

**State of Iowa**

**1988**

# **JOURNAL OF THE HOUSE**

## **1988 REGULAR SESSION SEVENTY-SECOND GENERAL ASSEMBLY**

**Convened January 11, 1988  
Adjourned April 17, 1988**

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January 11 - March 31**

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

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



SEVENTY—SECOND GENERAL ASSEMBLY

1988 Regular Session

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

v

ELECTIVE STATE OFFICERS

Official Address, Des Moines, Iowa

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DALE M. COCHRAN, <i>Secretary of Agriculture</i> .....	Eagle Grove
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JUSTICES OF THE IOWA SUPREME COURT

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JAMES H. ANDREASEN, <i>Justice</i> .....	Algona
JAMES H. CARTER, <i>Justice</i> .....	Cedar Rapids
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J. L. LARSON, <i>Justice</i> .....	Harlan
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LINDA NEUMAN, <i>Justice</i> .....	Davenport
LOUIS SCHULTZ, <i>Justice</i> .....	Iowa City
BRUCE M. SNELL, Jr., <i>Justice</i> .....	Ida Grove

IOWA COURT OF APPEALS JUDGES

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ALBERT L. HABHAB, <i>Judge</i> .....	Fort Dodge
MAYNARD J. V. HAYDEN, <i>Judge</i> .....	Indianola
ROSEMARY S. SACKETT, <i>Judge</i> .....	Spencer
DICK SCHLEGEL, <i>Judge</i> .....	Ottumwa

## MEMBERS OF THE HOUSE—SEVENTY—SECOND GENERAL ASSEMBLY—1988 REGULAR SESSION

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Name	Residence	Age	Occupation	Representative District	Former Legislative Service
Adams, Janet	Webster City	50	Teacher	14th— <i>Hamilton, Webster</i>	72(1st)
Arnould, Robert C.	Davenport	34	Legislator	42nd— <i>Scott</i>	87(2nd), 67X, 68, 69, 69X, 69XX, 70, 71, 72(1st), 72X, 72XX
Avenson, Donald D.	Oelwein	43	Tool & Die Maker	28th— <i>Chickasaw, Fayette</i>	65, 66, 67, 67X, 68, 69, 69X, 69XX, 70, 71, 72(1st), 72X, 72XX
Beaman, Jack	Osceola	63	Self-employed	91st— <i>Adair, Adams, Cass, Clarke,</i> <i>Union</i>	72(1st), 72X, 72XX
Beatty, Linda	Indianola	45	Homemaker	68th— <i>Warren</i>	71, 72(1st), 72X, 72XX
Bennett, Wayne	Galva	60	Farmer	4th— <i>Ida, Monona, Woodbury</i>	65, 66, 67, 67X, 68, 69, 69X, 69XX, 70, 71, 72(1st), 72X, 72XX
Bisignano, Tony	Des Moines	35	Local Union President	80th— <i>Polk</i>	72(1st), 72X, 72XX
Black, Dennis	Grinnell	48	County Conservation Board Director	71st— <i>Jasper, Marshall</i>	70, 71, 72(1st), 72X, 72XX
Blanshan, Eugene	Scranton	39	Farmer	88th— <i>Boone, Carroll, Greene</i>	70, 71, 72(1st), 72X, 72XX
Brammer, Philip E.	Cedar Rapids	55	Insurance Agent	50th— <i>Linn</i>	70, 71, 72(1st), 72X, 72XX
Branstad, Clifford O.	Thompson	63	Farmer	16th— <i>Hancock, Kossuth,</i> <i>Winnebago</i>	68, 69, 69X, 69XX, 70, 71, 72(1st), 72X, 72XX
Buhr, Florence D.	Des Moines	54	Legislator	85th— <i>Polk</i>	70, 71, 72(1st), 72X, 72XX
Carpenter, Dorothy F.	West Des Moines	54	Legislator	82nd— <i>Polk</i>	69, 69X, 69XX, 70, 71, 72(1st), 72X, 72XX
Chapman, Kay	Cedar Rapids	50	Lawyer	49th— <i>Linn</i>	70, 71, 72(1st), 72X, 72XX
Clark, Betty Jean	Rockwell	67	Legislator	29th— <i>Cerro Gordo, Floyd, Mitchell</i>	67, 67X, 68, 69, 69X, 69XX, 70, 71, 72(1st), 72X, 72XX
Cohoon, Dennis	Burlington	34	Teacher	60th— <i>Des Moines</i>	72(1st), 72X, 72XX
Connolly, Michael W.	Dubuque	42	Teacher	35th— <i>Dubuque</i>	68, 69, 69X, 69XX, 70, 71, 72(1st), 72X, 72XX

REPRESENTATIVES

# MEMBERS OF THE HOUSE—SEVENTY—SECOND GENERAL ASSEMBLY—1988 REGULAR SESSION

Name	Residence	Age	Occupation	Representative District	Former Legislative Service
Connors, John H.	Des Moines	65	Retired Fire Captain and Labor Arbitrator	79th— <i>Polk</i>	65, 66, 67, 67X, 68, 69, 69X, 69XX, 70, 71, 72(1st), 72X, 72XX
Cooper, James J.	Russell	63	Farmer	67th— <i>Clarke, Monroe, Lucas, Wayne</i>	70, 71, 72(1st), 72X, 72XX
Corbett, Ron J.	Cedar Rapids	29	Insurance Representative	52nd— <i>Linn</i>	72(1st), 72X, 72XX
Corey, Virgil E.	Morning Sun	71	Farmer	55th— <i>Des Moines, Louisa, Washington</i>	68, 69, 69X, 69XX, 70, 71, 72(1st), 72X, 72XX
Daggett, Horace C.	Kent	56	Farmer	92nd— <i>Adams, Decatur, Ringgold, Taylor</i>	65, 66, 67, 67X, 68, 69, 69X, 69XX, 70, 71, 72(1st), 72X, 72XX
De Groot, Kenneth R.	Doone	58	Farmer	8th— <i>Lyon, O'Brien, Osceola, Sioux</i>	68, 69, 69X, 69XX, 70, 71, 72(1st), 72X, 72XX
Diemer, Marvin E.	Cedar Falls	63	Retired	23rd— <i>Black Hawk</i>	68, 69, 69X, 69XX, 70, 71, 72(1st), 72X, 72XX
Doderer, Minnette F.	Iowa City	64	Legislator	45th— <i>Johnson</i>	60X, 61, 62, 63, 64, 65, 66, 67, 67X, 69, 69X, 69XX, 70, 71, 72(1st), 72X, 72XX
Dvorsky, Robert E.	Coralville	39	Legislator	54th— <i>Iowa, Johnson</i>	72(1st), 72X, 72XX
Eddie, Russell J.	Storm Lake	49	Hog Producer/Farmer	10th— <i>Buena Vista, Pocahontas</i>	72(1st), 72X, 72XX
Fey, Thomas H.	Davenport	33	Legislator	41st— <i>Scott</i>	69(2nd), 70, 71, 72(1st), 72X, 72XX
Fogarty, Daniel P.	Cylinder	63	Farmer	11th— <i>Clay, Palo Alto</i>	70, 71, 72(1st), 72X, 72XX
Fuller, Robert D.	Steamboat Rock	58	Farmer	18th— <i>Franklin, Hamilton, Hardin</i>	72(1st), 72X, 72XX
Garman, Teresa	Ames	50	Farmer	87th— <i>Boone, Story</i>	72(1st), 72X, 72XX
Groninga, John	Mason City	42	College Instructor	20th— <i>Cerro Gordo</i>	70, 71, 72(1st), 72X, 72XX
Gruhn, Josephine	Spirit Lake	60	Farm Owner/Operator	12th— <i>Dickinson, Emmet</i>	70, 71, 72(1st), 72X, 72XX
Halvorson, Rod	Fort Dodge	38	Real Estate Salesman, Political Consultant	13th— <i>Webster</i>	68, 69, 69X, 69XX, 70, 71, 72(1st), 72X, 72XX

## MEMBERS OF THE HOUSE—SEVENTY—SECOND GENERAL ASSEMBLY—1988 REGULAR SESSION

Name	Residence	Age	Occupation	Representative District	Former Legislative Service
Halvorson, Roger A. ....	Monona .....	53	Insurance-Real Estate Broker	32nd—Allamakee, Clayton .....	66, 67, 67X, 68, 69, 69X, 69XX, 70, 71, 72(1st), 72X, 72XX
Hammond, Johnie .....	Ames .....	55	Legislator .....	74th—Story .....	70, 71, 72(1st), 72X, 72XX
Hansen, Steve D. ....	Sioux City .....	32	Director, County Juvenile Detention Center	1st—Woodbury .....	72(1st), 72X, 72XX
Hanson, Darrell R. ....	Manchester .....	33	Insurance Adjuster .....	48th—Buchanan, Delaware, Linn .....	68, 69, 69X, 69XX, 70, 71, 72(1st), 72X, 72XX
Harbor, William H. ....	Henderson .....	67	Grain Elevator Owner/Operator	94th—Mills, Montgomery, Pottawattamie	56, 57, 58, 62, 63, 64, 67, 67X, 68, 69, 69X, 69XX, 70, 71, 72(1st), 72X, 72XX
Harper, Patricia M. ....	Waterloo .....	55	Educator .....	26th—Black Hawk .....	72(1st), 72X, 72XX
Hatch, Jack .....	Des Moines .....	37	Owner, Research Consulting Firm	81st—Polk .....	71, 72(1st), 72X, 72XX
Haverland, Mark .....	Polk City .....	41	College Teacher .....	77th—Polk .....	70, 71, 72(1st), 72X, 72XX
Hermann, Donald F. ....	Bettendorf .....	66	Retired Industrial Relations Manager	40th—Scott .....	70, 71, 72(1st), 72X, 72XX
Hester, Joan L. ....	Honey Creek .....	55	Farm Wife .....	98th—Harrison, Pottawattamie .....	71, 72(1st), 72X, 72XX
Holveck, Jack .....	Des Moines .....	44	Attorney .....	84th—Polk .....	70, 71, 72(1st), 72X, 72XX
Hummel, Kyle .....	Vinton .....	52	Real Estate Broker, Appraiser	76th—Benton, Black Hawk .....	68, 69, 69X, 69XX, 70, 71, 72(1st), 72X, 72XX
Jay, Daniel .....	Centerville .....	33	Attorney .....	66th—Appanoose, Davis, Wapello .....	68, 69, 69X, 69XX, 70, 71, 72(1st), 72X, 72XX
Jochum, Thomas J. ....	Dubuque .....	36	Legislator .....	36th—Dubuque .....	66, 67, 67X, 68, 69, 69X, 69XX, 70, 71, 72(1st), 72X, 72XX
Johnson, Paul W. ....	Decorah .....	46	Farmer .....	31st—Allamakee, Winneshiek .....	71, 72(1st), 72X, 72XX
Knapp, Donald J. ....	Cascade .....	55	Legislator .....	33rd—Dubuque, Jones .....	69(2nd), 70, 71, 72(1st), 72X, 72XX

# MEMBERS OF THE HOUSE—SEVENTY—SECOND GENERAL ASSEMBLY—1988 REGULAR SESSION

Name	Residence	Age	Occupation	Representative District	Former Legislative Service
Koenigs, Deo A. ....	McIntire .....	52	Farmer .....	30th—Chickasaw, Howard, Mitchell ...	70, 71, 72(1st), 72X, 72XX
Kremer, Joseph M. ....	Jesup .....	66	Farmer .....	27th—Black Hawk, Buchanan .....	71, 72(1st), 72X, 72XX
Lageschulte, Raymond .....	Waverly .....	65	Farm Manager, Insurance Adjuster	22nd—Black Hawk, Bremer, Butler ...	66, 67, 67X, 68, 69, 69X, 69XX, 70, 71, 72(1st), 72X, 72XX
Lundby, Mary A. ....	Marion .....	39	Home Environmental Engineer	47th—Linn .....	72(1st), 72X, 72XX
Maulsby, Ruhl .....	Rockwell City .....	64	Owner-Operator of Livestock Farm	9th—Calhoun, Sac, Webster .....	68, 69, 69X, 69XX, 70, 71, 72(1st), 72X, 72XX
May, Dennis .....	Kensett .....	40	Farmer, Real Estate .....	19th—Cerro Gordo, Winnebago, .....	72(1st), 72X, 72XX
McKean, Andy .....	Anamosa .....	38	Lawyer-College Instructor .....	44th—Jones, Linn .....	68, 69, 69X, 69XX, 70, 71, 72(1st), 72X, 72XX
McKinney, Wayne H., Jr. ....	Waukee .....	37	Lawyer/Farmer .....	89th—Dallas .....	72(1st), 72, 72XX
Metcalf, Janet S. ....	Des Moines .....	52	Self-Employed .....	83rd—Polk .....	71, 72(1st), 72X, 72XX
Miller, Tom H. ....	Cherokee .....	62	Journalist .....	7th—Cherokee, Clay, O'Brien .....	71, 72(1st), 72X, 72XX
Muhlbauer, Louis J. ....	Manilla .....	58	Agri-Business .....	96th—Crawford, Shelby .....	70, 71, 72(1st), 72X, 72XX
Mullins, Sue .....	Corwith .....	51	Farmer .....	15th—Humboldt, Kossuth, .....	68, 69, 69X, 69XX, 70, 71, 72(1st), 72X, 72XX
Neuhauser, Mary .....	Iowa City .....	53	Attorney .....	46th—Johnson .....	72(1st), 72X, 72XX
Norrgard, Clyde L. ....	Danville .....	61	Administrator/Clergyman .....	59th—Des Moines, Henry .....	72(1st), 72X, 72XX
Ollie, C. Arthur .....	Clinton .....	46	Teacher .....	38th—Clinton .....	70, 71, 72(1st), 72X, 72XX
Osterberg, David .....	Mt. Vernon .....	44	Economic Consultant .....	43rd—Cedar, Linn .....	70, 71, 72(1st), 72X, 72XX
Parker, Edward G. ....	Mingo .....	28	Contractor .....	70th—Jasper, Marion, Polk, .....	70, 71, 72(1st), 72X, 72XX
Paulin, Donald J. ....	Le Mars .....	54	Independent Manufacturers Representative Kitchen Retailer	5th—Plymouth, Woodbury .....	70, 71, 72(1st), 72X, 72XX
Pavich, Emil S. ....	Council Bluffs .....	56	Cereal Co. Employee .....	100th—Pottawattamie .....	66, 67, 67X, 68, 69, 69X, 69XX, 70, 71, 72(1st), 72X, 72XX

## MEMBERS OF THE HOUSE—SEVENTY—SECOND GENERAL ASSEMBLY—1988 REGULAR SESSION

Name	Residence	Age	Occupation	Representative District	Former Legislative Service
Pellett, Wendell C.	Atlantic	70	Farmer	97th— <i>Cass, Harrison, Pottawattamie, Shelby</i>	64, 65, 66, 67, 67X, 68, 69, 69X, 69XX, 70, 71, 72(1st), 72X, 72XX
Peters, Michael R.	Sioux City	38	Department of Transportation	2nd— <i>Woodbury</i>	72(1st), 72X, 72XX
Petersen, Daniel F.	Muscatine	36	Farmer	57th— <i>Muscatine, Scott</i>	71(2nd), 72(1st), 72X, 72XX
Peterson, Michael K.	Carroll	27	Legislator	95th— <i>Audubon, Carroll, Shelby</i>	71, 72(1st), 72X, 72XX
Plasier, Lee	Sioux Center	45	Manager-Wholesale Co.	6th— <i>Plymouth, Sioux</i>	72(1st), 72X, 72XX
Platt, Donald R.	Muscatine	64	Legislator	56th— <i>Louisa, Muscatine</i>	71, 72(1st), 72X, 72XX
Poncy, Charles N.	Ottumwa	65	Retired/Public School	65th— <i>Wapello</i>	62, 63, 65, 66, 67, 67X, 69, 69XX, 70, 71, 72(1st), 72X, 72XX
Renaud, Dennis L.	Altoona	45	Barber Business & D.M. Fire Dept.	78th— <i>Polk</i>	69, 69X, 69XX, 70, 71, 72(1st), 72X, 72XX
Renken, Robert H.	Aplington	66	Farmer	21st— <i>Butler, Grundy</i>	68(2nd), 69, 69X, 69XX, 70, 71, 72(1st), 72X, 72XX
Rosenberg, Ralph	Ames	38	Attorney	73rd— <i>Story</i>	69(2nd), 70, 71, 72(1st), 72X, 72XX
Royer, Bill D.	Essex	58	Real Estate Broker, Appraiser	93rd— <i>Fremont, Mills, Page</i>	70, 71, 72(1st), 72X, 72XX
Running, Richard V.	Cedar Rapids	41	Quality Control Technologist	51st— <i>Linn</i>	69, 69X, 69XX, 70, 71, 72(1st), 72X, 72XX
Schnekloth, Hugo	Eldridge	64	Farmer	39th— <i>Scott</i>	67, 67X, 68, 69, 69X, 69XX, 70, 71, 72(1st), 72X, 72XX
Schrader, David	Monroe	35	Businessman-Vending Route Operator	69th— <i>Marion</i>	72(1st), 72X, 72XX
Sherzan, Gary	Des Moines	43	Parole Officer	86th— <i>Polk</i>	70, 71, 72(1st), 72X, 72XX



