Energy Management Advisory Council—41  
Bills introduced—144, 340, 350, 465, 513, 567, 652, 723, 846  
Committee appointments—26, 27, 95, 1522, 1760  
Subcommittee assignments—112, 139, 199, 242, 295, 338, 363, 380, 468, 469, 509, 607, 646, 686, 703, 718, 1043, 1229

**PAVICH, EMIL S.**—Representative **Pottawattamie** County

Amendments filed—538, 648, 722, 756, 806, 1010, 1022, 1029, 1232, 1384, 1544, 1733, 1863, 2094, 2105  
Amendments offered—543, 1021, 1982, 1983, 1984, 2101, 2105  
Appointed to the Iowa Boundary Commission—41  
Bills introduced—133, 200, 201, 307, 319, 384, 556, 567, 568, 683, 808  
Committee appointments—26, 27, 113, 604, 606, 1581  
Presented to the House the Honorable Tomas J. Murphy, Representative 20th District, Commonwealth of Pennsylvania—1007  
Remarks by—5-6  
Resolutions offered—298, 606, 647, 805, 1119  
Subcommittee assignments—242, 248, 295, 316, 344, 345, 364, 399, 449, 450, 462, 510, 528, 536, 550, 608, 668, 685, 1042, 1043, 1159, 1229  
Took oath of office—132

**PELLETT, WENDELL C.**—Representative **Cass-Harrison-Pottawattamie-Shelby** Counties

Amendments filed—452, 511, 531, 850, 851, 1733, 1864  
Amendments offered—1071  
Appointed to the Interstate Cooperation Commission—593  
Bills introduced—144, 252, 466, 513, 567  
Committee appointments—25, 27, 1581, 1920  
Petitions presented—251, 869  
Presented to the House the Honorable Arlyn Danker, former member of the House—1455  
Presented to the House the Honorable Maurice Hennessey, former member of the House—1625  
Resolutions offered—805, 1119, 2008  
Subcommittee assignments—248, 399, 462, 468, 703, 1116, 1206

**PERSONNEL COMMITTEE**—

(See Officers and Employees and/or Rules and Administration, Committee On)

**PETERS, MIKE**—Representative **Woodbury** County

Amendments filed—755, 1232  
Bills introduced—171, 238, 341, 1184  
Committee appointments—26, 27

Leave of absence—920

Subcommittee assignments—175, 242, 248, 254, 295, 316, 344, 364, 399, 407, 408, 484, 563, 668, 702, 703, 867, 1042, 1043, 1044, 1228

**PETERSEN, DANIEL F.—Representative Muscatine-Scott Counties**

Amendments filed—280, 452, 755, 755-756, 756, 850, 868, 919, 990-994, 1032-1033, 1243, 1383, 1733, 1863, 1864, 2049-2056, 2094

Amendments offered—661, 1086, 1195, 1867

Amendments withdrawn—1093, 1867

Bills introduced—144, 292, 319, 513, 533-534, 633

Committee appointments—25, 26, 27, 28, 604

Leave of absence—1244, 1521

Resolutions offered—2008

Subcommittee assignments—295, 344, 345, 362, 363, 407, 408, 536, 608, 668, 867, 1206, 1228, 1239, 1261, 1656

**PETERSON, MICHAEL K.—Representative Audubon-Carroll-Shelby Counties**

Amendments filed—919, 1045, 1120, 1268, 1301, 1383, 1689, 1840, 1923

Amendments offered—942, 1100, 1143, 1365, 1559, 1740, 1858, 1966, 2244

Amendments withdrawn—1858

Appointed to the Law Enforcement Academy Council—594

Bills introduced—307, 392, 567, 650

Committee appointments—25, 26, 27, 146, 665, 1997, 2031, 2145, 2329-2360

Leave of absence—410, 1150

Petitions presented—869, 2226

Presided at sessions of the House—1932

Reports—1215-1223, 2262, 2315-2326

Resolutions offered—688, 1119

Subcommittee assignments—139, 199, 242, 243, 254, 295, 337, 338, 363, 389, 399, 408, 449, 468, 469, 509, 510, 550, 551, 579, 580, 607, 608, 668, 669, 703, 1008, 1043, 1159, 1206, 1300, 2091, 2092

Took oath of office—132

**PETITIONS—**

(See also individual listings)

Filed—58, 93, 142, 171, 200, 237, 251, 257, 291, 299, 318, 334, 340, 348, 383, 392, 402, 445, 453, 472, 498, 532, 539, 554, 566, 599, 611, 633, 649, 676, 689, 709, 723, 758, 807, 852, 869, 920, 957, 1046, 1121, 1244, 1521, 1629, 1660, 1764, 2010, 2226

**PIONEER LAWMAKERS ASSOCIATION OF IOWA—**

Address by the Honorable Edward A. Wearin, Red Oak, former member of the Senate—1582

Program by—1581-1585

Resolution relating to, HCR 6—332, 447 adopted, 534

The Honorable John Connors welcomed the Pioneer Lawmakers on behalf of the House—1581

**PLASIER, LEROY J.—Representative Plymouth-Sioux Counties**

Amendments filed—280, 755, 755-756, 756, 806, 850, 1045, 1207, 1243, 1267

Amendments offered—785, 828, 1293, 1296

Amendments withdrawn—1292, 1297

Bills introduced—144, 246, 319, 555, 676

Committee appointments—11, 26, 1210

Leave of absence—862, 920  
 Resolutions offered—1210, 1242, 1573  
 Subcommittee assignments—139, 199, 242, 295, 302, 338, 363, 381, 468, 469, 509, 550,  
 580, 669, 703, 918, 1043, 1117

**PLATT, DONALD R.—Representative Louisa-Muscatine Counties**

Amendments filed—57, 280, 401, 511, 512, 531, 648, 754, 805, 849, 850, 868, 982-984,  
 1044, 1120, 1207, 1242, 1544, 1627, 1732, 1863, 2094  
 Amendments offered—898, 914, 1071, 1086, 1567  
 Amendments withdrawn—1567  
 Bills introduced—350, 367, 395, 410, 513, 634, 846  
 Committee appointments—8, 27, 604, 1987  
 Petitions filed—340  
 Presided at sessions of the House—1630, 1998  
 Reports—2156-2157  
 Subcommittee assignments—139, 174, 248, 295, 302, 331, 364, 399, 443, 484, 496, 529,  
 579, 595, 646, 667, 685, 1042, 1044, 1206

**POINTS OF ORDER RAISED—**

House File 65, pursuant to Sec. 491, Mason's Manual of Legislative procedure,  
 motion to table not in order—Representative Stromer—395  
 House File 142—Representative Stromer—314  
 House File 167, invoked Rule 32—Representative Hummel—378  
 House File 167, H-3074—Representative Fogarty—431  
 House File 167, H-3072—Representative Royer—493  
 House File 221, invoked Rule 32—Representative Bennett—374  
 House File 327, H-3115—Representatives Harbor & Doderer—459  
 House File 328, H-3123—Representative Hammond—506  
 House File 355, invoked Joint Rule 13.3—Representative Harbor—1223  
 House File 374, H-3135—Representative Doderer—518  
 House File 377, H-3629, invoked Joint Rule 17—Representative Van Maanen  
 —1171  
 House File 377, invoked Rule 32, refer to ways & means—Representative  
 Bennett—1180  
 House File 590, H-3669—Representative Skow—1234  
 House File 591, H-3264—Representative Fey—908  
 House File 595, invoked Rule 32, refer to ways & means—Representative  
 Schneklath—903  
 House File 617, H-3344—Representative Parker—875  
 House File 619, H-3654—Representative Bennett—1195  
 House File 626, H-4237, invoked Joint Rule 17—Representative Buhr—2056  
 House File 650, H-3610—Representative Daggett—1133  
 House File 650, H-3622—Representative Daggett—1142  
 House File 652, invoked Rule 32, refer to approp.—Representative  
 Stromer—1022  
 House File 671, H-3777—Representative Jochum—1496  
 House File 681, H-4143—Representative Jochum—1884  
 House File 683, invoked Joint Rule 17—Representative Stromer—1932  
 House Joint Resolution 11, invoked Joint Rule 17—Representative  
 Stromer—494  
 Senate Concurrent Resolution 35, H-4131—Representative Running—1853  
 Senate File 29, H-4349—Representative May—2312

Senate File 130, H-3681—Representative Blanshan—1533  
 Senate File 162, H-4212A—Representative Daggett—2214  
 Senate File 187, H-3903—Representative Hammond—2019  
 Senate File 216, H-3706—Representative Peterson of Carroll—1557  
 Senate File 219, H-3492—Representative Haverland—1449  
 Senate File 274, H-3911 invoked Joint Rule 17—Representative Stromer—1624  
 Senate File 274, H-4033 to H-3735—Representative Stromer—1755  
 Senate File 373, H-3724B—Representative Harbor—1353  
 Senate File 373, H-3900—Representative Jay—1704  
 Senate File 455, H-3752—Representative Beatty—1605  
 Senate File 455, H-3740—Representative Doderer—1606  
 Senate File 455, H-4043—Representative Beatty—1858  
 Senate File 455, H-4102—Representative Doderer—1859  
 Senate File 469, H-3766A—Representative Hansen of Woodbury—1549  
 Senate File 482, H-3816—Representative Hansen of Woodbury—1644  
 Senate File 482, H-3811—Representative Black—1646  
 Senate File 482, H-3754—Representative Hanson of Delaware—1651  
 Senate File 504, H-4218—Representative Running—1995  
 Senate File 511, invoked Joint Rule 13.3, conference cmte. report—  
 Representative Van Camp—2361  
 Senate File 518, H-4264—Representative Lageschulte—2107  
 Senate File 518, H-4241—Representative Pavich—2112  
 Senate File 518, H-4249—Representative Chapman—2113  
 Senate File 518, H-4271—Representative Pavich—2114  
 Senate File 518, H-4253—Representative Koenigs—2115  
 Senate File 518, H-4299—Representative Hummel—2115