# MEMBERS OF THE HOUSE—SEVENTY—SECOND GENERAL ASSEMBLY—1988 REGULAR SESSION

Name	Residence	Age	Occupation	Representative District	Former Legislative Service
Shoning, Don	Sioux City	72	Legislator	3rd—Woodbury	71, 72(1st), 72X, 72XX
Shoultz, Don	Waterloo	51	Public School Teacher	25th—Black Hawk	70, 71, 72(1st), 72X, 72XX
Siegrist, J. Brent	Council Bluffs	35	Teacher	99th—Pottawattamie	71, 72(1st), 72X, 72XX
Skow, Bob	Guthrie Center	35	Insurance and Real Estate Broker	90th—Adair, Dallas, Guthrie	70, 71, 72(1st), 72X, 72XX
Spear, Clay	Burlington	71	Retired Postal Service Employee	61st—Des Moines, Lee	66, 67, 67X, 68, 69, 69X, 69XX, 70, 71, 72(1st), 72X, 72XX
Stromer, Delwyn	Garner	57	Farmer-Legislator	17th—Franklin, Hancock, Wright	62, 63, 64, 65, 66, 67, 67X, 68, 69, 69X, 69XX, 70, 71, 72(1st), 72X, 72XX
Stueland, Vic	Grand Mound	67	Farmer-Businessman	37th—Cedar, Clinton	69, 69X, 69XX, 70, 71, 72(1st), 72X, 72XX
Svoboda, E. Jane	Clutier	43	Homemaker-Farmwife	75th—Black Hawk, Marshall, Tama	72(1st), 72X, 72XX
Swartz, Thomas E.	Marshalltown	41	Legislator	72nd—Marshall	69, 69X, 69XX, 70, 71, 72(1st), 72X, 72XX
Swearingen, George R.	Sigourney	64	Retired Teacher, Self-Employed, Legislator	63rd—Jefferson, Keokuk, Wapello	68, 69, 69X, 69XX, 70, 71, 72(1st), 72X, 72XX
Tabor, David M.	Baldwin	32	Farmer	34th—Dubuque, Jackson	70, 71, 72(1st), 72X, 72XX
Teaford, Jane	Cedar Falls	52	Legislator	24th—Black Hawk	71, 72(1st), 72X, 72XX
Tyrrell, Phil	North English	55	Owner-Operator Independent Insurance Agency	53rd—Iowa, Poweshiek	68, 69, 69X, 69XX, 72(1st), 72X, 72XX
Van Camp, Mike	Davenport	46	Electrician	58th—Scott	70, 71, 72(1st), 72X, 72XX
Van Maanen, Harold	Oskaloosa	58	Farmer	64th—Keokuk, Mahaska, Wapello	68, 69, 69X, 69XX, 70, 71, 72(1st), 72X, 72XX
Wise, Philip	Keokuk	41	Teacher	62nd—Lee, Van Buren	72(1st), 72X, 72XX

# JOURNAL OF THE HOUSE

First Calendar Day — First Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Monday, January 11, 1988

Pursuant to chapter two (2), section two point one (2.1), Code of Iowa, the House of Representatives of the Seventy-second General Assembly of Iowa, 1988 Regular Session, convened at 10:00 a.m., Monday, January 11, 1988.

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

Prayer was offered by the Honorable Betty Jean Clark, state representative from Cerro Gordo County.

The Journal of Saturday, May 9, 1987, and Sunday, May 10, 1987 was approved.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Lageschulte of Bremer on request of Stromer of Hancock.

## COMMITTEE TO NOTIFY THE GOVERNOR

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

The motion prevailed and the following committee was appointed: Koenigs of Mitchell, Hammond of Story and Metcalf of Polk.

## COMMITTEE TO NOTIFY THE SENATE

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

The motion prevailed and the following committee was appointed: Schrader of Marion, Holveck of Polk and Kremer of Buchanan.

## INTRODUCTION OF BILLS

**House Joint Resolution 2001**, by De Groot, a joint resolution nullifying a department of revenue and finance administrative rule which requires automatic withholding on payments made to nonresident landlords by agents, including elevator operators, upon sale of grain

or other commodities received by the landlord for rent, and which recognizes taxable income to the landlord upon sale of the commodity, and providing an effective date.

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

**House File 2001**, by Rosenberg, a bill for an act relating to environmental quality by creating an environmental action fund, by authorizing grants for environmental education and cleanup programs, and by increasing fines and civil penalties.

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

**House File 2002**, by Fey, a bill for an act relating to the performance of a needs assessment study of persons with autism.

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

**House File 2003**, by Tyrrell, a bill for an act allowing use of a minor's school license for travel to a place of study or extracurricular activity sponsored by the licensee's school and making penalties applicable.

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

**House File 2004**, by Shoning, a bill for an act exempting from the state individual income tax the interest received from general obligation bonds for essential purposes issued by Iowa political subdivisions, making the exemption retroactive, and providing an effective date.

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

**House File 2005**, by Halvorson of Clayton, a bill for an act to create an Iowa-Wisconsin boundary commission.

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

**House File 2006**, by Mullins, a bill for an act to require seventh and eighth grade students in approved schools to take one year of instruction in the Japanese language.

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

**House File 2007**, by Hermann, a bill for an act exempting from the state individual income tax amounts paid as compensation for annual training as a member of the national guard, making the exemption retroactive, and providing an effective date.

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

**House File 2008**, by Shoning and Harbor, a bill for an act relating to the hours of operation for holders of school licenses, with penalties applicable.

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

**House File 2009**, by Schnekloth, a bill for an act relating to the size of the estate in excess of which the state inheritance tax is to be collected and providing an effective date.

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

**House File 2010**, by Schnekloth, a bill for an act relating to the amount of annuities received from the United States civil service retirement and disability trust fund that are exempt from the state individual income tax and providing a retroactive effective date.

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

**House File 2011**, by Gruhn, a bill for an act relating to the ownership of certain vessels by requiring the purchaser of a registered vessel to obtain a certificate of title, by providing for the perfection of a security interest, and by providing an effective date.

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

**House File 2012**, by Daggett, a bill for an act to add to the budget enrollment of a school district an amount for sparsity of pupils and to provide that the Act takes effect for the school year commencing July 1, 1989.

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

**House File 2013**, by Hermann, a bill for an act abolishing the special employer contribution rate under the unemployment insurance law for employers with certain negative balance account histories, providing for retroactive applicability, and providing for an effective date.

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

### SENATE MESSAGE CONSIDERED

**Senate File 323**, by committee on education, 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.

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

#### ADOPTION OF HOUSE CONCURRENT RESOLUTION 101

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

- 1 House Concurrent Resolution 101
- 2 By Arnould and Stromer
- 3 *Be It Resolved by the House of Representatives, the*
- 4 *Senate Concurring, That a joint convention of the two*
- 5 *houses of the 1988 session of the Seventy-second*
- 6 *General Assembly be held on Tuesday, January 12, 1988,*
- 7 *at 10:00 a.m.; and*
- 8 *Be It Further Resolved, That Governor Terry E. Branstad*
- 9 *be invited to deliver his condition of the state message*
- 10 *at this joint convention of the two houses of the General*
- 11 *Assembly, and that the Speaker of the House and the President*
- 12 *of the Senate be designated to extend the invitation to him.*

The motion prevailed and the resolution was adopted.

#### ADOPTION OF HOUSE CONCURRENT RESOLUTION 102

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

- 1 House Concurrent Resolution 102
- 2 By Arnould and Stromer
- 3 *Be It Resolved by the House of Representatives, the*
- 4 *Senate Concurring, That a joint convention of the two*
- 5 *houses of the 1988 session of the Seventy-second*
- 6 *General Assembly be held on Monday, January 18, 1988,*
- 7 *at 6:30 p.m.; and*
- 8 *Be It Further Resolved, That Governor Terry E. Branstad*
- 9 *be invited to deliver his budget message at this joint*
- 10 *convention of the two houses of the General Assembly, and*
- 11 *that the Speaker of the House and the President of the*
- 12 *Senate be designated to extend the invitation to him.*

The motion prevailed and the resolution was adopted.

#### ADOPTION OF HOUSE CONCURRENT RESOLUTION 103

Arnould of Scott asked and received unanimous consent for the immediate consideration of House Concurrent Resolution 103 as follows and moved its adoption:

- 1           House Concurrent Resolution 103  
2           By Arnould and Stromer  
3     *Be It Resolved by the House of Representatives, the*  
4     *Senate Concurring,* That a joint convention of the two  
5     houses of the 1988 session of the Seventy-second  
6     General Assembly be held on Tuesday, January 19, 1988,  
7     at 10:00 a.m.; and  
8     *Be It Further Resolved,* That Chief Justice McGiverin  
9     be invited to present his message of the condition of  
10    the judicial department at this convention, and recommend  
11    such matters as the Chief Justice deems expedient, pursuant  
12    to section 602.1207 of the Code.

The motion prevailed and the resolution was adopted.

### IMMEDIATE MESSAGES

(House Concurrent Resolutions 101, 102 and 103)

Arnould of Scott asked and received unanimous consent to immediately message House Concurrent Resolutions 101, 102 and 103 to the Senate.

### REPORT OF THE COMMITTEE TO NOTIFY THE GOVERNOR

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

The report was accepted and the committee discharged.

### COMMITTEE FROM THE SENATE

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

### REPORT OF THE COMMITTEE TO NOTIFY THE SENATE

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

The report was accepted and the committee discharged.

### REMARKS BY THE SPEAKER

Speaker Avenson addressed the House as follows:

Welcome back. I hope you had a productive and healthful interim and are looking forward to the next three months. Yesterday afternoon, my daughter, Nicolle, said, "Dad, I wish you didn't have to leave again." To her and to many of us it seems like we never really settle into our lives at home.

It's only been three months since we were last together. It took two special sessions to iron out the changes in the state tax code — a difficult and frustrating situation at the time. But as time has put more distance between now and then, we can see that struggle in a much clearer light.

Politics has been called the "art of the possible." If that is true, then we succeed when we do the best that is possible given the limitations and parameters we work within. Looking back at our work on the tax bill, I believe we did the best that was possible.

We worked our tails off on income taxes. From the time the tax subcommittee first reviewed the governor's proposal until the final bill was signed in October, more thought and effort and creativity went into that issue than any other in recent memory. Every reasonable proposal was developed, documented and evaluated. Countless subcommittee meetings, leadership meetings, and conference calls were held to find common ground. In the end, we were successful in negotiating a compromise.

That compromise isn't perfect. Every one of us can sit down and write a plan twice as good as the one we agreed to, IF we only had to satisfy ourselves. And we had more than our share of self-appointed experts, both in public office and out, who offered their "perfect" plans without any understanding of what it takes to pass legislation.

But ours is a process of give and take, of argument and conciliation, of political and philosophical differences. There are no easy solutions. And through all the frustrations, one thing was proven: the process works.

I'm proud of what we all did. It was a tough job and perhaps we were spoiled by having passed other difficult legislation so easily in the past. But we never lacked for effort, for ingenuity, or for persistence, and that is the mark of true character for a legislative body.

I hope someday that Nicolle and all our families will forgive us these days we spend away from them. Because they are borrowed from the ones we love the most, we need to work hard and make each day as productive as possible.

So now we face what I think is another extraordinary session. That's because I think we have been presented with some opportunities that few legislatures are privileged to get. We're fortunate to be state legislators as Iowa begins to rebound from a time of monumental upheaval and fundamental change. As Iowa builds back, we find ourselves in a unique position to direct the recovery and thereby shape the future of our institutions for years to come.

This would not have been possible in the '70s, when we were going so well that we were afraid to make any changes that might throw us off course. And throughout this decade, we have been too concerned with the immediate, emergency needs to take the long view of Iowa's future. Now, however, the time is right for us to really look toward the future.

It's been said that the thing to do with the future is not merely to forecast it, but to create it. To do that, you begin by making a realistic assessment of today, then laying out a design for tomorrow, and finally inventing ways to bring that design about. Those are easier said than done.

First of all, we have to recognize that Iowa has changed. Tens of thousands of people have lost jobs or farms and have left the state. Many more have moved from

the farms and small towns to larger urban areas. Consequently, we have fewer people left in rural areas to pay for essential government services, to support schools, to patronize local businesses. More people have sought government assistance and there is a greater demand for new jobs and economic development.

A lot of this is hard to accept. Most of us grew up on Iowa; all of us have chosen to live here. So it's a little scary to realize that the Iowa we like so much and care so much about has changed. It's hard to let go of old notions, but we must if we want to move forward. To honor the past is one thing, but to cling to it will cost us our future.

Once we understand our strengths and weaknesses, we can begin to design a future, to set goals. An educational system that produces students prepared for a competitive world. An integrated state and local government structure which delivers essential services efficiently. A transportation system that promotes and facilitates commerce. Widely-diversified and renewable farm production. Affordable and available health care. Assistance for the needy.

Finally, we must determine the means to implement those ends. To do that requires us to examine current formulas and assumptions to see if they will ultimately achieve our goals. If they don't, then they must be changed, and we must have the courage to change them.

If our highway formula doesn't meet our transportation aims, we should change it. If the distribution of school aid monies doesn't produce top-flight students, we should change it. If our local services can be better delivered without 99 separate administrative units, we should change them. And if the people of Iowa would be better represented with 120 legislators, instead of 150, we should look at that, too.

As I said, these are difficult to achieve, because you can't achieve anything without getting in somebody's way. There are a lot of little kingdoms out there, buried deeply in the status quo, and those who feel threatened by change will resist it.

Others will be content to live in the past. They'll say, "If it ain't broke, don't fix it." I hate that expression because it's the biggest excuse for inaction that I know. More than that, it's patently false. You can't wait for inadequate formulas and archaic solutions to break down the system. We have to constantly look to build and improve, not for the sole sake of change, but to maintain the upper hand on destiny. We've already taken some first steps. R.I.S.E. funding recognized an economic development goal in transportation planning. Our educational package, last year, recognized the need for better quality teachers and more efficient spending in our public schools before education truly suffered. And our water quality laws recognized that we cannot wait for our natural resources to become contaminated before we act to protect them.

We have become national leaders on these issues, and we need to keep that lead because, as the northmen say, "Unless you're the lead dog, the view never changes."

I've given fifteen years of my life to this process. I've done it because I believe strongly in the legislative branch of government, and I believe strongly in you. At no time in those fifteen years have I been more proud to be an Iowa legislator. At this moment in history we sit at the threshold of a new beginning. It's much like 1846 when our predecessors shaped their view of government into the institutions we know today.

We have an incredible opportunity to chart Iowa's course for years and years to come, an incredible opportunity for this legislature to exercise leadership. We can't



afford to just let things happen, we have to make them happen. And I have every confidence in our ability, working together, to do that.

It is an exciting time in Iowa government, it's our time. These are the goals we get to set, the answers we get to supply, not anybody in the past. Let's go out and do great work. Let's go out and accomplish great things.

Thank you very much.

### REMARKS BY THE MINORITY LEADER

Stromer of Hancock addressed the House as follows:

Mr. Speaker, Ladies and Gentlemen of the House:

I'm optimistic, extremely optimistic, that the problems faced by the '87 session will be avoided this year. I'm optimistic that Iowa's promising tax revenue is a snapshot of Iowa's strong economy. I'm confident that each of us has a realistic concept of Iowa's needs and are willing to develop legislation to insure that these needs are met.

Last year, Mr. Speaker, I offered the olive branch as a pledge of the Republican Caucus' willingness to work with you and the Majority Party; sometimes we felt a hickory stick may have been more effective!

I'm very pleased at Speaker Avenson's pledge to allow legislative input into the state budget. The procedure used last year was occasionally an embarrassment to most of us. I'm confident the procedure outlined for this year will be far better.

Many Republican legislators represent rural communities. Economic development is imperative for their survival. I am positive cities like Oelwein, Webster City and Hampton can be as competitive as Waterloo, Fort Dodge and Mason City, if we have meaningful tort reform, especially in the area of medical malpractice, capital availability at a competitive rate, and the leaders in those communities identifying their strengths and needs. It will take an effort on the part of everyone, both inside and outside this process, to make this happen.

Also, bipartisan efforts in welfare reform, prison overcrowding and even property tax equalization could easily distinguish this body as being productive this session.

Mr. Speaker, Mr. Arnould, committee chair persons, the Republican Caucus offers their input to seek meaningful solutions to the many complex problems that could be solved with a bipartisan approach. Try it — the citizens of Iowa might like it!

### REMARKS BY THE MAJORITY LEADER

Arnould of Scott addressed the House as follows:

Thank you Mr. Speaker.

Mr. Speaker, Ladies and Gentlemen of the House. Let me first take this opportunity to welcome all of you back though it seems like only yesterday we were last here.

In the months since the conclusion of the 1987 Regular Session we have all learned a lesson on the importance of cooperation which was forged during those two special sessions. Our ability to get the job done in a unified and proficient manner should be enhanced by these lessons that we learned.

I am confident that all of you will continue to go about your duties in the working fashion you've demonstrated time and time again during your tenures in the legislature. It is no easy chore walking these fine lines which separate our desire to fulfill our district, caucus, and statewide agendas. Anyone who has ever occupied one of these seats can attest to that.

As we prepare to resolve the many issues that lie ahead, the major task of revitalizing our economy, both rural and urban, let's dedicate ourselves, in the spirit of Martin Luther King, Jr. whose birthday we honor next week, to always keep Iowa's neediest citizens in mind. Those who have borne the brunt of Iowa's recession have the greatest need for our ongoing attention and concern.

As Majority Leader I will strive for fairness, and I encourage the advice and suggestions of all members, the press, and the public, and of course the Minority Leader, Mr. Stromer.

Good luck, and I am honored to once again be able to serve with you.

### RULE 57 SUSPENDED

Arnould of Scott asked and received unanimous consent to suspend Rule 57, relating to committee notice and agenda, for a meeting of the committee on appropriations upon recess.

On motion by Arnould of Scott, the House was recessed at 10:38 a.m., until 1:00 p.m.

### AFTERNOON SESSION

The House reconvened, Speaker Avenson in the chair.

### REPORT OF HOUSE RULES AND ADMINISTRATION COMMITTEE

MR. SPEAKER: Pursuant to Senate Concurrent Resolution 6, duly adopted, your committee on rules and administration submits the following names of officers and employees of the House and their respective classification, grades and steps to be effective on the date indicated:

<u>Position</u>	<u>Name</u>	<u>Grade and Step</u>	<u>Class of Appoint- ment</u>	<u>Step Restora- tion Eff. Date</u>
Doorkeeper	Arthur E. Borwick	10-2	S-O	06/26/87
Doorkeeper	Marvin Hollingshead	10-2	S-O	06/26/87
Doorkeeper	Anthony F. King	10-2	S-O	06/26/87
Legislative Secretary	Norma L. Bakros	*16-2 + 2	S-O	06/26/87
Legislative Secretary	Joan K. Brauer	*17-2	S-O	06/26/87
Legislative Secretary	Doris M. Burford	*17-2 + 2	S-O	06/26/87

<u>Position</u>	<u>Name</u>	<u>Grade and Step</u>	<u>Class of Appoint- ment</u>	<u>Step Restora- tion Eff. Date</u>
Legislative Secretary	R. Eugene Burns	*16-6 + 2	S-O	06/26/87
Legislative Secretary	Gretchen M. Cardamon	*17-2 + 2	S-O	06/26/87
Legislative Committee Secretary	R. Jeannene Cochran	*17-5 + 2	S-O	06/26/87
Legislative Secretary	Elsie L. Corey	*16-2	S-O	06/26/87
Legislative Secretary	Phyllis R. Cowles	*15-5 + 2	S-O	06/26/87
Legislative Committee Secretary	LuAnn K. Creek	*17-2 + 2	S-O	06/26/87
Legislative Committee Secretary	JoAnn Critelli	*17-2 + 2	S-O	06/26/87
Legislative Secretary	Ruth A. Daggett	*16-2 + 2	S-O	06/26/87
Legislative Secretary	Clarretta J. De Groot	*16-2 + 2	S-O	06/26/87
Legislative Secretary	Joan R. Eggen	*16-4 + 2	S-O	06/26/87
Legislative Secretary	Theresa M. Ferin	*15-2	S-O	06/26/87
Legislative Secretary	Gertrude E. Fogarty	*16-2	S-O	06/26/87
Legislative Committee Secretary	Audrey J. Gibson	*17-3 + 2	S-O	06/26/87
Legislative Secretary	Jean I. Goudy	*16-2	S-O	06/26/87
Legislative Secretary	Joan Hansen	*16-2 + 2	S-O	06/26/87
Legislative Secretary	Darlene J. Higginbottom	*18-2 + 2	S-O	06/26/87
Legislative Secretary	Betty J. Hirschauer	*16-2 + 2	S-O	06/26/87
Legislative Secretary	Dolores M. Horton	*17-2	S-O	06/26/87
Legislative Secretary	Joan A. Kiernan	*18-2 + 2	S-O	06/26/87
Legislative Committee Secretary	Joan M. Koenigs	*17-2 + 2	S-O	06/26/87
Legislative Secretary	JoAnn M. Leachman	*17-2 + 2	S-O	06/26/87
Legislative Secretary	Prudence A. Leachman	*17-2 + 2	S-O	06/26/87
Legislative Secretary	Gay P. Leverich	*16-3 + 2	S-O	06/26/87
Legislative Secretary	Mary L. Liljegen	*15-2	S-O	06/26/87
Legislative Committee Secretary	Betty Lou Lundy	*17-2 + 2	S-O	06/26/87
Legislative Secretary	Mary E. Maulsby	*16-2 + 2	S-O	06/26/87

<u>Position</u>	<u>Name</u>	<u>Grade and Step</u>	<u>Class of Appoint- ment</u>	<u>Step Restora- tion Eff. Date</u>
Legislative Committee Secretary	Dorothy M. Mauro	*17-3 + 2	S-O	06/26/87
Legislative Secretary	Betty C. Millen	*16-4	S-O	06/26/87
Legislative Secretary	Phyllis F. Muhlbauer	*17-2	S-O	06/26/87
Legislative Committee Secretary	M. Anne B. O'Connell	*18-2 + 2	S-O	06/26/87
Legislative Secretary	Haleen E. Pellett	*16-4 + 2	S-O	06/26/87
Legislative Secretary	Kathleen L. Peterson	*15-3 + 2	S-O	06/26/87
Legislative Committee Secretary	Naomi L. Poncy	*17-2 + 2	S-O	06/26/87
Legislative Secretary	Mary A. Rhoads	*15-2 + 2	S-O	06/26/87
Legislative Secretary	Giovanna K. Ries	*16-2 + 2	S-O	06/26/87
Legislative Secretary	Cleo C. Royer	*16-2	S-O	06/26/87
Legislative Secretary	LaVena M. Rucker	*15-5 + 2	S-O	06/26/87
Legislative Secretary	Mildred L. Schnekloth	*16-2 + 2	S-O	06/26/87
Legislative Secretary	Mary Ann Scott	*16-5 + 2	S-O	06/26/87
Legislative Secretary	Mary M. Shandley	*16-2 + 2	S-O	06/26/87
Legislative Secretary	Mildred E. Stewart	*17-5 + 2	S-O	06/26/87
Secretary to Leader	Harriet Stromer	*19-6 + 2	S-O	06/26/87
Legislative Secretary	Marian S. Swearingen	*15-2 + 2	S-O	06/26/87
Legislative Secretary	Charlotte F. Turner	*15-2 + 2	S-O	06/26/87
Legislative Secretary	Luella R. Van Maanen	*16-2 + 2	S-O	06/26/87
Legislative Secretary	Jane M. Wallerstedt	*16-2 + 2	S-O	06/26/87
Legislative Secretary	Cheryl A. Weld	*16-2	S-O	06/26/87
Legislative Secretary	Barbara B. Wennerstrum	*15-3 + 2	S-O	06/26/87
Legislative Secretary	Bettie J. Wentz	*16-4 + 2	S-O	06/26/87
Legislative Committee Secretary	Jo Ann West	*17-3 + 2	S-O	06/26/87

\*Step restoration grade based on 1987 position.

CHAPMAN of Linn, Chair

## 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:

Chief Clerk	Joseph O'Hern	\$50,024.00	Annual Salary	12/11/87
		Grade and Step	Class of Appointment	Eff. Date
Administrative Assistant to Speaker III	Mark W. Brandsgard	30-6 to 33-4	P-FT	08/07/87
Confidential Secretary to Speaker	Catherine A. Sears	26-5 to 26-6	P-FT	06/26/87
Administrative Assistant to Leader III	William C. Maloney	30-6 to 33-4	P-FT	08/07/87
Senior Caucus Staff Director	Sharon Robinson	36-4 to 36-5	P-FT	01/08/88
Legislative Research Analyst II	Edward J. Conlow	30-2 to 30-3	P-FT	09/04/87
Legislative Research Analyst I	Stuart D. Hadley	27-1 to 27-2	P-FT	08/07/87
Legislative Research Analyst III	Thomas R. Patterson	33-3 to 33-4	P-FT	08/07/87
Legislative Research Analyst III	Mary E. O. Fleckenstein	33-3 to 33-4	P-FT	08/07/87
Legislative Research Analyst II	David Werning	30-2 to 30-3	P-FT	09/04/87
Legislative Research Analyst I	Stephen F. Moore	27-2 to 27-3	P-FT	08/07/87
Legislative Research Analyst I	Gina M. Angelici	27-1 to 27-2	P-FT	09/18/87
Caucus Staff Director	Gary W. Steinke	34-1 to 34-2	P-FT	08/07/87
Administrative Assistant to Leader I	Bruce G. Brandt	27-2 to 27-3	P-FT	11/13/87
Legislative Research Analyst I	Margaret Ann Thomson	27-2 to 27-3	P-FT	08/07/87
Legislative Research Analyst II	Maryjo F. Welch	30-4 to 30-5	P-FT	08/07/87
Assistant Legal Counsel	E. Jane Fowler	26-1 to 26-2	P-FT	06/26/87

<u>Position</u>	<u>Name</u>	<u>Grade and Step</u>	<u>Class of Appointment</u>	<u>Eff. Date</u>
Compositor	C. Elaine Schoonover	20-4 to 20-5	P-FT	06/26/87
Recording Clerk	Laura J. Ward	20-2 to 20-3	S-O	11/13/87
Secretary to Leader	Robert J. Fleming	19-1 to 21-1	P-FT	07/10/87
Executive Secretary to Chief Clerk	Deanna J. Verwers Templeton	23-4 to 23-5	P-FT	12/25/87
Caucus Secretary	Kathi G. Woods	21-1 to 21-2	P-FT	12/25/87

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

Legislative Research Analyst I	Timothy C. Dunbar	07/31/87
Legislative Research Analyst I	James W. O'Brien	12/17/87
Legislative Research Analyst II	Allen J. Welsh	12/18/87

CHAPMAN of Linn, Chair

## 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>Class of Appointment</u>	<u>Eff. Date</u>
Assistant Sergeant-at-Arms	James Cunningham	13-2 to 13-3	S-O	04/29/88
Doorkeeper	Arthur E. Borwick	10-2 to 10-3	S-O	1/22/88
Doorkeeper	Anthony King	10-2 to 10-3	S-O	05/13/88
Switchboard Operator	Virginia Semple	13-2 to 13-3	S-O	05/27/88
Supply Clerk	Joanne Wengert	15-1 to 15-2	S-O	04/15/88
Bill Clerk	Joann B. Quade	13-2 to 13-3	S-O	04/15/88

<u>Position</u>	<u>Name</u>	<u>Grade and Step</u>	<u>Class of Appoint- ment</u>	<u>Eff. Date</u>
Legislative Secretary	Norma L. Bakros	16-2 + 2 to 16-3 + 2	S-O	01/22/88
Legislative Secretary	Barbara Bennett	17-1 to 17-2	S-O	05/13/88
Legislative Secretary	Gretchen M. Cardamon	16-2 + 2 to 16-3 + 2	S-O	01/22/88
Legislative Secretary	Elsie L. Corey	16-2 to 16-3	S-O	03/18/88
Legislative Committee Secretary	JoAnn Critelli	17-2 + 2 to 17-3 + 2	S-O	05/13/88
Legislative Secretary	Ruth A. Daggett	16-2 + 2 to 16-3 + 2	S-O	01/22/88
Legislative Secretary	Clarretta J. De Groot	16-2 + 2 to 16-3 + 2	S-O	01/22/88
Legislative Secretary	Joan R. Eggen	16-4 + 2 to 16-5 + 2	S-O	03/04/88
Legislative Committee Secretary	Carolyn Gaukel	17-1 + 2 to 17-2 + 2	S-O	04/29/88
Legislative Committee Secretary	Audrey J. Gibson	17-3 + 2 to 17-4 + 2	S-O	01/22/88
Legislative Secretary	Jean I. Goudy	16-2 to 16-3	S-O	05/13/88
Legislative Secretary	Doris E. Guess	17-1 to 17-2	S-O	05/13/88
Legislative Secretary	Joan Hansen	16-2 + 2 to 16-3 + 2	S-O	02/19/88
Legislative Secretary	Darlene J. Higginbottom	18-2 + 2 to 18-3 + 2	S-O	01/22/88
Legislative Secretary	Betty J. Hirschauer	16-2 + 2 to 16-3 + 2	S-O	01/22/88
Legislative Secretary	Maureen A. Kennedy	15-1 + 2 to 15-2 + 2	S-O	05/13/88
Legislative Secretary	Janice L. Knapp	16-1 to 16-2	S-O	05/13/88
Legislative Committee Secretary	Joan M. Koenigs	17-2 + 2 to 17-3 + 2	S-O	05/13/88
Legislative Secretary	Betty J. LaCava	16-1 + 2 to 16-2 + 2	S-O	05/13/88
Legislative Secretary	Mary Belle Lawless	16-1 + 2 to 16-2 + 2	S-O	05/13/88
Legislative Secretary	Gay P. Leverich	16-3 + 2 to 16-4 + 2	S-O	01/22/88

<u>Position</u>	<u>Name</u>	<u>Grade and Step</u>	<u>Class of Appointment</u>	<u>Eff. Date</u>
Legislative Committee Secretary	Shirley L. Marty	17-1 + 2 to 17-2 + 2	S-O	05/13/88
Legislative Secretary	Mary E. Maulsby	16-2 + 2 to 16-3 + 2	S-O	04/01/88
Legislative Secretary	Betty C. Millen	16-4 to 16-5	S-O	01/22/88
Legislative Secretary	Phyllis F. Muhlbauer	17-2 to 17-3	S-O	05/27/88
Legislative Committee Secretary	M. Anne B. O'Connell	18-2 + 2 to 18-3 + 2	S-O	04/29/88
Legislative Secretary	Haleen E. Pellett	16-4 + 2 to 16-5 + 2	S-O	01/22/88
Legislative Secretary	Kathleen L. Peterson	15-3 + 2 to 15-4 + 2	S-O	03/18/88
Legislative Secretary	Julie Kay Pierce	15-1 to 15-2	S-O	05/13/88
Legislative Secretary	Naomi L. Poncy	17-2 + 2 to 17-3 + 2	S-O	01/22/88
Legislative Secretary	Mary A. Rhoads	15-2 + 2 to 15-3 + 2	S-O	01/22/88
Legislative Secretary	Giovanna K. Ries	16-2 + 2 to 16-3 + 2	S-O	01/22/88
Legislative Secretary	Mildred L. Schnekloth	16-2 + 2 to 16-3 + 2	S-O	01/22/88
Legislative Secretary	Charlotte F. Turner	15-2 + 2 to 15-3 + 2	S-O	01/22/88
Legislative Secretary	Luella R. Van Maanen	16-2 + 2 to 16-3 + 2	S-O	01/22/88
Legislative Secretary	Karen D. Waltz	16-1 + 2 to 16-2 + 2	S-O	05/13/88
Legislative Secretary	Barbara B. Wennerstrum	15-3 + 2 to 15-4 + 2	S-O	01/22/88
Legislative Secretary	Betty J. Wentz	16-4 + 2 to 16-5 + 2	S-O	02/05/88
Legislative Committee Secretary	Jo Ann West	17-3 + 2 to 17-4 + 2	S-O	01/11/88

CHAPMAN of Linn, Chair

### APPOINTMENTS

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

#### ADVISORY COMMISSION ON INTERGOVERNMENTAL RELATIONS

(Section 28C.2, Code of Iowa)

Linda Beatty ..... Reappointed to a term expiring June 30, 1989



COLLEGE AID COMMISSION  
(Section 261C.1, Code of Iowa)

Charles Poncy ..... Reappointed to a term expiring June 30, 1991

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

Charlotte Hubbell ..... Reappointed to a term beginning July 1, 1987  
and ending June 30, 1992

DEPARTMENT OF ELDER AFFAIRS  
(Section 249B.1-2, Code of Iowa)

Patricia Harper ..... Reappointed to a term expiring June 30, 1991

DEVELOPMENTAL DISABILITIES STEERING COMMITTEE

Florence Buhr ..... Serves at the pleasure of Speaker

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

C. Arthur Ollie ..... Reappointed to a term expiring June 30, 1991

HEALTH DATA COMMISSION  
(Section 145.2, Code of Iowa)

Johnie Hammond ..... Reappointed to a term expiring June 30, 1988

INTERSTATE AGRICULTURAL GRAIN MARKETING COMMISSION  
(Chapter 183, Code of Iowa)

Louis Muhlbauer ..... To a term beginning July 1, 1987  
and ending June 30, 1989

IOWA PEACE INSTITUTE  
(Chapter 38.2, 1987 Supplement, Code of Iowa)

Michael Connolly ..... Appointed to a term beginning July 1, 1987  
and ending June 30, 1991

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

Steve Hansen ..... To a term expiring June 30, 1989  
Andy McKean ..... To a term expiring June 30, 1989

COMMUNICATIONS RECEIVED

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

AUDITOR OF STATE

The Audit Report of the Lottery Division, Iowa Department of Revenue and  
Finance.