**Withdrawn:**

Senate Concurrent Resolution 35, H-4131—Representative Running—1853  
 \*\*\*\*\*1987 EXTRAORDINARY SESSION\*\*\*\*\*  
 Senate File 523, H-4392—Representative Doderer—19

**PONCY, CHARLES N.—Representative Wapello County**

Amendments filed—401, 1892-1893  
 Amendments offered—1892  
 Bills introduced—144, 258, 384, 540  
 Committee appointments—25, 26, 27, 184, 1581  
 Elected Temporary Speaker—1  
 Leave of absence—1011, 1859  
 Presided at sessions of the House—1  
 Resolutions offered—1119  
 Subcommittee assignments—139, 199, 248, 254, 295, 331, 337, 338, 363, 407, 449, 468,  
 469, 510, 550, 579, 595, 608, 867, 1043

**PRESIDENT OF THE UNITED STATES, CONGRESS AND/OR FEDERAL AGENCIES—**

**Resolutions relating to:**

House Concurrent Resolution 5, reauthorize the Federal Aid Highway Act at  
 the earliest possible time—298, 411 adopted, 412, 585  
 House Concurrent Resolution 7, federal conservation reserve program—333  
 House Concurrent Resolution 11, use of set-aside acres under the federal con-  
 servation reserve program—464  
 House Concurrent Resolution 14, farmers home administration—538

- House Concurrent Resolution 16, continue fed. aid to states for purposes of funding state and local government recreation and conservation programs—632
- House Concurrent Resolution 17, establishment of the National Western Historic Trails Center in Council Bluffs, Ia.—632, 1453-1454 adopted, 2030
- House Concurrent Resolution 18, congress pass "Save the Family Farm Act"—688
- House Concurrent Resolution 19, request fed. government alter the disregard requirement for assistance to dependent children—754, 1116
- Senate Concurrent Resolution 8, federal conservation reserve program—386, 390
- Senate Concurrent Resolution 9, congress to fully fund and support, state employment service system, continue Win program and enact workers adjustment assistance program—379, 382, 405 adopted, 405
- Senate Concurrent Resolution 32, urge congress to amend the Interstate Commerce Act, allow states to collect sales or use taxes from outstate sellers—1545, 1574, 2252-2253 adopted, 2253

**PRESS, MEMBERS OF—**

- Assignment of seats in press gallery—134-135
- General assignment (members entitled to access to the House chamber)—135

**PRINTING DIVISION OF GENERAL SERVICES—**

- Resolution relating to, SCR 1, journals, bills, etc. furnished county auditors; also Iowa's congressional delegation—47, 56, 95 adopted

**\*\*\*\*\*1987 EXTRAORDINARY SESSION\*\*\*\*\***

**PROCLAMATION FROM THE GOVERNOR (Extraordinary Session)—2**

**\*\*\*\*\*1987 SECOND EXTRAORDINARY SESSION\*\*\*\*\***

**PROCLAMATION FROM THE GOVERNOR (Second Extraordinary Session)—57-58**

**QUORUM CALLS—**

- 456, 500, 773, 824, 862, 935, 971, 1470, 1850, 1954, 2031, 2143, 2164, 2168, 2176, 2217, 2253, 2311

**\*\*\*\*\*1987 EXTRAORDINARY SESSION\*\*\*\*\***

5, 23, 37

**\*\*\*\*\*1987 SECOND EXTRAORDINARY SESSION\*\*\*\*\***

59

**REGENTS, BOARD OF—**

- Communications—44, 90, 130
- Communications—Report—Ten-Year Building Program—90, 130
- Resolutions relating to:

- House Concurrent Resolution 52—2372

- Senate Concurrent Resolution 4—134, 138, 199, 390, 391, 401, 409, 413-419, 419-425 adopted, 425, 442, 534, 538, 615-616, 623-625 as amended, adopted, 626

- Senate Concurrent Resolution 35—1630, 1658, 1731, 1836, 1839, 1840, 1844, 1846-1850, 1851, 1857 as amended, adopted, 1861, 2096, 2145, 2156, 2224, 2226, 2228-2230 adopted

**REGULAR CALENDAR—**

- 503, 505, 514, 519, 541, 546, 556, 570, 587, 614, 635, 655, 679, 690, 709, 724, 731, 759, 811, 854, 858, 863, 872, 921, 936, 972, 1013, 1018, 1046, 1123, 1163, 1168, 1186, 1211, 1244, 1272, 1290, 1355, 1389, 1435, 1446, 1462, 1661, 2145, 2168, 2202, 2221
- Removed from—1557, 1558

**RENAUD, DENNIS L.—Representative Polk County**

Amendments filed—401, 531, 722, 805, 919, 955, 1045, 1120, 1161, 1232, 1456, 1506, 1544, 1597, 2094

Amendments offered—525, 526, 543, 734, 735, 742, 974, 979, 1095, 1496, 2015

Amendments withdrawn—742

Appointed to the Communications Review Commission—593

Bills introduced—238, 319, 392, 541, 555, 683, 1184

Committee appointments—26, 27, 185

Petitions presented—334, 392, 633

Presented to the House students from Goodrell Transitional School, Des Moines who are state champions of the 1987 problem solving contest, junior division—1813

Presided at sessions of the House—419, 760, 1175

Resolutions offered—298, 409, 2160

Subcommittee assignments—139, 242, 248, 254, 295, 303, 316, 338, 344, 363, 364, 407, 449, 450, 462, 510, 536, 550, 579, 595, 608, 867, 1042, 1043, 1159, 1206, 1239, 1261

**RENKEN, ROBERT H.—Representative Butler-Grundy Counties**

Amendments filed—86, 280, 452, 511, 868, 919, 984, 1232, 1689, 1732, 1740, 1740-1741, 2009, 2093, 2113

Amendments offered—1131, 1740, 2113

Appointed to the Iowa Advisory Council on Intergovernmental Relations—41

Bills introduced—21, 48, 143, 144, 513, 555

Committee appointments—27, 28, 113

Petitions presented—334

Presided at sessions of the House—439

Resolutions offered—1118

Subcommittee assignments—242, 295, 316, 331, 337, 344, 364, 380, 407, 449, 450, 510, 536, 579, 607, 608, 668, 685, 718, 802, 1042, 1043, 1207, 1229, 1656

**REPORTS—**

(See Communications and/or individual headings)

**RESIGNATIONS—**

(See also Officers and Employees)

Of Employees—41, 954

Of Representative Jim O'Kane—42

**RESOLUTIONS—**

(See also Legislative Index Volume)

Filed and Laid Over Under Rule 25: (exceptions)

House Concurrent Resolution 4—56

House Concurrent Resolution 5—298

House Concurrent Resolution 6—332

House Concurrent Resolution 7—333

House Concurrent Resolution 8—347

House Concurrent Resolution 9—382

House Concurrent Resolution 10—409

House Concurrent Resolution 11—464

House Concurrent Resolution 12—497

House Concurrent Resolution 13—511

House Concurrent Resolution 14—538

House Concurrent Resolution 15—581

House Concurrent Resolution 16—632

- House Concurrent Resolution 17—632
- House Concurrent Resolution 18—688
- House Concurrent Resolution 19—754
- House Concurrent Resolution 20—805
- House Concurrent Resolution 21—805
- House Concurrent Resolution 22—805
- House Concurrent Resolution 23—1044
- House Concurrent Resolution 24—1118
- House Concurrent Resolution 25—1118
- House Concurrent Resolution 26—1119
- House Concurrent Resolution 27—1160
- House Concurrent Resolution 28—1160
- House Concurrent Resolution 29—1242
- House Concurrent Resolution 30—1301
- House Concurrent Resolution 31—1573
- House Concurrent Resolution 32—1574
- House Concurrent Resolution 33—1597
- House Concurrent Resolution 34—1597
- House Concurrent Resolution 35—1626
- House Concurrent Resolution 37—1732
- House Concurrent Resolution 38—1763
- House Concurrent Resolution 39—1922
- House Concurrent Resolution 40—1922
- House Concurrent Resolution 41—1922
- House Concurrent Resolution 42—1922
- House Concurrent Resolution 43—2008
- House Concurrent Resolution 44—2008
- House Concurrent Resolution 45—2160
- House Concurrent Resolution 46—2160
- House Concurrent Resolution 47—2160
- House Concurrent Resolution 48—2160
- House Concurrent Resolution 49—2160
- House Concurrent Resolution 50—2161
- House Concurrent Resolution 51—2372
- House Concurrent Resolution 52—2372
- House Resolution 2—46
- House Resolution 3—256
- House Resolution 4—256
- House Resolution 5—564
- House Resolution 6—581
- House Resolution 7—581
- House Resolution 8—581
- House Resolution 9—647
- House Resolution 10—1207
- House Resolution 11—2008
- House Resolution 12—2093
- Senate Concurrent Resolution 1—56
- Senate Concurrent Resolution 2—56
- Senate Concurrent Resolution 3, referred to rules and administration—95
- Senate Concurrent Resolution 4, referred to appropriations—138
- Senate Concurrent Resolution 5—138