COMMISSION FOR THE BLIND

The 1986 Annual Report, pursuant to Chapter 601K, Code of Iowa.

DEPARTMENT OF COMMERCE

The Annual Report for Administrative Services, pursuant to Chapter 7E.3(4), Code of Iowa.

DEPARTMENT OF EDUCATION

The report of the restructuring project of the State Board of Education, pursuant to House File 499, Section 25, Seventy-second General Assembly, 1987 Session.

DEPARTMENT OF EMPLOYMENT SERVICES

A status report on the unemployment compensation trust fund, pursuant to Chapter 96.35, Code of Iowa.

DEPARTMENT OF GENERAL SERVICES

The Annual Report, pursuant to Chapter 7E.3(4), Code of Iowa.

DEPARTMENT OF HUMAN SERVICES

A Pre-expenditure Report ending June 30, 1988, pursuant to Chapters 17A, 217 and 234, Code of Iowa.

The Annual Report, pursuant to Chapter 217.21, Code of Iowa.

DEPARTMENT OF PUBLIC SAFETY

The Annual Report for Fiscal Year 1987, pursuant to Chapter 7E.3(4), Code of Iowa.

DEPARTMENT OF REVENUE AND FINANCE

The Annual Report for the fiscal year ending June 30, 1987, pursuant to Chapter 421.17(13), Code of Iowa.

DEPARTMENT OF TRANSPORTATION

The 1987 Iowa Primary Road Sufficiency Log, pursuant to Chapter 307A.1(12), Code of Iowa.

The Iowa Transportation Policy for fiscal year 1988, pursuant to Chapter 307.10(1), Code of Iowa.

The 1987 Iowa Airport Sufficiency Ratings, pursuant to Chapter 328.12, Code of Iowa.

HEALTH DATA COMMISSION

A report of the Scope of Practice for Health Practitioners, pursuant to House File 671 of the Seventy-second General Assembly, 1987 Session.

STATE OF CALIFORNIA

Senate Concurrent Resolution 6, extending to the people of the Republic of Korea an invitation to join the people of California in a friendship and commerce program and to conduct mutually beneficial social, economic, educational, and cultural programs in order to bring our citizens closer together and strengthen international understanding and goodwill.

## STATE OF LOUISIANA

House Concurrent Resolution 262, to memorialize the respective state governors and legislatures of Arkansas, Illinois, Iowa, Kentucky, Minnesota, Mississippi, Missouri, Tennessee, and Wisconsin and the Congress of the United States to enter into and actively participate in a compact for the interstate phase-out of pollution in the Mississippi River.

## STATE OF MARYLAND

Enacted Chapter 320 of the Acts of the General Assembly of 1987, adopting the Driver License Compact; Iowa is also a signatory to this Compact.

## STATE OF NEVADA

Senate Joint Resolution 15, urging the President and Congress of the United States to establish a student exchange program with the Soviet Union.

Senate Joint Resolution 18, urging the Congress of the United States to enact legislation authorizing enterprise zones.

Senate Joint Resolution 20, urging Congress to pass H.R. 1891 authorizing the states to collect sales and use taxes on interstate sales.

## STATE OF OREGON

Senate Bill 405, relating to the site selection process for a high-level nuclear waste repository; creating new provisions.

## STATE OF PENNSYLVANIA

Senate Concurrent Resolution 83, extending to the people of Taiwan, through the Provincial Assembly of Taiwan, an invitation to join with Pennsylvania as a sister state, and as such to conduct mutually beneficial social, economic, educational and cultural programs to bring our citizens closer together and strengthen international understanding and goodwill.

## STATE OF WISCONSIN

Joint Resolution 27, ratifying an amendment to the constitution of the United States pertaining to the effective date for congressional pay changes.

## CERTIFICATES OF RECOGNITION

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

JOSEPH O'HERN  
Chief Clerk of the House

- |         |  |
|---------|--|
| 1987-38 | John E. Flannery, Marshalltown — Winning a gold medal in the high jump and placing 6th in the 200 meter dash, at the 1987 International Special Olympics in South Bend, Indiana. |
| 1987-39 | Laura Lenth — Selected as the 1987 staff member of the year by the Evangelical Lutheran Good Samaritan Society.  |
| 1987-40 | Andrew Walsh, Davenport — Receiving the Boy Scouts of America Eagle Scout Award.   |

- 1987-41      Ross K. Vernon, Sioux Center — Recognition for his fifty years of service to his community.
- 1987-42      Local 50 of the American Federation of Grain Millers — Recognition for being a member of the American Federation of Grain Millers.
- 1987-43      American Federation of Grain Millers — Recognition on its 50th anniversary of serving the American Labor Movement.
- 1987-44      Jennie Edmundson Hospital Auxiliary, Council Bluffs — Celebrating its 35th anniversary of service to Southwest Iowa.
- 1987-45      Jerry Yocum, Algona — Earning the 1987 Alternate Iowa Teacher of the year award.
- 1987-46      Jim Cook, Snap on Tools, Algona — Being named the Outstanding Industry of Region 3.
- 1987-47      DeWild, Grant, Reckert and Associates Company, Rock Rapids — Congratulations for its tremendous service and contribution to the growth of America's heartland.
- 1987-48      Jason Waddingham, Sheldon — Earned the Boy Scouts of America Eagle Scout Award.

## STUDY BILL COMMITTEE ASSIGNMENTS

### **H.S.B. 500    Education**

Relating to the director of the department of education, including the director's salary and appointment, and providing an effective date.

### **H.S.B. 501    Education**

To appropriate moneys for a study of the literacy of Iowa's young adults.

### **H.S.B. 502    Education**

Relating to certain scholarship and grant programs administered by the college aid commission, including the requirements for receipt of a state scholarship and the repeal of the supplemental grant program, and providing appropriations and an effective date for the repeal.

### **H.S.B. 503    Education**

To repeal the tuition tax credit and tuition tax deduction for the costs of tuition and textbooks of dependents attending an elementary or secondary school in Iowa and to provide that the Act takes effect upon its enactment and is retroactive to January 1, 1988.

**H.S.B. 504 Education**

Relating to state aid payments for schools beginning prior to September 1.

**H.S.B. 505 Education**

Relating to the enrollment of students in public schools for the purpose of allowing students to enroll in certain postsecondary institution courses.

On motion by Arnould of Scott, the House adjourned at 1:04 p.m., until 9:00 a.m., Tuesday, January 12, 1988.

# JOURNAL OF THE HOUSE

Second Calendar Day — Second Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Tuesday, January 12, 1988

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

Prayer was offered by the Honorable Delwyn Stromer, state representative from Hancock County.

The Journal of Monday, January 11, 1988 was approved.

## INTRODUCTION OF BILLS

**House File 2014**, by Hatch, Neuhauser, Dvorsky, Fey, Brammer, Rosenberg, Connors, Adams, Black, Clark, Harper, Haverland, Hammond, Teaford, Johnson, Shoultz, Halvorson of Webster, Pavich, Ollie and Mullins, a bill for an act relating to child and dependent adult care and making appropriations.

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

**House File 2015**, by De Groot, a bill for an act relating to final stage manufacturing of vehicles, and making penalties applicable.

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

**House File 2016**, by Spear, a bill for an act relating to the law enforcement authority of the director and other designated employees of a county conservation board.

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

**House File 2017**, by Rosenberg, a bill for an act relating to benefits associated with pregnancy and child care.

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

**House File 2018**, by Mullins and Daggett, a bill for an act relating to the inspection fee for certain specialty fertilizers.

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

**House File 2019**, by Spear, a bill for an act to permit the department of human services to set the length of the certification period for the medically needy program as authorized by federal regulations.

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

**House File 2020**, by Tyrrell, a bill for an act relating to the criminalization of knowingly infecting another with a life-threatening disease and knowingly administering to another a life-threatening drug and providing penalties.

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

**House File 2021**, by Ollie, a bill for an act relating to a payment of reparation pursuant to the crime victim reparation program for lost income of a parent or guardian of a minor victim.

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

### SENATE MESSAGE CONSIDERED

**Senate File 356**, by Murphy, a bill for an act relating to the exemptions from regulation of a home used to prepare food for a cafe.

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

### MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on January 11, 1988, adopted the following resolution in which the concurrence of the Senate was asked:

House Concurrent Resolution 101, a concurrent resolution relating to a joint convention, Tuesday, January 12, 1988, 10:00 a.m., Governor Branstad's condition of the state message.

JOHN F. DWYER, Secretary

### COMMITTEE TO NOTIFY THE SENATE

Harper of Black Hawk 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 Harper of Black Hawk, Hansen of Woodbury and Shoning of Woodbury.

The House stood at ease at 9:09 a.m., until the fall of the gavel.

The House resumed session at 9:32 a.m., Speaker Avenson in the chair.

### REPORT OF THE COMMITTEE TO NOTIFY THE SENATE

Harper of Black Hawk, chair of the committee appointed to notify the Senate that the House was ready to receive it in joint conven-

tion, reported that the committee had performed its duty. The report was accepted and the committee discharged.

The Sergeant-at-Arms announced the arrival of the President of the Senate, the 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

In accordance with law and House Concurrent Resolution 101, duly adopted, the joint convention was called to order at 9:35 a.m., President Zimmerman presiding.

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

The motion prevailed.

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

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

The motion prevailed and the President appointed as such committee Senators Priebe of Kossuth, Miller of Cerro Gordo, Fuhrman of Buena Vista, on the part of the Senate; and Representatives Peters of Woodbury, Adams of Hamilton and Swearingen of Keokuk, on the part of the House.

The Joint Convention stood at ease at 9:38 a.m., until the fall of the gavel.

The Joint Convention resumed session at 9:50 a.m., President Zimmerman in the chair.

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

Secretary of State Baxter, Secretary of Agriculture Cochran, Auditor of State Johnson and Attorney General Miller were escorted into the House chamber.

Mrs. Chris Branstad, Eric and Allison; Mr. and Mrs. Edward



Branstad (the Governor's parents); Mr. and Mrs. Richard Johnson (Mrs. Branstad's parents), were escorted into the House chamber.

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

President Zimmerman presented Governor Terry E. Branstad who delivered the following condition of the state address:

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

A year ago, I stood before you in these chambers and said that the worst was behind us. I know that some of you questioned that statement and I can certainly understand why. To say that Iowa has been battered in the last decade is an understatement. We are all still feeling the effects and believe me, I know there are Iowans still in the midst of struggle and none of us should lose sight of that.

But together, we've come a long way. Despite the stress and adversity of a time when farm land values dropped further and faster than during the Great Depression, we've accomplished a great deal in these past few years.

I am here today to tell you that I believe that the best can be before us. Why do I say this? Because of the condition of the state.

1987 was the best year for this decade in Iowa's economy.

- \* For the first time in seven years, the number of working Iowans topped 1.4 million.
- \* We had a net gain of over 21,000 new jobs in Iowa the last year.
- \* Farmland values actually rose 11.2 percent for the year, after dropping 65 percent during the previous five years.
- \* Almost 6,400 new businesses were incorporated in Iowa in 1987, a number that nearly matches our peak years of 1979 and 80.

And these numbers do not tell the whole story.

1987 not only marked the turning point for the Iowa economy, but it was the year when the attitude turned for the better. The misty gloom of the past decade is clearing in Iowa. We are beginning to see the outline of a road to a brighter future.

Now, even though you and I have gained some notoriety over our disagreements, when you consider what we've been through, we've made real progress. Iowa is moving forward, and I want to commend all of you for your part in helping make that possible.

Just consider what we've done.

- \* We passed a major education program that will ensure Iowa's number one position in education in this nation for years to come.
- \* We began a concerted effort to protect our ground water.

- \* We eliminated the penalties for expanding employers and cut their taxes by over 30 million dollars a year.
- \* We cut the individual income tax rates and the top rate by 25 percent.
- \* We enacted legislation to streamline state government, and make it more efficient and less costly.
- \* We made Iowa more competitive as a place to do business by eliminating the personal property tax and the sales and use taxes on machinery, equipment and computers.
- \* We established economic development incentives and a job training program to encourage business diversity.

Now despite these accomplishments, we must recognize that there is a downside to this positive report. Over the past decade, we've lost people, particularly young people. Businesses closed, especially in our smaller communities and perhaps most disturbing, many small communities have lost a whole generation of leaders. In fact, for some small towns, the crisis is not over.

These are the positives and the negatives that establish where we are in Iowa today. And, despite the problems, with a vastly improved economy, there is a temptation to sit back, and say, "Well, we've finally made it."

We have an important choice to make here today. We can stand still or move ahead.

Personally, I do not think there is a choice. We need to move forward and if we do not, we will surely lose our way of life. . . our values, our work ethic, our safe and clean communities. This is our heritage in Iowa.

If we are to hold on to the best of our past, we must not be afraid of further change, lest we forfeit the very best of our future. Let us all make a commitment today to work together in this next year and the years ahead.

The heart of the new Iowa must be small businesses located in communities throughout this great state. They already account for one-third of Iowa's total labor force. Even in the worst of times, small businesses generate new jobs. They can provide new opportunities in our rural and in our urban areas, in general, help us weather cyclical downturns in agriculture.

We all want a diversified Iowa. If we make the right choices, we will have small towns that are healthy, cities that are thriving, and a state where quality, productivity and a superior education are a way of life and where our young people will want to establish a home and a career.

Now the question becomes, how do we achieve this vision? How do we make it a reality? Well, I certainly don't think it's an impossible dream. And, I think we begin right where we are. We must recognize our strengths and use those for the foundation for the new Iowa.

Let's look at those strengths for a minute.

First, we have education. The nation looks to us for leadership in education, and rightly so. Nine out of ten Iowa schools rank above the national average on scholastic achievement and Iowa students are on the average, a year and a half ahead of stu-

dents in other states. And, let's not forget, we are one of only four states in this great country that has two world class research universities.

Iowans also work harder than most other Americans. Just last week, Sandy Merkin, President of Integrated Resources Life Companies of New Jersey, announced that his company had doubled their employment in Iowa in the last two years and they intend to double it again over the next two years. Why would he do that? Mr. Merkin said it best and I quote, "Iowa is one of the few places left where you still get a full day's work for a day's pay."

Then there is our quality of life in Iowa. It is important for us to be able to walk our streets and not worry about crime. We are committed to preserving our land and water for future generations.

In Iowa, we know that you can count on your neighbors; they are honest and caring people. And in Iowa, you know you can participate in the democratic process. Just witness all the people in this state who are taking part in the presidential caucus process. And you cannot beat the quality of our recreation, sports, arts and cultural activities.

And finally, we must remember the strong industries that we already have in Iowa. A combination of rich land, abundant water, emerging technology and hard work make our agriculture the most productive in the world. Insurance, biotechnology, telecommunications and manufacturing are all well established in Iowa.

So, how do we use these strengths to make our vision of the future a reality? We need to look around us. . . at the current trends, and the things in the world that will affect us and our future. Then I think we can match up our strengths with the trends and move forward.

The trends tell us that in order to succeed in the 21st Century, we will have to compete in a world market. Iowa's already a lap ahead in that race. We have competed in global markets for years. Nearly a third of the grain produced by Iowa farmers is sold in the international market place, and one out of seven Iowa factory workers already produces for the export market. With the decline in the value of the dollar, Iowa agriculture and manufacturing are poised to capitalize on great opportunities.

In order to succeed in the 21st Century, it is said we will need to be part of a growing service economy. The greatest job growth in the next decade will be found in business and financial services, in teaching, computers, human resources and engineering. Where does that put Iowa? It puts us on a good course. We are already second in the insurance industry in the United States and by the end of the century, we intend to be number one. Six biotech industries located or announced new locations in the state last year and communications services have grown 245 percent over the last ten years.

To succeed in the 21st Century, we'll need highly skilled, educated workers. The U.S. Department of Labor estimates that by the year 2000, 12 million new jobs will be created in the United States. But 80 percent of those new jobs will require cognitive skills. With our commitment to quality education in Iowa, we have the education and the people to match that trend.

And, the coming years will likely bring a continued demand for quality. Not only do people want quality in the products and services they buy, they want quality in their lives. We know that Iowa is a place in the high ethical standards, strong values and where trust is part of our way of life. And, the watchword for Iowa industry is quality. We are home of some of the highest quality products in the world: Maytag, Amana, Winnebago, John Deere, Pella Rolscreen — to name a few — symbolize Iowa quality products.

For the first half of the decade of the 1980's, the trends ran against us. Interest rates, the value of the dollar, and a bi-coastal economy — they all worked against us. Now, the new trends are pointed in our direction.

So let me outline for you a program that uses our strengths that addresses the trends that will help us fulfill our vision. . . one of an Iowa that maintains our hometown way of life and, at the same time, is economically sound and diverse.

What is it going to take? It is going to require an aggressive program that I am laying out here today — a five point program that will:

- \* Market
- \* Focus
- \* Build
- \* Diversify, and
- \* Strengthen

our state.

#### **MARKET . . . .**

We must market Iowa. People must know who we are and they must know what we have to offer. We've found that Iowa has a lot of the things people want, but do not know we have, and it shows. We rank thirty-seventh among the states in industrial marketing and in Midwest tourism advertising there is no contest — we are dead last.

You know, I'm tired of waking up to Missouri. I'm tired of people asking me how's the potato crop out there in Iowa. Iowa simply cannot afford to be the best kept secret in the nation.

So, that's why I am recommending that we allocate an additional \$3 million for our marketing budget. Now you may think this sounds like a lot of money, but if we don't tell anybody about ourselves, we can rest assured that we won't reach our goals. The bottom line is: if we do tell people about Iowa, we can increase the number of business locations here by at least 10 percent, and that means more jobs for Iowans.

#### **FOCUS . . . .**

Our continued growth means that we must focus our limited resources on economic development. That is why we need programs like Iowa Transportation 2000, which I ask you adopt this year.

A diversified state will require ease of moving people, groups, goods and services and Transportation 2000 does just that. It creates an improved network of highways, airports, railroads and even recreational trails to work for the economic development of our state. An important point is that 80 percent of Iowa's population will live within ten miles of the vital arteries to the world's markets.

I believe we can do even better at targeting our lottery dollars. We can help small business and entrepreneurs to grow. That is why I am recommending:

- \* A \$2 million increase in available funds for the Community Economic Betterment Account, with the funds to be used for new opportunities and filling the gaps in financing.
- \* An increase in funding for the Iowa Product Development Corporation.
- \* A new \$7.5 million Small Business Loan Program that will help us attract private funds to Iowa's emerging businesses, and
- \* An increased commitment to retrain unemployed workers, to help them find new jobs.

## **BUILD . . .**

We need to build our strengths. If we are to be the leading agricultural state in the nation, as we are, we must strive to enhance the marketability of our commodities worldwide. We need to place more emphasis on research and on biotechnology. We need to update the Swine Research Facilities at Iowa State University and equip the new Agronomy Building on that campus.

With construction starting on the laser center at the University of Iowa and the biotech center at Iowa State University, we've taken a big step forward. Now we need to build the linkages between the research effort and the Iowa companies and entrepreneurs that can turn research findings into marketable goods and services. I'm recommending that an Iowa patent library be established to also assist our researchers and entrepreneurs.

We can also build on our agricultural strength by completely taking the sales and use tax off repair parts and by giving livestock producers sales tax exemptions, rather than refunds, on the equipment they purchase.

Our educational system is among our greatest strengths, and we must not let up. Our Educational Excellence program of last year is a shining example of Iowa's extraordinary commitment to quality education for our children. It is making our state a nationally recognized leader for education reform. There should be no retrenchment from this historic step for Iowa's future.

We need to continue our efforts and support our teachers and administrators, our schools and universities, our colleges and technical institutions so that we can turn out the best educated people. We can do that by providing the regents institutions with the funds to attract and retain quality faculty. We should fully fund the merged area school formula and tuition grants should be provided for 2,250 more Iowa students.

We can build on our three-phase educational excellence program by initiating pilot programs for effective schools and pre-kindergarten education. We need to adopt appropriate minimum standards for quality in our local school districts, but no state mandate for school district reorganization.

Our system of welfare must do more than help people in need. It should help people to break the cycle of poverty and dependency. As our economy strengthens, we should take this opportunity to use improved jobs that are available to help people return to work. The effort begun last year to redesign this state's welfare system should be continued, to underscore Iowa's commitment to the work ethic.

**DIVERSIFY . . . .**

We must diversify Iowa's economy. That's what rural development is all about. Besides encouraging businesses to locate in our small towns, we need to create a Rural Development Fund that:

- \* Gives technical and management assistance to rural communities and entrepreneurs,
- \* Provides training for farmers to earn off farm income, and
- \* Creates a Professional Economic Development Training Institute.

**STRENGTHEN . . . .**

We need to strengthen Iowa's improving business climate. We must reduce the excessive costs of liability insurance for our health care providers and small businesses. Today, in some parts of Iowa, you cannot find a doctor to deliver a baby because of skyrocketing malpractice insurance costs. So, I believe we should put a \$1 million dollar limit on medical liability and a cap on noneconomic losses.

Many of Iowa's small companies and new industries find it difficult to raise money through the sale of stock. This limits the growth of small companies in our state. We should amend the Iowa's Securities Act to be consistent with federal law.

What I have just outlined represents the program that will:

- \* Market . . . . . our assets,
- \* Focus . . . . . our resources,
- \* Build . . . . . on our strengths,
- \* Diversify . . . . . our economy, and
- \* Strengthen . . . . . our business climate

In the end, the building of a new Iowa will take more than the efforts of us that are in this room. To be truly successful, we need to involve all of the people of the state in the process.

Now we all know that Iowans do not like to be told what to do. They are independent, they want to participate in the decisions that will shape their future. And they should, because we in government cannot do it all for them.

Our success will, to a large part, depend on how well the leaders in every community of our state respond to the need for a diversified economy. At the state level we should stand ready to support with the tools, incentives, initiatives and resources that Iowans need to fashion their own future.

Now, I can tell you that Iowans are hungry to participate in shaping the new Iowa. For the last six months, I have held seven town meetings. On each of these occasions, two or three hundred people spent the evening with me and we talked about their future and the future of their communities.

They told me they are eager to make a difference for their community and they come to these meetings because they want to learn how. They want to find a way to

stop the population loss, to create new jobs in their communities and preserve their way of life. At one town meeting recently, I visited with people from seven different communities in two counties who have joined together to promote economic development in their area.

What we need to do is find a way for all Iowans to participate in the development of their communities, and I think I know a way.

There is a proposal I call Iowa Tomorrow. It has been discussed with members of the business community and it is sponsored by the Iowa Newspaper Association. It will encourage Iowans to come together this year in town meetings to express their vision for the state for the beginning of the next century. The goal is to develop a consensus for jobs in every community in Iowa.

Iowa Tomorrow can provide the framework for Iowans to decide:

- \* What they want their state to be,
- \* What kind of an environment they want to live in, and
- \* How each Iowan can make a difference.

Iowans helping Iowa. That's what it's all about.

We must work together to help our state grow and to prosper. I, for one, pledge to do everything I can to help achieve that goal.

I realize that we all have a great many responsibilities and demands on our time and it's easy to get distracted from a common goal. The fact that it's an election year does not change the reality that we have difficult choices to make. But, I know we can do it. After all, it was an election year when you all approved the most massive restructuring and downsizing of state government in our history. I know we can work together again this year.

1988 is a pivotal year for Iowa.

- \* It is a year when we can make our strengths work for us or let future trends control our destiny.
- \* It is a year where we can risk some change or risk our way of life.
- \* It is a year when we can move forward, or stand still.

Let us all resolve to be architects of change for the new Iowa. Separately we cannot succeed. Together we cannot fail.

Thank you.

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

On motion by Arnould of Scott, the Joint Convention was dissolved at 10:30 a.m.

The House reconvened at 10:31 a.m., Speaker Avenson in the chair.

## 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>Class of Appoint- ment</u>	<u>Eff. Date</u>
Legislative Research Analyst I	Margaret A. Dohrer	27-1	P-FT	01/04/88
Legislative Research Analyst I	Julie Cecil	27-1	P-FT	01/08/88
Legislative Research Analyst I	Lynn Carson King	27-1	P-FT	01/11/88
Assistant Chief Clerk of the House	Elizabeth A. Isaacson	33-6	P-FT	01/08/88
Recording Clerk	Laura J. Ward	20-4	S-O	01/08/88
Clerk to Chief Clerk	Betty J. Dunn	16-4	S-O	01/04/88
Assistant to the Legal Counsel	Donna J. Stille	16-1	S-O	01/04/88
Assistant Bill Clerk	Kathleen L. O'Leary	12-1	S-O	01/07/88
Doorkeeper	Maynard L. Boatwright	10-1	S-O	01/07/88
Sergeant-at-Arms	Glenn D. Carlson	16-1	S-O	01/07/88
Postmaster	Amelio J. Gioffredi	11-1	S-O	01/08/88
Legislative Secretary	Kathleen A. Beckman	15-2 + 2	S-O	01/11/88
Legislative Secretary	Stewart Black	16-1	S-O	01/11/88
Legislative Committee Secretary	Mary C. Braun	17-1 + 2	S-O	01/11/88
Legislative Secretary	Susan Bruckshaw	15-3	S-O	01/11/88
Legislative Secretary	Gretchen M. Cardamon	16-2 + 2	S-O	01/11/88
Legislative Secretary	A. Jean Cooper	16-1	S-O	01/11/88
Legislative Secretary	LuAnn K. Creek	16-2 + 2	S-O	01/11/88
Legislative Secretary	Danielle Currier	16-1	S-O	01/11/88



Legislative Secretary	Rosemary J. Drake	16-1	S-O	01/11/88
Legislative Secretary	Betty J. Gottschalk	16-4 + 2	S-O	01/11/88
Legislative Secretary	Laura Jo Hale	16-1	S-O	01/11/88
Legislative Secretary	David Hannon	16-1	S-O	01/11/88
Legislative Secretary	Juliet R. Heck	16-1	S-O	01/11/88
Legislative Secretary	Kay Iverson	15-1	S-O	01/11/88
Legislative Secretary	Susan Kay Jennings	15-1	S-O	01/11/88
Legislative Secretary	Brenda Jensen	17-1	S-O	01/11/88
Legislative Secretary	Patricia Johnson	16-1	S-O	01/11/88
Legislative Secretary	Jon Krieg	16-1	S-O	01/11/88
Legislative Secretary	Betty J. LaCava	16-1 + 2	S-O	01/11/88
Legislative Secretary	JoAnn M. Leachman	16-2 + 2	S-O	01/11/88
Legislative Secretary	Gay P. Leverich	15-3 + 2	S-O	01/11/88
Legislative Secretary	Roseanne McCargar	16-2	S-O	01/11/88
Legislative Secretary	Debra K. McKinney	16-1 + 2	S-O	01/11/88
Legislative Secretary	Jean Nelson	16-1	S-O	01/11/88
Legislative Secretary	Judy Romjue	16-1	S-O	01/11/88
Legislative Secretary	Peter Small	16-1	S-O	01/11/88
Legislative Secretary	Margaret D. Smith	16-1	S-O	01/11/88
Legislative Secretary	Janey Swartz	16-1	S-O	01/11/88
Legislative Secretary	Marian S. Swearingen	16-2 + 2	S-O	01/11/88
Legislative Secretary	Katherine L. Wellendorf	15-1	S-O	01/12/88
Legislative Committee Secretary	Jo Ann West	17-4 + 2	S-O	01/11/88

## GROUP I

Page	Angela M. Avenson	\$3.35 Per.Hr.	S-O	01/11/88
Page	Rachel R. Bly	\$3.35 Per.Hr.	S-O	01/11/88
Chief Clerk's Page	Gregory D. Bocken	\$3.35 Per.Hr.	S-O	01/11/88
Page	Darrin D. Bradley	\$3.35 Per.Hr.	S-O	01/11/88
Page	Alicia Ann Burton	\$3.35 Per.Hr.	S-O	01/11/88
Page	Janelle J. Finke	\$3.35 Per.Hr.	S-O	01/11/88
Page	Holli L. Hartman	\$3.35 Per.Hr.	S-O	01/11/88
Page	Angela J. Hill	\$3.35 Per.Hr.	S-O	01/11/88

Page	Jody Ann Hitchins	\$3.35	S-O	01/11/88
		Per.Hr.		
Page	Jeffrey Janda	\$3.35	S-O	01/11/88
		Per.Hr.		
Page	Derek E. Larson	\$3.35	S-O	01/11/88
		Per.Hr.		
Page	Douangmala L.	\$3.35	S-O	01/11/88
	Lovan	Per.Hr.		
Page	Jamie R. Palmer	\$3.35	S-O	01/11/88
		Per.Hr.		
Page	Angela L. Pierce	\$3.35	S-O	01/11/88
		Per.Hr.		
Page	Wendy A.	\$3.35	S-O	01/11/88
	Sampson	Per.Hr.		
Page	JuliAnne M.	\$3.35	S-O	01/11/88
	Seydell	Per.Hr.		
Page	Vicki A. Soetmelk	\$3.35	S-O	01/11/88
		Per.Hr.		
Page	Tony C. Weis	\$3.35	S-O	01/11/88
		Per.Hr.		
Speaker's Page	Tonya Rene	\$3.35	S-O	01/11/88
	Wilson	Per.Hr.		

## GROUP II

Page	Siri K. Anderson	\$3.35	S-O	03/07/88
		PerHr.		
Page	Lon W. Barkema	\$3.35	S-O	03/07/88
		PerHr.		
Page	Steven A.	\$3.35	S-O	03/07/88
	Boardman	PerHr.		
Page	Jill L. Crouse	\$3.35	S-O	03/07/88
		PerHr.		
Page	Dana S. Easter	\$3.35	S-O	03/07/88
		PerHr.		
Page	Laurie Ann Gitch	\$3.35	S-O	03/07/88
		PerHr.		
Page	Melanie L. Grieser	\$3.35	S-O	03/07/88
		PerHr.		
Page	Wendy Sue	\$3.35	S-O	03/07/88
	Harvey	PerHr.		
Page	Tracy D. Havener	\$3.35	S-O	03/07/88
		PerHr.		
Page	Charmin D.	\$3.35	S-O	03/07/88
	Lehman	PerHr.		
Page	Sara Lynn	\$3.35	S-O	03/07/88
	Ludvigson	PerHr.		
Page	Audrey M. Martin	\$3.35	S-O	03/07/88
		PerHr.		
Page	Denise M. Maxwell	\$3.35	S-O	03/07/88
		PerHr.		

Page	Diana A. Modderman	\$3.35 PerHr.	S-O	03/07/88
Page	Jeffrey A. Pfund	\$3.35 PerHr.	S-O	03/07/88
Page	Kelly M. Svoboda	\$3.35 PerHr.	S-O	03/07/88
Page	Andrew P. Sylvester	\$3.35 PerHr.	S-O	03/07/88
Page	Katherine Ann Trahanovsky	\$3.35 PerHr.	S-O	03/07/88
Page	Amy Lynn Wall	\$3.35 PerHr.	S-O	03/07/88

CHAPMAN of Linn, Chair

## HOUSE STUDY BILL COMMITTEE ASSIGNMENT

### H.S.B. 506 Agriculture

Relating to agricultural land holdings by restricting the number of acres of agricultural land that limited partnerships may acquire or otherwise obtain or lease; restricting persons from becoming limited partners, stockholders, or beneficiaries in more than a certain number of limited partnerships, authorized farm corporations, or authorized trusts; requiring corporate reporting of agricultural land holdings; and providing penalties.

### SUBCOMMITTEE ASSIGNMENT

#### House File 2017

Labor and Industrial Relations: Running, Chair; Buhr and Metcalf.

### PRESENTATION OF VISITORS

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

Forty-seven senior students from Gilbert High School, Gilbert, accompanied by Nancy Cleveland. By Garman of Story.

Forty-nine seventh and eighth grade students from Terril Community School, Terril, accompanied by Tim Bulman. By Gruhn of Dickinson and Fogarty of Palo Alto.