Senate Concurrent Resolution 6—138  
 Senate Concurrent Resolution 8—390  
 Senate Concurrent Resolution 9—382  
 Senate Concurrent Resolution 11—1207  
 Senate Concurrent Resolution 14—598  
 Senate Concurrent Resolution 16—610  
 Senate Concurrent Resolution 17—610  
 Senate Concurrent Resolution 18—610  
 Senate Concurrent Resolution 19, referred to education—848  
 Senate Concurrent Resolution 20—955  
 Senate Concurrent Resolution 30—1574  
 Senate Concurrent Resolution 32—1574  
 Senate Concurrent Resolution 33—2161  
 Senate Concurrent Resolution 35—1658  
 Senate Concurrent Resolution 43—2372

Resolutions adopted, not otherwise printed in the Journal—2701-2714

\*\*\*\*\*1987 EXTRAORDINARY SESSION\*\*\*\*\*

Filed and laid over under Rule 25 (exceptions):

House Concurrent Resolution 53, referred to Rules and Administration—21  
 House Concurrent Resolution 54, referred to Rules and Administration—21  
 House Concurrent Resolution 55—21  
 House Concurrent Resolution 56—50  
 House Resolution 13—21  
 Senate Concurrent Resolution 46—21

**ROSENBERG, RALPH—Representative Story County**

Amendments filed—290, 409, 471, 486, 849, 850, 851, 868, 989, 1010, 1044, 1045, 1113-1114, 1301, 1456, 1488-1490, 1502, 1503, 1607, 1627, 1659, 1732, 1890, 1891-1892, 2009, 2093

Amendments offered—417, 473, 504, 863, 1067, 1068, 1087, 1089, 1092, 1100, 1113, 1306, 1488, 1502, 1503, 2234, 2239, 2240, 2242

Amendments withdrawn—1607, 2021, 2240

Appointed to the Ethics committee—40

Bills introduced—21, 22, 48, 133, 143, 144, 171, 239, 245, 307, 309, 341, 348, 349, 403, 445, 466, 488, 567, 584, 611, 652, 677

Committee appointments—26, 28, 40, 1760, 2328

Presided at sessions of the House—1029

Reports—2177-2196, 2364-2365

Resolutions offered—805, 1207, 1922, 2160

Subcommittee assignments—111, 139, 242, 295, 338, 363, 399, 469, 509, 703, 848, 1043, 1159, 1206, 1240, 1656

\*\*\*\*\*1987 EXTRAORDINARY SESSION\*\*\*\*\*

Leave of absence—37

**ROYER, WILLIAM D. (BILL)—Representative Fremont-Mills-Page Counties**

Amendments filed—57, 280, 401, 452, 708, 757, 1267, 1597, 1763, 2008, 2009

Amendments offered—439, 1271, 1766

Bills introduced—144, 403, 513, 555, 651

Committee appointments—27, 1997

Leave of absence—251, 366, 633, 773, 825, 1138, 1355, 1734

Petitions presented—93, 318

Reports—114, 2166-2167

Resolutions offered—298, 1119, 1573

Subcommittee assignments—139, 174, 248, 249, 302, 345, 364, 380, 646, 667, 685, 1043

**RULES—**

Motions to suspend:

House File 317, daily debate calendar—1254

House File 675—2295

House File 681, H-4143—1884

Senate File 162, H-4212A—2214

Senate File 274—1453

Senate File 274, H-4033 to H-3735 & H-4070—1756

Senate File 298—715

Senate File 340—1452

Senate File 455, H-3752—1506

Senate File 482, H-3816—1644

Senate File 482, H-3811—1646

Senate File 484—2103

Senate File 518, H-4241—2112

Rule 31.8 (first reading, commitment and amendment):

Senate File 461, H-3744—1379

Rule 32 (commitment of appropriation and revenue bills):

House File 377—1180

Lost:

House File 675—2296

Senate File 274, H-4070—1756

Senate File 455, H-3752—1605

Senate File 482, H-3816—1645

Senate File 482, H-3811—1646

Senate File 484—2104

Senate File 518, H-4241—2113

Rule 31.8:

Senate File 461, H-3744—1379

Prevailed:

House File 317, daily debate calendar—1254

House File 681, H-4143—1885

Senate File 162, H-4212A—2214

Senate File 274—1453

Senate File 274, H-4033—1756

Senate File 298—715

Senate File 340—1453

Rule 32:

House File 377—1180

Pursuant to Rule 31.7 (first reading, commitment and amendment):

House File 454—804

House File 496—706

House File 512—753

Senate File 91—1300

Senate File 515—2092

Pursuant to Rule 31.8 (first reading, commitment and amendment):

House File 671, H-3858—1506

Pursuant to Rule 38 (irrelevant amendments):

House File 327, H-3115—459

Pursuant to Rule 60 (withdrawal of bill or nullification of resolutions from committee):

House File 65—895

Pursuant to Rule 73.g (reconsideration):

Final disposition of motions to reconsider—2373

Rules invoked:

Rule 32 (commitment of appropriation and revenue bills):

House File 595—903

House File 652—1022

Rule 75 (duty of voting):

House File 65—395

House File 79, H-3085—545

House File 167, H-3077—430

House File 304, H-3189, as amended—71

House File 317—1254

House File 327—459

House File 355, H-3121—476

House File 377, H-3511—1176

House File 377—1180, 2206

House File 468—1952

House File 499, H-3292—797

House File 499, H-3346—845

House File 500—2200, 2201

House File 631, H-3355A—1095

House File 650, H-3621—1139

House File 671, H-3844—1472, 1505

House File 680, H-4216—1998

House File 681, H-4143—1884

House File 683, H-4142—1867

House File 683, H-4149—1868

House File 683, H-4167—1930

Senate Concurrent Resolution 4, H-3148—616, 623

Senate File 219, H-3423—1446, 1526

Senate File 298, H-3276—743

Senate File 298, H-3569—1214, 1237

Senate File 455, H-4124—1859

Senate File 471, H-3785—1608

Senate File 481, H-3749—1434

Senate File 481, H-3778—1442

Senate File 482, H-4003—1648

Senate File 482, H-3754—1651

Senate File 484—2104

Senate File 501, H-4379—2310

Senate File 504—1995

Senate File 511—2361

Senate File 511, H-4166F—1909

Senate File 515, H-4265D—2123

Senate File 518, H-4241—2112

Rules suspended:

Appropriations committee meeting—2029

Economic Development committee meeting—2029

Judiciary and Law Enforcement committee meeting—2176

Local Government committee meeting—49  
Rules and Administration committee meeting—19  
State Government committee meeting—2029  
Ways and Means committee meeting—2176  
House File 39—1037  
House File 131—320  
House File 317—1354  
House File 377, H-3661 to H-3658 to H-3585—1180  
House File 399—971-972  
House File 523—971-972  
House File 527—971-972  
House File 529—971-972  
House File 587—971-972  
House File 599—971-972  
House File 621—971-972  
House File 626—971-972  
House File 633—971-972  
House File 645—971-972  
House File 680—1836  
House File 681—1836, 1869  
House File 682—2108  
House File 683—1866, 1925  
House File 685—2217  
House File 686—2202  
House File 687—2218  
House Resolution 3—260  
House Resolution 4—260  
Senate Concurrent Resolution 3—96  
Senate Concurrent Resolution 6—152  
Senate Concurrent Resolution 35—1836  
Senate File 17—354  
Senate File 19—260  
Senate File 29—1354  
Senate File 38—1354  
Senate File 49—1354  
Senate File 55—1354, 1981  
Senate File 76—1354, 1362  
Senate File 106—1354  
Senate File 130—1354  
Senate File 146—1354  
Senate File 161—1354  
Senate File 162—1354, 2207  
Senate File 177—1354  
Senate File 179—1354  
Senate File 187—1354  
Senate File 201—1354  
Senate File 214—1354  
Senate File 216, H-3706, as amended—1557  
Senate File 219—1446  
Senate File 222—1354  
Senate File 273—1354, 1363

- Senate File 276—1389
- Senate File 290—1354
- Senate File 311—1354
- Senate File 333—1354
- Senate File 342—1354
- Senate File 374—1354, 1366
- Senate File 381—1354
- Senate File 387—1354
- Senate File 388—1354
- Senate File 396—2234
- Senate File 455—1354
- Senate File 459—1354, 1371
- Senate File 471—1354
- Senate File 479—1354
- Senate File 480—1354
- Senate File 481—1391
- Senate File 482—1354
- Senate File 484—1354
- Senate File 496—1354
- Senate File 501—2145
- Senate File 504—1988
- Senate File 509—2243
- Senate File 510—1836
- Senate File 511—1885
- Senate File 513—2078
- Senate File 515—2117
- Senate File 516—2276
- Senate File 517—2080
- Senate File 518—2101
- Senate File 522—2366
- Rule 25 (consideration of resolutions):
  - House Concurrent Resolution 30—1356-1357
  - House Resolution 6—587
  - House Resolution 7—587
  - House Resolution 8—587
  - House Resolution 9—655
- Rule 31.8 (first reading, commitment and amendment):
  - House File 153, H-3057—328
  - House File 278, H-3108—440
  - House File 317—1355
  - House File 399—971-972
  - House File 416, H-3166—573
  - House File 523—971-972
  - House File 527—971-972
  - House File 529—971-972
  - House File 580, H-3532—1029
  - House File 580, H-3529—1030
  - House File 587—971-972
  - House File 599—971-972
  - House File 617, H-3437—875
  - House File 621—971-972

House File 626—971-972  
House File 631, H-3588, H-3596, H-3577, H-3575, H-3572,  
H-3590, H-3597 & H-3576—1101-1102  
House File 633—971-972  
House File 645—971-972  
House File 671—1462  
House Resolution 2—60  
House Resolution 3—260  
House Resolution 4—260  
Senate Concurrent Resolution 3—96  
Senate Concurrent Resolution 6—152  
Senate File 17—1355  
Senate File 19—260  
Senate File 29—1355  
Senate File 38—1355  
Senate File 49—1355  
Senate File 55—1355  
Senate File 76—1355  
Senate File 106—1355  
Senate File 130—1355  
Senate File 146—1355  
Senate File 161—1355  
Senate File 162—1355  
Senate File 177—1355  
Senate File 179—1355  
Senate File 187—1355  
Senate File 201—1355  
Senate File 214—1355  
Senate File 222—1355  
Senate File 273—1355  
Senate File 290—1355  
Senate File 298—735  
Senate File 311—1355  
Senate File 333—1355  
Senate File 342—1355  
Senate File 374—1355  
Senate File 381—1355  
Senate File 387—1355  
Senate File 388—1355  
Senate File 455—1355  
Senate File 459—1355  
Senate File 471—1355  
Senate File 479—1355  
Senate File 480—1355  
Senate File 482—1355  
Senate File 484—1355  
Senate File 496—1355  
Rule 32 (commitment of appropriation and revenue bills):  
House File 167—377-378  
House File 221—374  
House File 595—903-904  
House File 652—1022-1023

## Rule 34 (debate calendars):

House File 79—524  
House File 142—314

## Under provisions of Rule 45 (status of bills following first regular session):

House File 672—2374  
House File 674—2374  
House File 677—2374  
House File 681—2374  
House File 685—2374  
Senate File 38—2374  
Senate File 49—2374  
Senate File 69—2374  
Senate File 370—2374  
Senate File 387—2374  
Senate File 484—2374  
Senate File 496—2374

## Objection to suspension of the rules—1244

## Resolutions relating to:

House Resolution 2, permanent rules—45, 46, 56, 57, 60-90 adopted  
House Resolution 4, lobbyists—256, 260, 281-287, as amended adopted

## Temporary rules adopted—16

\*\*\*\*\*1987 EXTRAORDINARY SESSION\*\*\*\*\*

## Motions to suspend:

Senate File 523, H-4392—19

## Lost:

Senate File 523, H-4392—19

## Rules suspended:

Senate File 523—6  
Ways and Means committee meeting—5  
Rule 31.8 (timely filing of amendments):  
Senate File 523—6

\*\*\*\*\*1987 SECOND EXTRAORDINARY SESSION\*\*\*\*\*

## Rules suspended:

House File 689—59  
Rule 31.8 (timely filing of amendments):  
House File 689—59

## RULES AND ADMINISTRATION, COMMITTEE ON—

## Appointed—27

Recommendations—45, 96, 144-145, 1160

Resolutions offered—46, 61, 1160

Reports—40-41, 176-182, 361-362, 953-954, 2372

## Resolutions relating to:

House Concurrent Resolution 27—1160  
House Concurrent Resolution 28—1160

Senate Concurrent Resolution 6—134, 138, 139, 144-145, 152-168 adopted

Subcommittee assignments—112, 139

## RUNNING, RICHARD V.—Representative Linn County

Amendments filed—452, 648, 675, 755, 806, 868, 878, 919, 1009, 1010, 1295-1296, 1383,  
1456, 1544, 1597, 1648, 1689, 1763, 2076-2077, 2122

Amendments offered—877, 878, 879, 881, 1295, 1494, 1524, 1585, 1648, 2074, 2076,  
2118, 2122

Amendments withdrawn—879, 1487

Bills introduced—245, 246, 252, 292, 299, 300, 307, 319, 335, 342, 366, 384, 402, 449, 533-534, 541, 555, 584, 683, 1184  
 Committee appointments—25, 26, 27, 1211, 2221  
 Leave of absence—366, 1545  
 Petitions presented—383  
 Presided at sessions of the House—1200  
 Reports—2255  
 Resolutions offered—1763  
 Subcommittee assignments—111, 242, 243, 248, 295, 316, 363, 449, 528, 608, 702, 703, 1042, 1043, 1159, 2091

**SCHNEKLOTH, HUGO—Representative Scott County**

Amendments filed—86, 317, 328, 755, 757, 806, 849, 850, 873, 919, 1009, 1232, 1242, 1243, 1378, 1383, 1482, 1597, 1732, 1741, 1763, 1864, 1868, 1922, 2140, 2293-2295, 2303  
 Amendments offered—326, 880, 1073, 1074, 1234, 1398, 1482, 1550, 1741, 1867, 1868, 1929, 1930  
 Appointed to the Legislative Fiscal Committee—235  
 Bills introduced—21, 48, 49, 58, 59, 94, 133, 143, 144, 171, 307, 513, 555, 568, 1270  
 Committee appointments—26, 27, 28, 95, 1546  
 Leave of absence—132, 554, 1162, 1521  
 Petitions presented—383, 599, 1244, 1521, 1660, 1734  
 Subcommittee assignments—138, 174, 249, 254, 331, 337, 338, 399, 407, 426, 462, 469, 509, 510, 528, 579, 608, 628, 668, 685, 718, 802, 1116, 1117, 1229  
 \*\*\*\*\*1987 EXTRAORDINARY SESSION\*\*\*\*\*  
 Committee appointments—36  
 Reports—38-48

**SCHRADER, DAVID—Representative Marion County**

Amendments filed—512, 850, 868, 903, 919, 1044, 1161, 1894, 2162, 2163  
 Amendments offered—965, 1579, 1844, 1894  
 Amendments withdrawn—2251  
 Bills introduced—245, 291, 306, 446, 453, 488  
 Committee appointments—11, 25, 26, 27, 1920, 2101  
 Presented to the House Patti De Nooy, Queen of the 1987 Pella Tulip Festival—1693  
 Resolutions offered—2372  
 Subcommittee assignments—112, 175, 199, 302, 345, 380, 381, 536, 550, 563, 595, 628, 646, 702, 918, 1008, 1117, 1207, 1300, 1731

**SEATS—**

Assignment of seats in press gallery—134-135  
 Assignment of, to members—24-25  
 General assignment (members of the press entitled to access to the House chambers)—135  
 Special order—16, 24-25

**SECRETARY OF STATE, Elaine Baxter—**

Certificate of election—2-3, 115-116  
 House Joint Resolution 14, sent to—1182

**SEVENTY-SECOND GENERAL ASSEMBLY—**

(See House Concurrent Resolutions, House Resolutions, and Senate Concurrent Resolutions listed in Legislative Index Volume)

**SHERZAN, GARY**—Representative **Polk County**

Amendments filed—511, 741, 755, 806, 849, 850, 1029, 1045, 1456, 1491-1493, 1544, 1702, 1829, 2140, 2161, 2221-2222, 2223  
 Amendments offered—741, 1028, 1078, 1491, 1547, 1702, 1829, 2140, 2221, 2222  
 Amendments withdrawn—1030, 1488, 2223  
 Bills introduced—239, 336, 384, 446, 453, 472, 487, 683, 1184, 1233  
 Committee appointments—26, 27  
 Leave of absence—47, 410, 676, 709, 1209  
 Presided at sessions of the House—1757, 2200  
 Resolutions offered—409  
 Subcommittee assignments—139, 242, 248, 295, 331, 337, 338, 344, 363, 380, 469, 509, 551, 579, 668, 685, 703, 718, 802, 1043, 1159, 1228, 1229

**SHONING, DON**—Representative **Woodbury County**

Amendments filed—280, 401, 452, 632, 755, 919, 1001-1005, 1045, 1207, 1301, 1374-1375, 1383, 1689  
 Amendments offered—430, 1374  
 Bills introduced—21, 144, 237, 238, 257, 403, 410, 446, 465, 466, 513, 555, 568, 584, 652  
 Committee appointments—1, 26, 27, 2221, 2328  
 Committee assignment—169  
 Petitions presented—1121  
 Reports—1-4, 2255  
 Subcommittee assignments—138, 242, 294, 295, 296, 389, 449, 469, 669, 703, 1207  
 \*\*\*\*\*1987 SECOND EXTRAORDINARY SESSION\*\*\*\*\*  
 Amendment filed—62