On motion by Arnould of Scott, the House adjourned at 10:32 a.m., until 9:00 a.m., Wednesday, January 13, 1988.

# JOURNAL OF THE HOUSE

Third Calendar Day — Third Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Wednesday, January 13, 1988

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 Tuesday, January 12, 1988 was approved.

## INTRODUCTION OF BILLS

**House File 2022**, by Corbett and Lundby, a bill for an act relating to the mobile home reduced tax rate and property tax credit and rent reimbursement for elderly and disabled persons, making the Act retroactive, and providing an effective date.

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

**House File 2023**, by Shoultz, a bill for an act relating to requirements and refunds for schools offering certain courses of instruction.

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

**House File 2024**, by Schneklath, a bill for an act setting the speed limit on fully controlled-access, divided, multilaned highways at sixty-five miles per hour with certain exceptions and with penalties applicable.

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

**House File 2025**, by Hermann, a bill for an act authorizing the review of city audit workpapers by the auditor of state and providing for the reimbursement of the auditor's expenses in conducting the review.

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

**House File 2026**, by Hatch, a bill for an act relating to conduct which creates a substantial risk of bodily injury as a condition of association with a group or organization and providing penalties.

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

**House File 2027**, by Corey, a bill for an act to abolish the area education agencies and provide a dispersion of their duties and functions.

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

**House File 2028**, by Hansen of Woodbury, a bill for an act requiring the reporting of a pregnant woman's positive acquired immune deficiency syndrome test results to the Iowa department of public health, and providing a penalty.

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

**House File 2029**, by Paulin, a bill for an act to restrict boards of directors of area schools from contributing money for the employment of individuals to encourage the passage, defeat, or modification of legislation.

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

**House File 2030**, by Spear, a bill for an act making changes in the statutes relating to marriage.

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

**House File 2031**, by Jay, a bill for an act relating to the ownership, issuance of title, operation, and regulation of snowmobiles and all-terrain vehicles, subjecting violators to penalties, and providing effective dates.

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

**House File 2032**, by Spear, a bill for an act relating to the ownership, operation, and regulation of snowmobiles and all-terrain vehicles, subjecting violators to penalties, and providing an effective date.

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

**House File 2033**, by Spear, a bill for an act relating to the establishment of a state board and district boards to administer the representation of indigent persons by appointed attorneys, public defenders, and the appellate defender's office.

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

#### HOUSE FILE 15 WITHDRAWN

Schnekloth of Scott asked and received unanimous consent to withdraw House File 15 from further consideration by the House.

**HOUSE FILE 96 WITHDRAWN**

Mullins of Kossuth asked and received unanimous consent to withdraw House File 96 from further consideration by the House.

**HOUSE FILE 125 WITHDRAWN**

Stueland of Clinton asked and received unanimous consent to withdraw House File 125 from further consideration by the House.

**HOUSE FILE 143 WITHDRAWN**

Black of Jasper asked and received unanimous consent to withdraw House File 143 from further consideration by the House.

**HOUSE FILE 146 WITHDRAWN**

Schrader of Marion asked and received unanimous consent to withdraw House File 146 from further consideration by the House.

**HOUSE FILE 305 WITHDRAWN**

Shoning of Woodbury asked and received unanimous consent to withdraw House File 305 from further consideration by the House.

**HOUSE FILE 376 WITHDRAWN**

Swartz of Marshall asked and received unanimous consent to withdraw House File 376 from further consideration by the House.

**HOUSE FILE 510 WITHDRAWN**

Fogarty of Palo Alto asked and received unanimous consent to withdraw House File 510 from further consideration by the House.

**HOUSE STUDY BILL COMMITTEE ASSIGNMENTS****H.S.B. 507 Human Resources**

Relating to substance abuse treatment and prevention programs for children.

**H.S.B. 508 Human Resources**

Relating to requirements of human growth and development and health in grades kindergarten through twelve.

**H.S.B. 509 Energy and Environmental Protection**

Relating to underground storage tanks, establishing certain fees, and providing penalties.

**H.S.B. 510 Education**

Relating to moneys available to the first in the nation in education foundation.

**COMMUNICATION RECEIVED**

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

**UNIVERSITY OF IOWA**

The 1988 report of the Statewide Family Practice Training Program, pursuant to Chapter 148D, Code of Iowa.

**SUBCOMMITTEE ASSIGNMENTS****House File 18 (Reassigned)**

Judiciary and Law Enforcement: Jay, Chair; Carpenter and Poncey.

**House File 34 (Reassigned)**

Judiciary and Law Enforcement: Jay, Chair; Carpenter and Poncey.

**House File 41 (Reassigned)**

Judiciary and Law Enforcement: Jay, Chair; Carpenter and Poncey.

**House File 49 (Reassigned)**

Judiciary and Law Enforcement: Jay, Chair; Carpenter and Poncey.

**House File 54 (Reassigned)**

Judiciary and Law Enforcement: Jay, Chair; Carpenter and Poncey.

**House File 58 (Reassigned)**

Judiciary and Law Enforcement: Jay, Chair; Carpenter and Poncey.

**House File 61 (Reassigned)**

Judiciary and Law Enforcement: Jay, Chair; Carpenter and Poncey.

**House File 62 (Reassigned)**

Judiciary and Law Enforcement: Jay, Chair; Carpenter and Poncey.

**House File 67 (Reassigned)**

Judiciary and Law Enforcement: Jay, Chair; Halvorson of Clayton, Hansen of Woodbury, Lageschulte and McKinney.

**House File 71 (Reassigned)**

State Government: Blanshan, Chair; Buhr and Lundby.

**House File 72 (Reassigned)**

State Government: Blanshan, Chair; Buhr and Lundby.

**House File 107 (Reassigned)**

Judiciary and Law Enforcement: Jay, Chair; Carpenter and Poncey.

**House File 113 (Reassigned)**

Judiciary and Law Enforcement: Jay, Chair; Carpenter and Poncey.

**House File 117 (Reassigned)**

Judiciary and Law Enforcement: Jay, Chair; Carpenter and Poncey.

**House File 140 (Reassigned)**

Judiciary and Law Enforcement: Jay, Chair; Carpenter and Poncey.

**House File 150 (Reassigned)**

Judiciary and Law Enforcement: Jay, Chair; Carpenter and Poncey.

**House File 156 (Reassigned)**

State Government: Hanson of Delaware, Chair; Buhr, Halvorson of Webster, Running and Van Camp.

**House File 172 (Reassigned)**

Judiciary and Law Enforcement: Jay, Chair; Carpenter and Poncey.

**House File 178 (Reassigned)**

Judiciary and Law Enforcement: Jay, Chair; Carpenter and Poncey.

**House File 190 (Reassigned)**

Judiciary and Law Enforcement: Jay, Chair; Carpenter and Poncey.

**House File 191 (Reassigned)**

Judiciary and Law Enforcement: Jay, Chair; Carpenter and Poncey.

**House File 195 (Reassigned)**

Judiciary and Law Enforcement: Jay, Chair; Carpenter and Poncey.

**House File 215 (Reassigned)**

Judiciary and Law Enforcement: Jay, Chair; Carpenter and Poncey.



**House File 219 (Reassigned)**

Judiciary and Law Enforcement: Jay, Chair; Carpenter and Poncy.

**House File 222**

State Government: Renaud, Chair; Blanshan, Pavich, Renken and Van Camp.

**House File 225 (Reassigned)**

Judiciary and Law Enforcement: Jay, Chair; Halvorson of Clayton, Hansen of Woodbury, Lageschulte and McKinney.

**House File 227 (Reassigned)**

Judiciary and Law Enforcement: Jay, Chair; Carpenter and Poncy.

**House File 234 (Reassigned)**

Judiciary and Law Enforcement: Jay, Chair; Carpenter and Poncy.

**House File 235 (Reassigned)**

Judiciary and Law Enforcement: Jay, Chair; Carpenter and Poncy.

**House File 242 (Reassigned)**

Judiciary and Law Enforcement: Jay, Chair; Carpenter and Poncy.

**House File 261 (Reassigned)**

Judiciary and Law Enforcement: Jay, Chair; Carpenter and Poncy.

**House File 270 (Reassigned)**

Judiciary and Law Enforcement: Jay, Chair; Carpenter and Poncy.

**House File 276 (Reassigned)**

Judiciary and Law Enforcement: Jay, Chair; Carpenter and Poncy.

**House File 284 (Reassigned)**

Judiciary and Law Enforcement: Jay, Chair; Carpenter and Poncy.

**House File 288 (Reassigned)**

Judiciary and Law Enforcement: Jay, Chair; Carpenter and Poncy.

**House File 309 (Reassigned)**

Judiciary and Law Enforcement: Jay, Chair; Carpenter and Poncy.

**House File 313 (Reassigned)**

Judiciary and Law Enforcement: Jay, Chair; Carpenter and Poncy.

**House File 321 (Reassigned)**

Judiciary and Law Enforcement: Jay, Chair; Carpenter and Poncy.

**House File 335 (Reassigned)**

Judiciary and Law Enforcement: Jay, Chair; Carpenter and Poncy.

**House File 337 (Reassigned)**

Judiciary and Law Enforcement: Jay, Chair; Carpenter and Poncy.

**House File 353 (Reassigned)**

Judiciary and Law Enforcement: Jay, Chair; Carpenter and Poncy.

**House File 359 (Reassigned)**

Judiciary and Law Enforcement: Jay, Chair; Carpenter and Poncy.

**House File 385 (Reassigned)**

Judiciary and Law Enforcement: Jay, Chair; Carpenter and Poncy.

**House File 403 (Reassigned)**

Judiciary and Law Enforcement: Jay, Chair; Halvorson of Clayton, Hansen of Woodbury, Lageschulte and McKinney.

**House File 404 (Reassigned)**

Judiciary and Law Enforcement: Jay, Chair; Carpenter and Poncy.

**House File 413 (Reassigned)**

Judiciary and Law Enforcement: Jay, Chair; Carpenter and Poncy.

**House File 430 (Reassigned)**

Judiciary and Law Enforcement: Jay, Chair; Carpenter and Poncy.

**House File 434 (Reassigned)**

Judiciary and Law Enforcement: Jay, Chair; Halvorson of Clayton, Hansen of Woodbury, Lageschulte and McKinney.

**House File 436 (Reassigned)**

Judiciary and Law Enforcement: Jay, Chair; Carpenter and Poncy.

**House File 437 (Reassigned)**

Local Government: Beatty, Chair; Norrgard and Petersen of Muscatine.

**House File 459 (Reassigned)**

Judiciary and Law Enforcement: Jay, Chair; Carpenter and Poncy.

**House File 466 (Reassigned)**

Judiciary and Law Enforcement: Jay, Chair; Carpenter and Poncy.

**House File 477 (Reassigned)**

Judiciary and Law Enforcement: Jay, Chair; Carpenter and Poncy.

**House File 481 (Reassigned)**

Judiciary and Law Enforcement: Jay, Chair; Carpenter and Poncy.

**House File 496 (Reassigned)**

Judiciary and Law Enforcement: Jay, Chair; Carpenter and Poncy.

**House File 501**

State Government: Blanshan, Chair; Carpenter, Connors, Hammond and Swearingen.

**House File 508 (Reassigned)**

Judiciary and Law Enforcement: Jay, Chair; Carpenter and Poncy.

**House File 516**

Judiciary and Law Enforcement: Shoning, Chair; Carpenter, Paulin, Plasier and Rosenberg.

**House File 532 (Reassigned)**

Judiciary and Law Enforcement: Jay, Chair; Carpenter and Poncy.

**House File 534 (Reassigned)**

Judiciary and Law Enforcement: Jay, Chair; Carpenter and Poncy.

**House File 537 (Reassigned)**

Judiciary and Law Enforcement: Jay, Chair; Carpenter and Poncy.

**House File 538 (Reassigned)**

Judiciary and Law Enforcement: Jay, Chair; Carpenter and Poncy.

**House File 545**

State Government: Beatty, Chair; Garman, Hanson of Delaware, Knapp and Peterson of Carroll.

**House File 550**

State Government: Peterson of Carroll, Chair; Beatty and Van Camp.

**House File 557 (Reassigned)**

Judiciary and Law Enforcement: Jay, Chair; Carpenter and Poncy.

**House File 593 (Reassigned)**

Judiciary and Law Enforcement: Jay, Chair; Carpenter and Poncy.

**House File 625 (Reassigned)**

Judiciary and Law Enforcement: Jay, Chair; Carpenter and Poncy.

**House File 643**

Judiciary and Law Enforcement: Jay, Chair; Carpenter and Poncy.

**House File 2002**

Human Resources: Hammond, Chair; Harper, Hermann, Hester and Mullins.

**House File 2005**

State Government: Knapp, Chair; Lundby and Pavich.

**House File 2006**

Education: Cohoon, Chair; Adams, Hester, Lageschulte and Spear.

**House File 2012**

Education: Ollie, Chair; Connolly, Daggett, Maulsby, Miller, Shoultz and Swartz.

**House File 2014**

Human Resources: Hammond, Chair; Harper, Hermann, Hester and Mullins.

**House File 2019**

Human Resources: Hammond, Chair; Harper, Hermann, Hester and Mullins.

**House File 2020**

Judiciary and Law Enforcement: Rosenberg, Chair; Hansen of Woodbury, Kremer, Paulin, Peterson of Carroll, Plasier and Sherzan.

**House File 2021**

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

**Senate File 156 (Reassigned)**

Judiciary and Law Enforcement: Jay, Chair; Halvorson of Clayton, Hansen of Woodbury, Lageschulte and McKinney.

**Senate File 160 (Reassigned)**

Judiciary and Law Enforcement: Jay, Chair; Carpenter and Poncy.

**Senate File 284**

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

**Senate File 288**

State Government: Halvorson of Webster, Chair; Hammond and Shoning.

**Senate File 370**

State Government: Beatty, Chair; Hammond and Hanson of Delaware.

**Senate File 422 (Reassigned)**

Judiciary and Law Enforcement: Jay, Chair; Carpenter and Poncy.

**Senate File 484**

Judiciary and Law Enforcement: Jay, Chair; Halvorson of Clayton, Hansen of Woodbury, Lageschulte and McKinney.

**Senate File 486 (Reassigned)**

State Government: Halvorson of Webster, Chair; Hammond and Hanson of Delaware.

**HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS****House Study Bill 500**

Education: Shoultz, Chair; Connolly, Daggett, Maulsby, Miller, Ollie and Swartz.

**House Study Bill 501**

Education: Ollie, Chair; Adams and Corbett.

**House Study Bill 502**

Education: Wise, Chair; Plasier, Schrader, Siegrist and Tabor.

**House Study Bill 503**

Education: Neuhauser, Chair; Cohoon and Plasier.

**House Study Bill 504**

Education: Haverland, Chair; Corbett and Neuhauser.

**House Study Bill 505**

Education: Haverland, Chair; Corbett and Neuhauser.

**AMENDMENT FILED**

H — 5001

H.J.R. 3

Harbor of Mills

On motion by Arnould of Scott, the House adjourned at 9:13 a.m., until 9:00 a.m., Thursday, January 14, 1988.

# JOURNAL OF THE HOUSE

Fourth Calendar Day — Fourth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Thursday, January 14, 1988

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

Prayer was offered by the Reverend Phillip Hayes, pastor of the Capitol Hill Christian Church, Des Moines.

The Journal of Wednesday, January 13, 1988 was approved.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Sherzan of Polk on request of Poncy of Wapello; Fuller of Hardin, until his arrival, on request of Fogarty of Palo Alto.

## INTRODUCTION OF BILLS

**House File 2034**, by Hatch and Poncy, a bill for an act relating to higher education benefits for the children and spouses of certain veterans.

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

**House File 2035**, by Hammond, a bill for an act amending the definition of a governmental body as it relates to official meetings open to the public.

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

**House File 2036**, by Hummel, a bill for an act relating to the maximum tort liability for noneconomic damages.

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

**House File 2037**, by Mullins and Daggett, a bill for an act relating to the inspection fee for certain specialty fertilizer.

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

**House File 2038**, by Van Maanen, Haverland and Daggett, a bill for an act relating to the requirements for accreditation of certain colleges in order to participate in the Iowa tuition grant program.

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

**House File 2039**, by Hatch, Halvorson of Webster and Shoultz, a bill for an act relating to the duties of persons appointed to certain state boards or commissions.

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

**House File 2040**, by Harbor, a bill for an act to prohibit persons under eighteen years of age from participating in or attending a bingo occasion, subject to penalties provided by law.

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

#### HOUSE FILE 44 WITHDRAWN

Schnekloth of Scott asked and received unanimous consent to withdraw House File 44 from further consideration by the House.