**SHOULTZ, DON**—Representative **Black Hawk County**

Amendments filed—347, 418, 757, 849, 850, 919, 1010, 1044, 1045, 1094, 1102-1104, 1104, 1119, 1120, 1207, 1242, 1384, 1597, 1688, 1733, 1763, 1840, 2093, 2162, 2296, 2373  
 Amendments offered—418, 820, 1071, 1075, 1093, 1094, 1102, 1104, 1136, 1140, 1141, 1142, 1985, 1986, 2076, 2296  
 Amendments withdrawn—2282  
 Bills introduced—60, 307, 349, 383, 430, 498, 584, 1184  
 Committee appointments—26, 27, 50, 1760  
 Reports—2177-2196  
 Resolutions offered—497  
 Subcommittee assignments—112, 199, 254, 331, 399, 408, 426, 462, 469, 550, 628, 685, 802, 1116, 1117, 1229

**SIEGRIST, J. BRENT**—Representative **Pottawattamie County**

Amendments filed—280, 919, 1119, 1207, 1733, 1863, 1894-1895, 1906, 2162  
 Amendments offered—1249  
 Bills introduced—340, 555, 568, 634  
 Committee appointments—26, 28, 604, 606  
 Leave of absence—47, 566, 1046  
 Resolutions offered—1119  
 Subcommittee assignments—139, 254, 302, 337, 381, 389, 408, 469, 550, 551, 579, 608, 628, 646, 702, 703, 918, 1043, 1117, 1159, 1206

**SKOW, BOB**—Representative **Adair-Dallas-Guthrie-Madison Counties**, Assistant Majority Floor Leader

Amendments filed—849, 850, 851, 868, 875-876, 982-984, 990-994, 1032-1033, 1045, 1105-1109, 1232, 1597, 1763, 2049-2056, 2093, 2094, 2115, 2142

Amendments offered—982, 990, 1032, 1245, 2049, 2115, 2142  
 Amendments withdrawn—951, 2113  
 Bills introduced—183, 238, 246, 292, 335, 392, 393, 404, 465, 539, 677, 682  
 Committee appointments—25, 26, 27  
 Leave of absence—611, 842, 905, 1046, 1385, 1850  
 Presented to the House the Honorable Ernie Gilson, former member of the House—1239  
 Presided at sessions of the House—425, 476, 1892, 1961, 2164, 2168, 2252  
 Resolutions offered—1119, 1922  
 Subcommittee assignments—174, 331, 337, 344, 380, 462, 509, 536, 579, 685, 718, 802, 867, 1117, 1228, 1229

\*\*\*\*\*1987 EXTRAORDINARY SESSION\*\*\*\*\*

Conference committee appointed—36  
 Presided at sessions of the House—36

SMALL BUSINESS AND COMMERCE, COMMITTEE ON—

Amendments filed—955, 1232, 1268  
 Amendments offered—1190, 1302, 1312, 1321, 1389  
 Appointed—27  
 Bills introduced—305, 367, 384, 404, 473, 489, 534, 546, 569, 612, 625, 626, 634, 696, 697, 699, 714, 716, 808, 846, 852, 857, 869  
 Recommendations—304, 390, 401, 464, 485, 531, 552, 609-610, 631-632, 673, 706-707, 753, 804, 955, 1231, 1266  
 Subcommittee assignments—174, 249, 331, 337, 344, 346-347, 380-381, 399, 426, 462, 469, 579, 628, 685, 718, 802, 1116, 1117, 1228, 1229

SOCIAL SERVICES BLOCK GRANT ADVISORY COMMITTEE—

Appointments to—594

SPEAKER OF THE HOUSE—Donald D. Avenson, Representative Chickasaw-Fayette Counties

Addressed the House—8-10, 2368-2369  
 Announcements—526, 733, 827, 828, 1099, 1112, 1194, 1304, 1501, 1827, 1833, 1856, 1994, 2131  
 Appointed to the Legislative Council—234  
 Appointments announced:  
 Administrative Rules Review Committee—41  
 Agricultural Energy Management Advisory Council—41, 593  
 Boundary Commission—41  
 Capitol Planning Commission—593, 1838  
 Children, Youth and Families, Commission on—593  
 Communication Review Commission—593  
 Compensation, Expenses and Salaries for Elected Officials, Commission on—42  
 Development Commission—42  
 Economic Development Board—42  
 Education Commission of the States—593  
 Elder Affairs, Department of—593  
 Health Data Commission—42  
 Intergovernmental Relations, Advisory Commission on—41, 594  
 Interstate Cooperation Commission—42, 593  
 Law Enforcement Academy Council—594  
 Legislative Council—234-235  
 Legislative Fiscal Committee—235

- Medical Assistance Advisory Council—594
- Social Services Block Grant Advisory Council—594
- State Functional Classification Review Board—594
- Legislative Council, 1987-1988 (Section 2.41, Code of Iowa)—234-235
- Legislative Fiscal Committee, 1987-1988 (Section 2.45, Code of Iowa)—235
- Bill rereferred to committee—562
- Bills signed by—448, 684, 866, 1572-1573, 1625, 1687, 1838, 1862, 2375
- Committee appointments—49, 1017
- Committee assignments—169
- Committees appointed by—19, 113, 145, 184, 1581, 2376
- Communications received—42
- Conference committees appointed—665, 1546, 1706, 1760, 1920, 1987, 1997, 2031, 2101, 2145, 2156, 2221, 2328
- Elected Speaker of the House—5-8
- Final adjournment—2378
- Final adjournment, 1987 Regular Session of the Seventy-second General Assembly, Senate Concurrent Resolution 40—2370 adopted
- Inaugural committee appointed—95
- Leave of absence—1162
- Memorial committees appointed by—604, 605, 606, 679, 1017, 1210, 1210-1211, 1522
- Memorial service committee appointed—645
- Presentation of—8-10
- Presentation of visitors—482-483, 548, 563, 626, 748-749, 801, 847-848, 866, 917, 1007-1008, 1042, 1206, 1228, 1239, 1260-1261, 1299, 1381, 1455, 1519, 1573, 1596, 1625-1626, 1656, 1688, 1731, 1761-1762, 1838-1839, 1863, 1921, 2007-2008, 2091, 2159, 2224-2225
- Presided at sessions of the House—19, 22, 23, 47, 49, 55, 58, 60, 87, 93, 95, 113, 129, 132, 142, 145, 152, 163, 171, 173, 183, 184, 197, 200, 237, 240, 245, 251, 253, 257, 259, 270, 291, 292, 293, 299, 305, 308, 315, 318, 322, 329, 334, 340, 343, 348, 350, 352, 366, 383, 392, 396, 402, 405, 410, 413, 419, 425, 429, 440, 445, 453, 456, 457, 459, 460, 465, 472, 476, 478, 487, 490, 495, 498, 500, 513, 524, 525, 527, 532, 539, 545, 548, 554, 557, 561, 566, 583, 592, 599, 605, 611, 614, 624, 633, 640, 649, 660, 676, 689, 696, 709, 717, 723, 731, 736, 746, 758, 769, 770, 773, 786, 791, 807, 824, 835, 845, 852, 857, 862, 869, 892, 904, 908, 920, 932, 938, 957, 969, 971, 985, 989, 999, 1011, 1017, 1020, 1032, 1046, 1051, 1052, 1066, 1083, 1097, 1116, 1121, 1134, 1142, 1147, 1184, 1200, 1209, 1214, 1227, 1233, 1236, 1244, 1253, 1255, 1259, 1270, 1282, 1289, 1302, 1354, 1379, 1385, 1397, 1435, 1439, 1450, 1458, 1464, 1470, 1481, 1493, 1507, 1521, 1539, 1545, 1558, 1575, 1578, 1580, 1585, 1590, 1601, 1629, 1633, 1648, 1660, 1686, 1690, 1705, 1726, 1734, 1757, 1764, 1770, 1771, 1826, 1827, 1842, 1844, 1850, 1855, 1861, 1865, 1885, 1911, 1924, 1932, 1952, 1954, 1981, 1988, 1992, 1998, 2010, 2030, 2095, 2108, 2122, 2140, 2143, 2145, 2175, 2176, 2207, 2217, 2221, 2226, 2253, 2267, 2287, 2299, 2304, 2311, 2326, 2328, 2361, 2362, 2374
- Presented to the House the Honorable Joyce Lonergan, former member of the House—2224
- Remarks by—8-10, 2368-2369
- Resolutions relating to:
  - House Concurrent Resolution 1—11 adopted
  - House Concurrent Resolution 3—12 adopted
  - House Concurrent Resolution 6—332, 447 adopted, 534
  - House Resolution 1—16
  - Senate Concurrent Resolution 2—47, 56, 95 adopted

Senate Concurrent Resolution 6—134, 138, 139, 144-145, 152-168 adopted  
 Rulings made—314, 374, 378, 395, 431, 459, 493, 494, 506, 518, 875, 1142, 1195, 1224,  
 1234, 1353, 1496, 1533, 1605, 1651, 1858, 1859, 1995, 2019, 2056, 2214, 2312, 2361  
 Special presentation to House Pages—603, 2096  
 Standing committees appointed—25

\*\*\*\*\*1987 EXTRAORDINARY SESSION\*\*\*\*\*

Final adjournment—51  
 Final adjournment, 1987 Extraordinary Session of the Seventy-second General  
 Assembly, Senate Concurrent Resolution 47—50 adopted, 50-51  
 Presided at sessions of the House—1, 3, 4, 5, 6, 16, 23, 35, 37, 49  
 Rulings made—19

\*\*\*\*\*1987 SECOND EXTRAORDINARY SESSION\*\*\*\*\*

Bill signed by—68  
 Final adjournment—68  
 Presided at sessions of the House—56, 59, 62, 63, 66  
 Presentation of visitors—67  
 Remarks by—68

**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—338, 409, 428, 440, 497, 573-574, 648, 722, 754, 755, 805, 806, 849,  
 918, 955, 956, 1010, 1045, 1119, 1120, 1183, 1232, 1268, 1456, 1574, 1689  
 Amendments offered—352, 411, 435, 480, 813, 966, 967, 979, 980, 1024, 1037, 1123,  
 1134, 1135, 1140, 1188, 1189, 1487  
 Amendments withdrawn—813, 966  
 Bills introduced—94, 142, 144, 237, 246, 257, 307, 393, 394, 446, 454, 540, 612  
 Committee appointments—26, 27, 605  
 Petitions presented—58  
 Presided at sessions of the House—1606  
 Rulings made—1606  
 Subcommittee assignments—295, 302, 363, 380, 381, 407, 462, 579, 608, 646, 667, 867,  
 1116, 1239, 1240, 1261, 1300

**SPECIAL COMMITTEES—**  
 (See Committees, Special)

**SPECIAL ORDER—**  
 Assignment of seats to members—16  
 Drawing of seats—24-25

**SPECIAL PRESENTATION—**

Representative Blanshan presented to the House Karen Christensen, 1987 Iowa  
 Junior Miss—240  
 Representative Connors presented to the House visitors from our sister city  
 Naucalpan, Mexico—1186  
 Representative Daggett presented to the House three all-state academic honor roll  
 students, David Caraway, Natalie Neill and Teresa Tasler, serving as House  
 pages—1705  
 Representative Fogarty presented to the House Dr. Michael Grimes, an attorney  
 from Ireland—654

- Representative Hammond announced winners of the National Women's History Month essay contest for 1987—500
- Representative Jochum presented to the House the Honorable Michael Dukakis, Governor of Massachusetts—724
- Representative Renaud presented to the House students from Goodrell Transitional School, Des Moines who are state Champions of the 1987 problem solving contest, junior division—1813
- Representative Schrader presented to the House Patti De Nooy, Queen of the 1987 Pella Tulip Festival—1693
- Representative Stromer presented to the House the Honorable Charles Grassley, United States Senator and former member of the House—16
- To House Pages—603, 2096

**SPONSORS (bills and amendments)—**

**Added:**

- House File 25—Representative Schnekloth—110
- House File 65—Representative Neuhauser—173
- House File 196—Representative Metcalf—337
- House File 302—Representatives Branstad & Gruhn—405
- House File 326—Representative Hatch—442
- House File 486—Representative Van Maanen—626
- House File 499, H-3206—Representative Harbor—748
- House File 499, H-3207—Representative Harbor—748
- House File 499, H-3215—Representative Harbor—748
- House File 499, H-3346—Representative Hester—847
- House File 499, H-3346—Representative Siegrist—847
- House Resolution 6—Representatives Paulin, Harper, Blanshan, Muhlbauer, Peterson of Carroll, Siegrist, Lundby, De Groot, Parker, Arnould, Cohoon, Jay, Rosenberg, Bennett, Petersen of Muscatine, May, Daggett, Maulsby, Tabor, Wise, Carpenter, Koenigs, Branstad, Platt, Fogarty, Gruhn, Pellett, Royer, Cooper, Fuller, Van Camp, Poncy, Norrgard, Clark, Peters, Plasier, Adams, & Hermann—586
- House Resolution 7—Representatives Paulin, Harper, Blanshan, Muhlbauer, Peterson of Carroll, Siegrist, Lundby, De Groot, Parker, Arnould, Cohoon, Jay, Rosenberg, Bennett, Petersen of Muscatine, May, Daggett, Maulsby, Tabor, Wise, Carpenter, Koenigs, Branstad, Platt, Fogarty, Gruhn, Pellett, Royer, Cooper, Fuller, Van Camp, Poncy, Norrgard, Clark, Peters, Plasier, Adams, & Hermann—586
- House Resolution 8—Representatives Paulin, Harper, Blanshan, Muhlbauer, Peterson of Carroll, Siegrist, Lundby, De Groot, Parker, Arnould, Cohoon, Jay, Rosenberg, Bennett, Petersen of Muscatine, May, Daggett, Maulsby, Tabor, Wise, Carpenter, Koenigs, Branstad, Platt, Fogarty, Gruhn, Pellett, Royer, Cooper, Fuller, Van Camp, Poncy, Norrgard, Clark, Peters, Plasier, Adams, & Hermann—586

**STANDING COMMITTEES—**

Appointed—25-28

**STATE APPEAL BOARD**

(Richard D. Johnson, Chairman)

Claims approved—209-233

Claims disapproved—202-208, 234, 387-388, 666-667, 1594-1595

Communications from, stating claims filed with—201-208, 209-233, 233-234, 386-388, 666-667, 1594-1595

## STATE FUNCTIONAL CLASSIFICATION REVIEW BOARD—

Appointment to—594

## STATE GOVERNMENT, COMMITTEE ON—

Amendments filed—390, 648, 675, 708, 754, 805, 1119, 1232, 1242, 1268

Amendments offered—524, 734, 811, 950, 1046, 1277, 1282, 1585, 1586, 1982, 2208

Appointed—27

Bills introduced—300, 310, 404, 453, 472, 481, 513, 541, 696, 697, 698, 714, 716, 717

Recommendations—297, 317, 390, 401, 451, 470, 511, 537, 647, 673-674, 707-708, 721,  
753-754, 804, 1118, 1231-1232, 1241-1242, 1266, 2092-2093

Subcommittee assignments—111, 138, 169, 241, 242, 243, 294, 295, 296, 316, 364, 389,  
449, 450, 469, 509, 510, 536, 607, 608, 628, 668, 669, 702, 718, 1042, 1043, 1044,  
1159, 1206, 1207

Temporary committee assignment—169

## STATE OF THE STATE MESSAGE—

Delivered by Governor Terry E. Branstad—51-55

Resolution relating to, HCR 1—11 adopted

STROMER, DELWYN—Representative Franklin-Hancock-Wright Counties, Minority  
Floor Leader

Amendments filed—56, 108-109, 109-110, 199, 674, 708, 742, 743, 745, 755, 829-830,  
843-844, 845, 955, 1045, 1456, 1457, 1733, 1756, 1851-1853, 1864, 1917-1918, 2049-  
2056, 2094

Amendments offered—87, 108, 109, 710, 743, 745, 791, 817, 829, 1087, 1292, 1851, 1917,  
1931, 2275

Appointed to the Legislative Council—235

Appointment announced—42

Bills introduced—144, 348, 466, 513, 540, 1233, 2164

Committee appointments—27

Ethics committee appointed—40

Leave of absence—1639

Presented to the House the Honorable Charles Grassley, United States Senator and  
former member of the House—16

Remarks by—7, 2367

Resolutions offered—11, 12, 332, 447, 1301, 1356-1357, 1626, 2372

Special presentation to House Pages—603, 2096

\*\*\*\*\*1987 EXTRAORDINARY SESSION\*\*\*\*\*

Resolutions offered—50

\*\*\*\*\*1987 SECOND EXTRAORDINARY SESSION\*\*\*\*\*

Resolution offered—67

## STUDY BILL COMMITTEE ASSIGNMENTS—

Agriculture—331, 389, 397, 398, 448, 449, 468, 496, 549, 594, 626, 645

Appropriations—535, 1762

Economic Development—235, 337, 406, 443, 509, 535, 594, 627

Education—91, 136, 235, 289, 301, 344, 362, 397, 426, 461, 527, 535, 563, 579, 607, 667

Energy And Environmental Protection—55, 136, 330, 343, 380, 461, 527, 578, 645, 702

Human Resources—90, 91, 110, 111, 137, 138, 173, 174, 288, 301, 302, 331, 337, 379,  
443, 461, 483, 1381

Judiciary and Law Enforcement—130, 131, 136, 173, 198, 236, 288, 294, 315, 331, 398,  
406, 426, 443, 448, 461, 483, 495, 509, 528, 535, 578, 594, 645, 646, 667, 702

Labor and Industrial Relations—248, 331, 389, 397, 528, 684, 802

- Local Government—45, 111, 253, 289, 343, 380, 389, 397, 443, 462, 468, 483, 484, 495, 496, 509, 528, 548, 549, 607, 627, 667, 685, 702
- Natural Resources and Outdoor Recreation—110, 111, 138, 235, 248, 253, 301, 315, 330, 331, 388, 396, 496, 508, 607, 627, 645, 685
- Small Business and Commerce—111, 136-137, 240, 289, 294, 331, 380, 389, 406, 443, 448, 496, 528, 535, 549, 563, 594, 595, 606, 607, 626, 627, 667
- State Government—91, 92, 111, 137, 174, 198, 240, 241, 288, 289, 294, 330, 337, 379, 380, 398, 406, 426, 462, 468, 483, 508, 535, 578, 579, 606, 627
- Transportation—111, 137, 138, 241, 397, 448, 461, 483, 495, 535, 548, 627, 667, 749
- Ways and Means—56, 136, 173, 288, 389, 398, 508, 528, 702, 802, 918, 1228, 1519, 1626, 1656, 1762, 1839, 2219