#### HOUSE FILE 56 WITHDRAWN

Hammond of Story asked and received unanimous consent to withdraw House File 56 from further consideration by the House.

#### HOUSE FILE 141 WITHDRAWN

Ollie of Clinton asked and received unanimous consent to withdraw House File 141 from further consideration by the House.

#### HOUSE FILE 195 WITHDRAWN

Bennett of Ida asked and received unanimous consent to withdraw House File 195 from further consideration by the House.

#### HOUSE FILE 291 WITHDRAWN

Norrgard of Des Moines asked and received unanimous consent to withdraw House File 291 from further consideration by the House.

#### HOUSE FILE 367 WITHDRAWN

Stromer of Hancock asked and received unanimous consent to withdraw House File 367 from further consideration by the House.

#### HOUSE FILE 466 WITHDRAWN

Brammer of Linn asked and received unanimous consent to withdraw House File 466 from further consideration by the House.

#### HOUSE FILE 551 WITHDRAWN

Hanson of Delaware asked and received unanimous consent to withdraw House File 551 from further consideration by the House.

On motion by Arnould of Scott, the House was recessed at 9:11 a.m., until 1:30 p.m.

### AFTERNOON SESSION

The House reconvened, Speaker Avenson in the chair.

### COMMUNICATION FROM THE STATE APPEAL BOARD

The following communication was received from the State Appeal Board on January 13, 1988 and is on file in the office of the Chief Clerk:

January 12, 1988

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

Dear Mr. O'Hern:

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

These include 80 claims of a general nature that have been denied by the State Appeal Board during May - December, 1987.

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

Sincerely,  
Richard D. Johnson  
Chairman  
STATE APPEAL BOARD

Receipt of the above is hereby acknowledged.

JOSEPH O'HERN  
Chief Clerk of the House

### DENIED GENERAL CLAIMS BY STATE APPEAL BOARD submitted to the 72ND GENERAL ASSEMBLY - 1987 (May - December, 1987)\*

<u>Claim Number</u>	<u>Name of Claimant Nature of Claim</u>	<u>Amount of Claim</u>	<u>Amount Approved</u>
G86-0488	Donnie R. Bennett North Bend, Oregon (Back Pay)	\$ 32,309.00	DENIED
G86-0670	City of Lake View Lake View, Iowa (Back Interest on Special Assessment)	1,384.13	DENIED
G86-1108	Steven Robert Nitardy St. Ansgar, Iowa (Outdated Invoice)	45.00	DENIED



<u>Claim Number</u>	<u>Name of Claimant Nature of Claim</u>	<u>Amount of Claim</u>	<u>Amount Approved</u>
G86-1247	Mary Jean Frost Crescent, Iowa (Sales Tax Refund)	62.60	DENIED
G86-1292	Richard R. G. Knowles Denison, Iowa (License Fee Refund)	8.55	DENIED
G86-1293	Richard R. G. Knowles Denison, Iowa (License Fee Refund)	6.55	DENIED
G86-1294	Richard R. G. Knowles Denison, Iowa (License Fee Refund)	5.00	DENIED
G86-1295	Richard R. G. Knowles Denison, Iowa (License Fee Refund)	5.00	DENIED
G86-1296	Richard R. G. Knowles Denison, Iowa (License Fee Refund)	5.00	DENIED
G86-1329	Mercy Health Center Dubuque, Iowa (Outdated Invoice)	689.38	DENIED
G86-1370	Franciscan Medical Center Rock Island, Illinois (Outdated Invoice)	3,795.55	DENIED
G87-0050	Ronald Keith Seemann Woodward, Iowa 50276 (Back Pay)	236.36	DENIED
G87-0129	Jane Carol Sidwell Dixon, Illinois (Refund of Application Fee)	250.00	DENIED
G87-0144	Woodward State Hospital/School Woodward, Iowa (Refund of Back Pay)	20,241.41	DENIED
G87-0175	Hastings Funeral Home Des Moines, Iowa (Outdated Invoice)	2,696.00	DENIED
G87-0198	Timothy Dunlay Ames, Iowa (Outdated Expenses)	352.27	DENIED
G87-0225	J. C. Smith Epworth, Iowa (Motor Fuel Refund)	134.88	DENIED
G87-0298	Darwin Rice Jefferson, Iowa 50129 (Motor Fuel Tax Refund)	417.92	DENIED
G87-0300	Samuel Blanchard Council Bluffs, Iowa (License Fee Refunds)	458.00	DENIED

<u>Claim Number</u>	<u>Name of Claimant Nature of Claim</u>	<u>Amount of Claim</u>	<u>Amount Approved</u>
G87-0304	Marty Lee Stecker Bonaparte, Iowa (Sales Tax Refund)	720.00	DENIED
G87-0307	McGregor Company Marshalltown, Iowa (License Fee Refunds)	Undetermined	DENIED
G87-0312	Robert M. Lewis Walcott, Iowa (License Fee Refund)	30.00	DENIED
G87-0364	Arnold L. Bormann Preston, Iowa (License Fee Refund)	900.00	DENIED
G87-0369	Dallas D. Hansen Missouri Valley, Iowa (License Fee Refund)	75.00	DENIED
G87-0373	Kewin Auto Company, Inc. Griswold, Iowa (License Fee Refund)	190.00	DENIED
G87-0379	Chestten G. Oldridge Jesup, Iowa (License Fee Refund)	45.00	DENIED
G87-0404	Conrad Auto Sales Dubuque, Iowa (Refund of Permit)	170.00	DENIED
G87-0410	Vince Smith Washington, Iowa (License Fee Refund)	209.00	DENIED
G87-0416	Clifford Holt Des Moines, Iowa (License Fee Refund)	Undetermined	DENIED
G87-0434	Wayne Doolittle Davenport, Iowa (License Fee Refund)	57.00	DENIED
G87-0446	Debra K. Travis Sidney, Iowa (License Fee Refund)	Undetermined	DENIED
G87-0447	Scott R. Goos Treyner, Iowa (License Fee Refund)	Undetermined	DENIED
G87-0527	Kerr-McGee Refining Corporation Houston, Texas (Fuel Tax Refund)	226.26	DENIED
G87-0528	Albert H. Matt Castalia, Iowa (License Fee Refund)	Undetermined	DENIED
G87-0534	James French Fort Dodge, Iowa (Breach of Contract)	Undetermined	DENIED

<u>Claim Number</u>	<u>Name of Claimant Nature of Claim</u>	<u>Amount of Claim</u>	<u>Amount Approved</u>
G87-0537	Century 21 Contractors Real Estate Carroll, Iowa (Outdated Invoice)	760.14	DENIED
G87-0539	Planned Parenthood of Mid-Iowa Des Moines, Iowa (Outdated Invoice)	19,334.00	DENIED
G87-0540	A & B Truck Brokers, Inc. Idaho Falls, Idaho (Fuel Tax Refund)	1,661.62	DENIED
G87-0557	Lawrence Malfeld Melbourne, Iowa (License Fee Refund)	683.00	DENIED
G87-0581	Leonard A. Greiner Iowa Falls, Iowa (License Fee Refund)	100.50	DENIED
G87-0588	Bruce A. Thoene LeClaire, Iowa (License Fee Refund)	108.00	DENIED
G87-0609	Lake Manawa Nissan Inc. Council Bluffs, Iowa (License Fee Refund)	366.48	DENIED
G87-0626	James F. Hunter Council Bluffs, Iowa (License Fee Refund)	107.00	DENIED
G87-0631	Arnold Behn Sabula, Iowa (License Fee Refund)	19.00	DENIED
G87-0633	Larry H. Sorgenfrey Durant, Iowa (License Fee Refund)	Undetermined	DENIED
G87-0642	Vernon and Mary Beckmann Mechanicsville, Iowa (License Fee Refund)	140.00	DENIED
G87-0646	John P. Vos Oskaloosa, Iowa (License Fee Refund)	10.00	DENIED
G87-0664	Clarence Bishop West Union, Iowa (Outdated Invoice)	15.60	DENIED
G87-0665	Joseph A. Cripe Dubuque, Iowa (Outdated Invoice)	169.68	DENIED
G87-0668	Vernon Beckmann Mechanicsville, Iowa (License Fee Refund)	42.00	DENIED
G87-0669	Sam Straub Milford, Iowa (Refund of Damages)	100.34	DENIED

<u>Claim Number</u>	<u>Name of Claimant Nature of Claim</u>	<u>Amount of Claim</u>	<u>Amount Approved</u>
G87-0674	Anita B. Wikstrom Madrid, Iowa (Outdated Invoice)	166.00	DENIED
G87-0701	Melvin Carl Ver Steegt Searsboro, Iowa (License Fee Refund)	35.00	DENIED
G87-0706	Garden & Associates Oskaloosa, Iowa (License Fee Refund)	42.00	DENIED
G87-0709	Jesup Community School District Jesup, Iowa (Sales Tax Refund)	1,120.88	DENIED
G87-0721	Evert V. Pearson Cedar Rapids, Iowa (License Fee Refund)	Undetermined	DENIED
G87-0723	Donald Otto Petersen Clinton, Iowa (License Fee Refund)	8.00	DENIED
G87-0725	Earl Dwain Nelson Council Bluffs, Iowa (License Fee Refund)	70.00	DENIED
G87-0730	Linda Sue Wymore New Market, Iowa (License Fee Refund)	21.00	DENIED
G87-0736	Christian Home Association Council Bluffs, Iowa (Outdated Invoice)	926.10	DENIED
G87-0752	Larry E. McGrane Waterloo, Iowa (License Fee Refund)	55.00	DENIED
G87-0772	Mt. Pleasant Correctional Contingent Fund Mt. Pleasant, Iowa (Outdated Invoice)	35.00	DENIED
G87-0780	Carmen Louise Brackett Des Moines, Iowa (Insurance Premium Refund)	4,945.22	DENIED
G87-0791	Family Physicians of Cedar Rapids Cedar Rapids, Iowa (Outdated Invoice)	40.00	DENIED
G87-0793	Sue Ann Dankbar Marshalltown, Iowa (License Fee Refund)	23.00	DENIED
G87-0797	William L. Bartlow Des Moines, Iowa (License Fee Refund)	Undetermined	DENIED
G87-0799	Michael R. Beckner Sumner, 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>
G87-0800	The Gazette Cedar Rapids, Iowa (Outdated Invoice)	565.06	DENIED
G87-0810	Marcus C. Wright Hamburg, Iowa (License Fee Refund)	110.50	DENIED
G87-0822	Robin Lane Farms Hampton, Iowa (License Fee Refund)	35.00	DENIED
G87-0825	Gordon Sherman Lincoln, Nebraska (License Fee Refund)	60.00	DENIED
G87-0839	Carey T. Lewis Davenport, Iowa (License Fee Refund)	20.00	DENIED
G87-0842	Bruce P. Whittier Sioux City, Iowa (License Fee Refund)	59.00	DENIED
G87-0868	Larry and/or D. Knisley Indianola, Iowa (License Fee Refund)	Undetermined	DENIED
G87-0872	Jeffrey Michael Johnson Billings, Montana (License Fee Refund)	66.00	DENIED
G87-0873	John A. Moffitt Mechanicsville, Iowa (License Fee Refund)	56.00	DENIED
G87-0902	Harold L. Barton Hamburg, Iowa (License Fee Refund)	20.00	DENIED
G87-0906	Raymond Peter Dotzler Omaha, Nebraska (License Fee Refund)	68.00	DENIED
G87-0969	IBM Corporation Minneapolis, Minnesota (Outdated Invoice)	258.00	DENIED
G87-1084	IBM Corporation Des Moines, Iowa (Outdated Invoice)	950.00	DENIED

\* Claims Denied in January-April, 1987 have already been submitted

### COMMUNICATION FROM THE DEPARTMENT OF MANAGEMENT

The following communication was received from the Department of Management on January 13, 1988 and is on file in the office of the Chief Clerk:

January 12, 1988

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

Dear Mr. O'Hern:

In accordance with Section 25A.12, Code of Iowa, we are hereby submitting to the General Assembly all General Tort claims, Highway Tort claims, and Settlements & Judgments (general torts and highway) paid during 1987 under Chapter 25A.

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

Sincerely,  
 Patrick D. Cavanaugh  
 Director

Receipt of the above is hereby acknowledged.

JOSEPH O'HERN  
 Chief Clerk of the House

CHAPTER 25A GENERAL TORT CLAIMS APPROVED  
 BY STATE APPEAL BOARD — 1987

<u>Claim Number</u>	<u>Name of Claimant Nature of Claim</u>	<u>Amount of Claim</u>	<u>Amount Approved</u>
T85-0061	Craig Allen Cook Burned when thermos of hot chocolate spilled on him during hayride sponsored by U of I	\$ 50,000.00	\$ 3,950.00
T85-0120	D.R. Green Personal items were stolen from car while being attached by Dept. of Revenue	2,005.43	1,000.00
T85-0406	Mary L. Robinson Personal injury from fall on icy sidewalk in front of liquor store	400.00	400.00
T85-0422	Carroll Detweiller Bureau of Labor was negligent in filing and prosecuting an action for wages	5,000.00	70.00
T85-0536	Terry & Mary Kaune State trooper collided with claimant's vehicle	26,299.30	12,000.00
T86-0122	Margaret Ruble Foreign object was left in claimant during surgery at U of I hospitals	500,000.00	5,737.51
T86-0160	Kenneth Nuehring,	109,000.00	20,500.00
T86-0161	Armella Nuehring &		
T86-0399	Louis Nuehring Injury suffered from fall on icy sidewalk in front of liquor store		

<u>Claim Number</u>	<u>Name of Claimant Nature of Claim</u>	<u>Amount of Claim</u>	<u>Amount Approved</u>
T86-0178	Olletha Marguerite Waterhouse Chair tipped over on claimant while a patient at U of I hospital	369.19	369.19
T86-0185	Jeffrey Schuller Wrongful confiscation of wages for child support payments	25,000.00	2,000.00
T86-0227	James Eugene Kramer Collision involving state driver	18,894.77	5,000.00
T86-0257	Kelly Carpenter Fell on icy manhole cover on ISU campus	25,000.00	3,000.00
T86-0288	Lloyd E. Dunton Sr. Clothes damaged from bottle of acid at U of I	35.68	35.68
T86-0302	Ronald D. Osborne Tires damaged from broken section of curb located on U of I campus	154.21	154.21
T86-0312	Jerry L. Love Pieces of glass were not removed from claimant's foot at U of I clinic	5,000.00	4,000.00
T86-0316	Helen Bullock & Blue Cross/Blue Shield Tripped on extension cord at wellness workshop sponsored by Iowa State Extension	2,701.80	2,201.80
T86-0324	Douglas Coonrad Car window broken by state employee while mowing	234.41	234.41
T86-0367	Aetna Casualty & Surety as Subrogee to Roy & Erva Leytham Windshield damaged by state employee while mowing	220.90	220.90
T86-0376	Linda N. Dudzinsky and Dr. Merlyn D. Knudson Claimant was bitten by stray cat at state park and was charged for boarding charges while being observed for rabies	49.00	49.00
T86-0377	John L. Schrader Personal injuries suffered when dock gave way	140.00	140.00
T86-0383	Jeffrey E. Frana Personal property lost at Iowa Medi- cal Classification Center	456.38	300.00
T86-0397	Stacy E. Allbee Car damaged by exit gate in state parking lot	133.34	133.34
T86-0402	Ginette K. Miles State van collided with claimant's vehicle	159.80	159.80

<u>Claim Number</u>	<u>Name of Claimant Nature of Claim</u>	<u>Amount of Claim</u>	<u>Amount Approved</u>
T86-0403	Lois Etre Car damaged by exit gate in U of I parking lot	41.44	41.44
T86-0413	Fred Andringa Car damaged by rock thrown from state mower	467.48	467.48
T86-0416	David Lee Gerard Injuries due to fall when bike fell into a large gap in pavement of road on U of I campus	10,000.00	3,478.69
T86-0425	Tosha M. Shaw &	15,500.00	6,398.67
T86-0426	her mother, Susan Schwab Injured while wading at state park; stepped on wire	2,898.67	
T86-0434	Melinda Bond Personal belongings destroyed in fire of state vehicle	213.00	213.00
T86-0435	Cleo Silvers See T86-0434	68.00	68.00
T86-0436	Dawn Downey See T86-0434	108.25	108.25
T86-0439	Francis & Jacob Yoder Car damaged due to state employee failing to yield right of way	808.81	647.05
T86-0440	William F. Spears See T86-0434	60.50	60.50
T86-0441	Robert L. Eppler See T86-0434	72.40	72.40
T86-0442	Milton Weir Wrongfully charged for phone call at Iowa State Penitentiary	1.57	1.57
T86-0447	Willie Maurice Jones Clothes damaged at Riverview Release Center	48.00	8.00
T86-0448	Richard A. Jacobson Personal property lost at Iowa State Penitentiary	65.00	39.97
T86-0452	John Anthony Hutter Personal property lost while at Iowa State Penitentiary	1.99	1.99
T86-0454	Dane C. Terhune Car damaged in collision with Board of Regents employee	1,350.00	1,062.50
T86-0455	Shawn Sabin Faulty pipe collapsed causing water damage to textbook at U of I hospital	59.40	59.40
T86-0456	Lena Higgins Claimant fell while on tour of histori- cal site (DNR control)	67.44	67.44