\*\*\*\*\*1987 SECOND EXTRAORDINARY SESSION\*\*\*\*\*

Ways and Means—58

#### STUDY BILL SUBCOMMITTEE ASSIGNMENTS—

- Assignments—112, 131, 139-141, 169, 175-176, 199, 236, 243-244, 249, 255, 289, 296, 303, 316, 331-332, 338, 345-346, 364, 381, 399-400, 408-409, 427, 444, 450, 462-463, 470, 484, 510, 529, 536-537, 551, 563-564, 580, 595, 608-609, 628-629, 646-647, 669-670, 686, 703, 718-719, 848, 1382, 1657, 1762, 1839
- Corrected assignment—470
- Reassigned—199, 427, 686
- Revised—718

#### STUDY COMMITTEES—

(See also Legislative Council)

Resolutions relating to:

- House Concurrent Resolution 12, alternate housing and levels of care for elders—497
- House Concurrent Resolution 13, mandatory seat belt legislation—511
- House Concurrent Resolution 15, school reorganization procedure—581
- House Concurrent Resolution 22, relationship between economic development and various state programs in support of a diversified economy—805
- House Concurrent Resolution 24, tax on moneys and credits—1118
- House Concurrent Resolution 25, job retraining programs for the retention of existing jobs in Iowa—1118
- House Concurrent Resolution 29, child protection—1242
- House Concurrent Resolution 31, review services for the elderly—1573
- House Concurrent Resolution 32, gaps in the availability of capital in Iowa, feasibility of various credit enhancement mechanisms, legislation with potential to increase the availability and affordability of capital in Iowa—1574
- House Concurrent Resolution 33, reform of the welfare system—1597
- House Concurrent Resolution 36, road use tax fund formula—1658
- House Concurrent Resolution 40, long-range plan, renovation and expansion, correctional facilities—1922
- House Concurrent Resolution 41, involuntary commitment process, mentally ill—1922
- House Concurrent Resolution 44, vocational agriculture education needs—2008
- House Concurrent Resolution 45, state agency jurisdiction over Iowa Braille and Sight-saving School and the Iowa School for the Deaf—2160
- House Concurrent Resolution 46, budget process, executive branch and the general assembly—2160

- House Concurrent Resolution 47, health care for the citizens of Iowa—2160
- House Concurrent Resolution 48, AIDS—2160
- House Concurrent Resolution 49, runaway children—2160
- House Concurrent Resolution 50, examine the needs of mentally ill and mentally retarded defendants, offenders, and person's who are dangerous to others—2161
- House Concurrent Resolution 52, classified and restricted access research at the regents' university—2372
- House Resolution 5, develop alternatives to the plugging of agricultural drainage wells—564
- Senate Concurrent Resolution 33, reform of the welfare system—2144, 2161, 2231 adopted, 2234

\*\*\*\*\*1987 EXTRAORDINARY SESSION\*\*\*\*\*

Resolution relating to:

- House Resolution 13—budgeting procedures and legislative rules, cmte. study—21

STUELAND, VICTOR (VIC)—Representative Cedar-Clinton Counties

- Amendments filed—86, 409, 452, 464, 511, 754, 849, 850, 956, 1009, 1243, 1383, 1627, 1733, 1741-1742, 1743-1744
- Amendments offered—437, 1052, 1088, 1741, 1743
- Amendments withdrawn—1609, 1742
- Bills introduced—95, 144, 252, 348, 349, 446, 454, 466, 513, 584
- Committee appointments—25, 26, 27, 2101, 2145
- Leave of absence—402, 1145, 1244, 2303
- Resolutions offered—2008
- Subcommittee assignments—302, 316, 331, 344, 345, 496, 550, 608, 867

SUBCOMMITTEE APPOINTMENTS—

- Appropriations—28-29

SUBCOMMITTEE ASSIGNMENTS—

- Assignments—111-112, 138-139, 174-175, 199, 236, 241-243, 248-249, 254-255, 289, 294-296, 302-303, 316, 331, 337-338, 344-345, 362-364, 380-381, 389, 398-399, 407, 408, 426, 443, 449-450, 462, 468-469, 484, 496, 509-510, 528-529, 535-536, 563, 579-580, 595, 607-608, 627-628, 646, 667-669, 685-686, 702-703, 718, 802, 848, 867, 918, 1008, 1042-1044, 1116-1117, 1159, 1206-1207, 1228-1229, 1239-1240, 1261, 1300, 1656, 1731, 2091-2092
- Reassigned—399, 407, 595, 667

SUPREME COURT OF IOWA—

- (Chief Justice of the Supreme Court, W. W. Reynoldson)
- Delivered the Condition of the Judicial Department's Message—146-152
- Ethics committee appointed by—39-40
- Resolution relating to, HCR 2, the condition of the Judicial Department Message—12 adopted, 60

SVOBODA, JANE—Representative Black Hawk-Marshall-Tama Counties

- Amendments filed—849, 851, 990-994, 1119, 1120, 1183, 1732, 1840, 1863
- Amendments offered—1193, 1194
- Bills introduced—144, 585, 599, 1184, 1727
- Committee appointments—25, 26, 50
- Leave of absence—348, 429, 1734

- Petitions presented—1629  
 Resolutions offered—688, 2008  
 Subcommittee assignments—112, 380, 536, 628, 867, 1117, 1206
- SWARTZ, THOMAS E. (TOM)—Representative Marshall County**  
 Amendments filed—278-279, 428, 512, 741, 919, 970, 984, 1035-1036, 1036, 1120, 1149, 1268, 1383, 1456, 1498, 1658, 1688, 1763, 1840, 1887-1889, 1889-1890, 1890, 1891-1892, 1917, 2009, 2093  
 Amendments offered—278, 440, 970, 1035, 1127, 1135, 1147, 1149, 1302, 1464, 1498, 1859, 1887, 1889, 1890, 1891  
 Amendments withdrawn—279, 440, 518, 1129  
 Appointed to the Legislative Fiscal Committee—235  
 Bills introduced—172, 245, 1184  
 Committee appointments—25, 26, 27, 1997, 2031, 2145  
 Leave of absence—611, 676  
 Reports—2262, 2315-2326, 2329-2360  
 Resolutions offered—1574  
 Subcommittee assignments—408, 550, 1229, 1300
- SWEARINGEN, GEORGE R.—Representative Jefferson-Keokuk-Wapello Counties**  
 Amendments filed—1383  
 Bills introduced—133, 257, 466, 513  
 Committee appointments—26, 27  
 Leave of absence—60, 268, 293, 305, 472, 501, 773, 842, 862, 904, 1020, 1083, 1145, 1171, 1507, 1521, 2201  
 Petitions presented—291, 1764  
 Subcommittee assignments—111, 248, 254, 316, 344, 407, 408, 484, 702, 703, 718
- TABOR, DAVID M.—Representative Dubuque-Jackson Counties**  
 Amendments filed—736-737, 868, 919, 1113-1114, 1379, 1439-1442, 1456, 1689, 1733, 1840, 1923  
 Amendments offered—736, 1084, 1357, 1379, 1439, 2011  
 Appointed to the Administrative Rules Review Committee—41, 2001  
 Committee appointments—26, 28, 49, 2176  
 Leave of absence—1629  
 Petitions presented—498  
 Presided at the sessions of the House—881, 1257, 1767  
 Reports—49, 2227  
 Resolutions offered—2160  
 Subcommittee assignments—302, 362, 381, 407, 469, 550, 595, 646, 685, 848, 918, 1117, 1229
- TEAFORD, JANE—Representative Black Hawk County**  
 Amendments filed—271-272, 918, 919, 969-970, 1161, 1268, 1456, 1483, 1688, 1733, 1840, 1863, 2161, 2162  
 Amendments offered—969, 1187, 1290, 1291, 1373, 1482, 1483, 1892, 1967  
 Amendments withdrawn—1186  
 Appointed to the Interstate Cooperation Commission—593  
 Bills introduced—307, 349, 394, 488, 499, 554, 584, 683, 1184  
 Committee appointments—26, 28, 2156  
 Leave of absence—914, 1046  
 Petitions presented—633  
 Reports—2229

Resolutions offered—497

Subcommittee assignments—139, 174, 242, 243, 254, 255, 302, 344, 345, 363, 380, 381,  
484, 529, 579, 607, 628, 646, 702, 703, 918, 1117, 1229

TELLERS—

Appointment of—23

Reports—114

TEMPORARY COMMITTEE ASSIGNMENT—

State Government—Representative Shoning replacing Representative  
Swearingen—169

TEMPORARY OFFICERS—

Elected—1

Took oath of office—1

TRANSPORTATION, COMMITTEE ON—

Amendments filed—721, 1119, 1268

Amendments offered—898, 1313, 1539

Appointed—27

Bills introduced—305, 467, 533, 540, 541, 601, 683

Recommendations—297, 451, 511, 538, 581, 674, 721, 1118, 1266-1267

Subcommittee assignments—139, 236, 248, 249, 289, 302, 303, 317, 344, 345, 399, 462,  
528, 529, 563, 668, 685, 703, 848, 1043, 1044, 1206, 1229, 1232, 1239, 1261

TYRRELL, PHIL—Representative **Iowa**—Poweshiek Counties

Amendments filed—57, 87, 90, 167, 271-272, 280, 333, 401, 452, 531, 582, 805, 1010,  
1045, 1119, 1160, 1161, 1179-1180, 1301, 1383, 1457

Amendments offered—87, 90, 167, 457, 545, 1019, 1175, 1179, 1290-1291, 1292, 1298,  
1448, 1449, 1482

Amendments withdrawn—360, 641, 1292, 1297, 1451, 1484

Bills introduced—144, 183, 299, 307, 308, 309, 310, 446, 453, 467, 513, 555, 566, 612

Committee appointments—26, 27, 146

Leave of absence—676, 1521, 2104

Petitions presented—453, 532, 539

Subcommittee assignments—242, 248, 344, 362, 363, 407, 408, 443, 496, 529, 563, 1117

UNANIMOUS CONSENT—

House File 410—1667

House File 518—2029

House File 519—2250

House File 596—859

House File 607—859

Senate Concurrent Resolution 35—1844

Senate File 148—2131

Senate File 510—1844

UNFINISHED BUSINESS CALENDAR—

733, 1271, 1507, 1523, 1529, 1546, 1559, 1585, 1601, 1609, 1630, 1639, 1726, 1735, 1738,  
1766, 1769, 1857, 1981, 2011, 2015, 2207, 2234, 2245, 2250, 2275, 2312

VAN CAMP, MICHAEL J.—Representative **Scott** County

Amendments filed—56, 339, 365, 391, 401, 444, 471, 506-507, 511, 512, 565, 640, 648,  
754, 755, 806, 849, 850, 868, 919, 1001-1005, 1009, 1045, 1161, 1183, 1207, 1232,  
1301, 1383, 1455, 1456, 1457, 1504, 1854, 1922, 1991, 2087, 2093, 2094

- Amendments offered—84, 85, 89, 431, 506, 516, 544, 576, 640, 841, 1001, 1096, 1172, 1447, 1451, 1467, 1504, 1523, 1524, 1529, 1854, 1928, 1991, 2087, 2106, 2113, 2124
- Amendments withdrawn—376, 1097, 1099, 1143, 1526, 1932, 2107
- Bills introduced—144, 252, 258, 291, 306, 307, 319, 335, 341, 349, 384, 392, 394, 403, 429, 446, 487, 499, 513, 540, 555, 651, 652
- Committee appointments—19, 26, 27, 2328
- Petitions presented—402, 498, 566
- Reports—2364-2365
- Resolutions offered—298, 754
- Subcommittee assignments—111, 112, 199, 242, 243, 295, 316, 364, 449, 450, 510, 536, 608, 668, 1042, 1159, 1206
- \*\*\*\*\*1987 EXTRAORDINARY SESSION\*\*\*\*\*
- Amendments filed—22
- \*\*\*\*\*1987 SECOND EXTRAORDINARY SESSION\*\*\*\*\*
- Amendment filed—62
- Amendment offered—62
- VAN MAANEN, HAROLD—Representative Keokuk-Mahaska-Wapello Counties
- Amendments filed—56, 280, 464, 470, 648, 849, 850, 1383, 1457, 1484, 1485, 1744, 1893, 2094
- Amendments offered—477, 1482, 1484, 1744, 1893, 2106, 2110
- Appointed to the Legislative Council and the Legislative Fiscal Committee—235
- Bills introduced—47, 144, 237, 246, 252, 310, 341, 513, 540, 555, 568, 585, 651
- Committee appointments—25, 26, 185, 665
- Petitions presented—237, 2010
- Resolutions offered—581, 2008, 2160
- Subcommittee assignments—199, 248, 337, 389, 407, 408, 449, 563, 1008, 2091, 2092
- VISITORS—
- Presentation of—379, 406, 482-483, 548, 563, 606, 626, 748-749, 801, 847-848, 866, 917, 1007-1008, 1042, 1116, 1158-1159, 1182-1183, 1206, 1228, 1239, 1260-1261, 1299, 1381, 1455, 1519, 1573, 1596, 1625-1626, 1656, 1688, 1731, 1761-1762, 1838-1839, 1863, 1921, 2007-2008, 2091, 2159, 2224-2225
- \*\*\*\*\*1987 SECOND EXTRAORDINARY SESSION\*\*\*\*\*
- Presentation of—67
- VOTES (Roll Call)—
- Non-record—84, 108, 110, 164, 201, 267, 268, 272, 280, 374, 418, 419, 420, 430, 431, 438, 439, 456, 459, 476, 500, 522, 524, 543, 544, 545, 616, 623, 624, 638, 711, 715, 725, 740, 741, 743, 773, 782, 787, 790, 799, 800, 817, 822, 824, 827, 829, 835, 837, 841, 842, 844, 845, 862, 893, 903, 904, 935, 951, 971, 974, 980, 984, 989, 1019, 1029, 1068, 1077, 1086, 1088, 1092, 1100, 1113, 1135, 1136, 1138, 1140, 1145, 1146, 1147, 1151, 1155, 1166, 1172, 1176, 1177, 1180, 1193, 1200, 1214, 1224, 1225, 1226, 1237, 1291, 1292, 1293, 1297, 1298, 1365, 1379, 1447, 1450, 1452, 1453, 1467, 1470, 1483, 1493, 1494, 1500, 1505, 1506, 1517, 1526, 1541, 1550, 1559, 1580, 1587, 1605, 1606, 1608, 1609, 1615, 1648, 1649, 1702, 1726, 1735, 1736, 1741, 1742, 1756, 1757, 1758, 1823, 1826, 1828, 1829, 1831, 1832, 1833, 1850, 1854, 1855, 1856, 1858, 1859, 1867, 1868, 1909, 1915, 1918, 1928, 1930, 1954, 1986, 1995, 1998, 2031, 2076, 2099, 2107, 2112, 2115, 2122, 2123, 2127, 2140, 2141, 2143, 2164, 2168, 2169, 2174, 2176, 2200, 2206, 2214, 2217, 2251, 2253, 2265, 2292, 2296, 2301, 2304, 2311, 2361
- Record—85, 86, 88, 89, 109, 166, 167, 168, 270, 323, 324, 326, 327, 378, 395, 420, 425, 458, 476, 477, 479, 576, 624, 744, 746, 770, 781, 782, 784, 785, 786, 788, 789, 790, 797, 799, 830, 833, 1022, 1031, 1066, 1070, 1072, 1077, 1082, 1085, 1095, 1097,

1098, 1105, 1137, 1139, 1152, 1173, 1178, 1252, 1254, 1398, 1434, 1438, 1442, 1443, 1446, 1450, 1451, 1467, 1472, 1483, 1499, 1501, 1505, 1513, 1516, 1525, 1591, 1633, 1644, 1646, 1651, 1652, 1736, 1737, 1739, 1757, 1824, 1825, 1829, 1830, 1853, 1855, 1860, 1867, 1868, 1884, 1906, 1908, 1909, 1910, 1930, 1992, 1993, 2087, 2103, 2115, 2123, 2125, 2214, 2295, 2310

\*\*\*\*\*1987 EXTRAORDINARY SESSION\*\*\*\*\*

Non-record—5, 18, 19, 23, 37

Record—16, 19, 35

\*\*\*\*\*1987 SECOND EXTRAORDINARY SESSION\*\*\*\*\*

Non-record—59, 62

#### WAYS AND MEANS CALENDAR—

504, 516, 1052, 1212, 1234, 1257, 1391, 1560, 1578, 1585, 1691, 1764, 1768, 1842, 1866, 1925, 1952, 2013, 2108, 2217, 2219

\*\*\*\*\*1987 EXTRAORDINARY SESSION\*\*\*\*\*

6

\*\*\*\*\*1987 SECOND EXTRAORDINARY SESSION\*\*\*\*\*

59

#### WAYS AND MEANS, COMMITTEE ON—

Amendments filed—1301, 1733

Amendments offered—1391, 1768

Appointed 28

Bills introduced—293, 367, 419, 441, 472, 583, 697, 699, 800, 1011, 1445, 1458, 1654, 1726, 1835, 2000, 2177

Recommendations—297, 364-365, 427-428, 485-486, 538, 687-688, 708, 804-805, 1301, 1382, 1657, 1731-1732, 1839-1840, 2008, 2219

Subcommittee assignments—254, 316, 362, 407, 536, 685, 718, 848, 1009, 1240, 1656

\*\*\*\*\*1987 EXTRAORDINARY SESSION\*\*\*\*\*

Amendments offered—6

Recommendations—6

\*\*\*\*\*1987 SECOND EXTRAORDINARY SESSION\*\*\*\*\*

Bill introduced—59

Recommendations—58-59

#### WISE, PHILIP—Representative Lee-Van Buren Counties

Amendments filed—1119, 1175, 1207, 1688

Amendments offered—1175, 1178, 1842

Bills introduced—238, 568, 683

Committee appointments—26, 28, 49

Petitions presented—58, 237, 334

Subcommittee assignments—254, 302, 381, 407, 550, 628, 702, 848, 918, 1117

#### WOMEN'S HISTORY ESSAY CONTEST WINNERS—500