<u>Claim Number</u>	<u>Name of Claimant Nature of Claim</u>	<u>Amount of Claim</u>	<u>Amount Approved</u>
T86-0457	Toni Stonehocker See T86-0434	50.50	50.50
T86-0461	Edith L. Voss Injuries sustained when claimant fell in hole at Iowa State Fair	1,500.00	1,000.00
T86-0462	Sandra Bernstein Fell over telephone cord (placed against OSHA regulations) at DHS Local Office	5,000.00	1,000.00
TE86-0466	John Fisher U of I employee backed into claimant's vehicle	1,200.00	1,235.46
T86-0467	Clarence Serbousek U of I employee damaged lawn with bus when turning around	75.00	75.00
T86-0468	Bruce W. Abernathy Fell from swing located on U of I campus	2,000.00	2,000.00
T86-0470	Martha P. Moreland U of I employee collided with claimant's vehicle	Undetermined	664.66
T86-0472	Hazel A. Claney Car damaged by state owned snow- plow at state training school	105.56	105.56
T86-0473	Peggy Anne Frances Gilster State employee backed into claimant's vehicle	517.00	492.86
T86-0474	Louis Jurgemeyer State employee rearended claimant's vehicle	62.40	62.40
T86-0475	Lee Anne Samari Medical malpractice against ISU Stu- dent Health Service	30,000.00	3,000.00
T86-0478	John P. Bickel Car damaged by wet paint of air sur- veillance hash marks	205.17	205.17
T86-0481	Darrell Lee Potter Claimant's car struck by state owned vehicle	393.43	393.14
TE86-0485	Mary Sue Lacock U of I employee backed into claimant's vehicle	529.48	524.28
T86-0486	Lucy Lawrence Fell off sidewalk at Conservation Center	7,731.50	4,315.00
TE86-0493	Barbara A. Bates ISU employee struck claimant's vehicle	341.61	310.88

<u>Claim Number</u>	<u>Name of Claimant Nature of Claim</u>	<u>Amount of Claim</u>	<u>Amount Approved</u>
T86-0498	Carol J. Reighard State driver struck claimant's vehicle	514.55	514.55
T86-0499	Timothy D. Logan U of I driver struck claimant's vehicle	170.98	121.73
T86-0500	Liang Tang ISU employee struck claimant's vehicle with snowplow	166.73	166.73
TE86-0501	Deborah Sue McGarey Claimant's vehicle struck by state trooper	2,090.00	725.00
T86-0506	Michael E. Burrows Mailing charges for personal property not allowed in institution	61.81	1.90
T87-0001	American Family Ins. as Subrogee of Randy Bartlett ISU employee collided with claimant's vehicle	1,954.66	1,954.66
T87-0002	Vern E. Berry Claimant's daughter's finger got lodged in a hole in the side of booster chair at IBSSS	25.00	25.00
T87-0003	Liela Gay Sanford ISU employee rearended claimant's vehicle	Undetermined	361.74
TE87-0004	IMT Insurance Co. as Subrogee of James Artzer State employee struck the side of claimant's vehicle	2,695.96	2,695.96
T87-0006	Mary Lou K. Nolte State employee struck claimant's vehicle due to failure to yield	Undetermined	519.37
T87-0007	Cathy Lavonne Clark State employee struck claimant's vehicle	2,110.48	2,110.48
T87-0009	Ronald Mahers Personal property lost at Iowa State Penitentiary	6.33	5.25
T87-0013	Dr. James L. Knott State employee struck claimant's parked vehicle	396.07	396.07
T87-0017	John David Olson ISU employee struck claimant's vehicle	Undetermined	292.76
T87-0019	Bette L. Christians State employee backed into claimant's vehicle	353.30	353.30
T87-0027	Union Mutual as Subrogee of Elizabeth Dee State employee struck claimant's parked vehicle	1,561.27	1,561.27

<u>Claim Number</u>	<u>Name of Claimant Nature of Claim</u>	<u>Amount of Claim</u>	<u>Amount Approved</u>
TE87-0033	Thomas Overton Due to error, claimant spent eight extra days in detention	2,500.00	200.00
T87-0035	Shelby County Sheriff's Office Patrol car was damaged by parking gate closing	133.51	133.51
T87-0036	Perkins Restaurants, Inc. Trooper's car slid on ice in parking lot knocking down light pole	Undetermined	978.64
TE87-0037	Charlie N. Chadwick Personal property damaged at Iowa State Penitentiary	200.00	52.33
T87-0049	Barbara Jo Reid State employee struck claimant's vehicle	167.08	167.08
T87-0050	Moorish Science Temple of America Self-help group at Mt. Pleasant had property damaged	63.92	39.95
T87-0051	Allied Insurance Group as Subrogee of Kathryn Lane State employee struck claimant's vehicle	1,169.60	1,169.60
T87-0052	Teresa Plowman Personal property lost at Correctional Institute for Women	80.00	47.00
T87-0053	Alida J. Horak Claimant fell while walking through U of I Hospitals and Clinic's parking ramp	450.00	232.00
T87-0054	Kelvin C. Jones Coat was ripped on door in state liquor store	60.00	50.00
T87-0056	Westbend Mutual Ins. Co. as Subrogee of John Mixdorf Claimant's vehicle damaged by rock thrown by state vehicle	133.10	133.10
T87-0059	John A. VandenHoek Vehicle scratched from cut branches piled along road on ISU campus	49.76	49.76
T87-0060	Dorothy McNamara State employee struck claimant's vehicle	1,003.56	1,003.56
T87-0063	Brenda Lee King for Rebecca Lowe Rebecca Lowe injured when she fell and hit head in Job Service Office	100.00	100.00
T87-0064	Metin Murat Cosgel U of I employee struck claimant's vehicle	379.45	269.60

<u>Claim Number</u>	<u>Name of Claimant Nature of Claim</u>	<u>Amount of Claim</u>	<u>Amount Approved</u>
T87-0067	Harriette Riddle Personal property was lost at Mt. Pleasant Mental Institute	38.78	37.78
T87-0074	Marlene J. Bown Injured when claimant fell on ice in Job Service Building in Waterloo	4,000.00	3,000.00
T87-0075	Daphne Sue Miller Snagged sweater on brass plate attached to juror's chair	13.51	13.51
T87-0077	James Russell McDonald State employee lost control of car, overturned in ditch and damaged claimant's fence	4.98	4.98
TE87-0078	Robert Chaney State employee failed to place trans- mission in park; car rolled into claimant's fence	215.00	215.00
T87-0079	Ross Cadwell State employee lost control of car, slid into ditch and damaged claimant's fence	50.00	50.00
T87-0086	Leonard A. Milder U of I employee struck claimant's parked vehicle with snowplow	126.34	126.34
T87-0087	Michael Ray Pittman U of I employee struck claimant's parked vehicle	262.74	262.74
T87-0090	Steven Brian Brown U of I employee struck claimant's vehicle	95.00	69.92
T87-0095	Kane-Lewis Productions Film was lost during shipping	475.00	475.00
T87-0097	Kristi Bond Tire was damaged when claimant struck sign post protruding from cen- ter island curb in U of I parking lot	47.49	47.39
T87-0103	Joseph L. VanDrasek Back injury which occurred when claimant fell down multi level stair- way at Iowa State Fair	25,000.00	7,500.00
T87-0106	Rodney Rainey State employee struck claimant's vehicle	60.00	60.00
T87-0109	Scott James Bergren State employee backed into claimant's vehicle	462.97	462.97
T87-0110	Steven Paul Early U of I employee struck claimant's parked vehicle	338.25	239.44

<u>Claim Number</u>	<u>Name of Claimant Nature of Claim</u>	<u>Amount of Claim</u>	<u>Amount Approved</u>
T87-0111	Faith Baptist Bible College & Theological Seminary Vehicle damaged when mail rack rolled from dock of Hoover Building dock and struck van	500.00	287.16
T87-0113	Roger E. Johnson Clothing was damaged in laundry at Riverview Release Center	23.07	15.00
TE87-0115	Shy Long-Aaron, By His Mother & Next Friend, Denise Long Child was physically examined unlawfully	15,000.00	500.00
T87-0117	Debra Oliver Clothing damaged at Correctional Institute for Women	145.00	60.00
T87-0121	Eileen Dillingham U of I employee struck claimant's vehicle	352.68	352.68
T87-0124	American Family Insurance as Subrogee for Charles Case ISU employee struck claimant's parked vehicle	418.47	418.47
T87-0126	Mayflower Insurance Company as Subrogee of Harrison Aelmans ISU employee struck claimant's parked vehicle	513.62	513.62
T87-0127	Rae Marie Leff U of I employee struck front of claimant's vehicle	108.39	108.39
T87-0128	Marcia A. Tabat State employee struck claimant's vehicle	435.31	424.90
T87-0129	Bernard S. Mellecker U of I employee struck claimant's vehicle	233.34	233.34
T87-0130	Henry E. Rattie, Jr. Lost property at Iowa State Penitentiary	6.00	6.00
T87-0131	Marvin Gene Wehrle Fire started at Riverview Release Center got out of control and des- troyed equipment	250.00	250.00
T87-0133	Todd Montgomery Personal property lost at Iowa Medi- cal Classification Center	175.00	100.00
T87-0135	Gary R. Grimme Personal property lost at Iowa Medi- cal Classification Center	251.04	100.00
T87-0137	Monte Lee Wolf Clothing was lost at Cherokee Mental Health Institute	200.00	20.00

<u>Claim Number</u>	<u>Name of Claimant Nature of Claim</u>	<u>Amount of Claim</u>	<u>Amount Approved</u>
T87-0139	Maree Lockard Nordman State employee struck claimant's vehicle	202.33	202.33
T87-0141	Robert R. Honn Personal property lost at Iowa Medi- cal Classification Center	60.00	50.00
T87-0153	Jeffery J. Snoody Personal property lost at Iowa Medi- cal Classification Center	65.00	20.00
T87-0155	Terry & Rebecca Angle ISU employee struck claimant's vehicle	1,143.68	1,143.68
T87-0156	Sandra Jean Monen State employee struck claimant's parked vehicle	93.20	93.20
T87-0158	IMT Insurance Co. as Subrogee for Eleanor Smidt State employee struck claimant's vehicle	982.12	982.12
TE87-0160	Allied Mutual Ins. Co. as Subrogee of Jerry & Paul Menadue State employee struck claimant's parked vehicle	633.14	633.12
T87-0163	Kent Daryl Rigdon U of I employee struck claimant's parked vehicle	Undetermined	478.22
T87-0164	Richard R. Glade Boat was damaged while being stored in Varied Industries Bldg.	26.83	26.83
T87-0169	Pamela Sue Corey UNI employee backed into claimant's parked vehicle	188.72	188.72
T87-0176	Marchetta Knapp ISU employee struck claimant's vehicle	335.67	335.67
T87-0177	Shyh-Yeu Jao U of I employee struck claimant's parked vehicle	325.84	223.29
T87-0178	Florence Knecht Car damaged from piece of rock or cement fell from Court Avenue Bridge	206.10	106.10
T87-0180	Dick Mason c/o Continental Baking Company State employee struck claimant's parked vehicle	90.00	90.00
T87-0182	Larry Dyer ISU employee struck claimant's vehicle	1,097.72	1,097.72

<u>Claim Number</u>	<u>Name of Claimant Nature of Claim</u>	<u>Amount of Claim</u>	<u>Amount Approved</u>
T87-0183	Stephen C. Leonard Claimant was wrongfully charged for photocopies at Iowa State Penitentiary	3.20	3.20
T87-0185	Richard B. Moore Claimant's vehicle was damaged by unknown state employee	145.00	139.40
T87-0186	State Farm Insurance as Subrogee of Delbert & Izetta Lutjen State employee lost control on ice and struck claimant's vehicle	531.74	531.74
T87-0280 T87-0188	Randy Gene Ripperger & Jane Ellen Ripperger ISU employee struck claimant's vehicle	16,319.34	4,800.00
T87-0194	Lynne Renee Steele ISU employee struck claimant's vehicle	2,432.38	171.91
T87-0195	Allied Group Ins. as Subrogee of Lynne Steele See T87-0194	2,260.47	2,280.47
T87-0196	David Clark U of I employee struck claimant's vehicle	491.08	491.08
T87-0199	Stephen C. Brooks Vehicle damaged by parking lot gate	166.40	166.40
T87-0204	Randy Groves Personal property lost at Iowa State Penitentiary	50.86	30.00
T87-0209	Frances Esther Patterson ISU employee struck claimant's vehicle	225.31	225.31
T87-0210	Vivian V. Rowland Lost personal property at Cherokee Mental Health Institute	270.00	160.00
T87-0215	Shirley Ann Leslie UNI employee struck claimant's vehicle	182.00	182.00
T87-0216	Jay David Bean State employee struck claimant's vehicle broadside	700.00	700.00
T87-0221	Gerald T. Sanderson Clothing was lost at Iowa Medical and Classification Center	126.50	100.00
T87-0222	David G. Welder Vehicle damaged by parking lot gate	338.90	338.90
T87-0225	Barbara J. Benson Clothing lost at North Central Cor- rectional Facility	24.00	24.00

<u>Claim Number</u>	<u>Name of Claimant Nature of Claim</u>	<u>Amount of Claim</u>	<u>Amount Approved</u>
T87-0226	Edward Bittner State trooper drove into ditch and damaged claimant's fence	98.30	98.30
T87-0227	Wendell Filkens State employee struck claimant's vehicle	450.16	450.16
TE87-0231	Debra Mae Davenport State employee struck claimant's vehicle	612.40	612.40
T87-0233	Robert C. Arledge State employee struck claimant's vehicle	750.86	637.20
T87-0234	Coltrain Implement U of I employee sideswiped claimant's vehicle	591.58	591.58
T87-0236	West Bend Mutual Insurance Company as Subrogee of James Fry State employee struck claimant's vehicle	1,405.00	1,053.75
T87-0237	West Bend Mutual Insurance Company as Subrogee for Daniel Cilek U of I employee struck claimant's parked vehicle	1,238.51	1,238.51
T87-0238	Roseanne Ewoldt Mailbox damaged by state vehicle	8.67	8.67
T87-0242	Quincy Adam Tobin Property lost at Iowa State Penitentiary	4.90	2.09
T87-0244	Lois Wickett Car damaged by state employee using weed whip	261.06	261.06
T87-0246	Alan J. Schuiteman ISU employee struck claimant's vehicle	400.00	399.13
T87-0247	Steven A. Voshell Wedding ring lost while at Iowa State Penitentiary	168.00	50.00
T87-0250	State Farm Insurance as Subrogee of Joanne Krywanio U of I employee struck claimant's vehicle	901.04	901.04
T87-0251	Margaret Scholz Vehicle damaged by parking lot gate	239.68	239.68
T87-0252	Sharon Reider Paliti Tore skirt on a broken chair in class- room at ISU	27.30	27.30
T87-0253	E.C. Herrick State employee struck claimant's parked vehicle	49.32	49.32



<u>Claim Number</u>	<u>Name of Claimant Nature of Claim</u>	<u>Amount of Claim</u>	<u>Amount Approved</u>
T87-0254	Jerald L. Thornburg State employee struck claimant's vehicle	287.01	287.01
T87-0255	Marlin Wayne Havig State employee struck claimant's vehicle	Undetermined	269.68
T87-0256	John H. Joseph U of I employee struck claimant's vehicle	1,100.00	1,100.00
T87-0257	Maureen L. Haag State employee struck claimant's parked vehicle	387.03	387.03
T87-0260	Vicki J. Hudachek Vehicle damaged by parking lot gate	164.80	164.80
T87-0269	Daniel Zwagerman U of I employee backed into claimant's vehicle	782.23	710.95
T87-0271	Ryder Truck Rental State employee backed rented truck into loading area striking the over- head door	674.71	549.12
T87-0272	Peggy L. Becker Weed whip, operated by state employee, threw a rock breaking vehicle window	56.91	56.91
T87-0275	Evelyn D. Vodraska Fell on sidewalk at Cherokee Mental Health Institute	Undetermined	1,095.66
T87-0276	Motor Club of Iowa as Subrogee of Ralph & Lois Shirley State employee struck claimant's vehicle due to failure to yield	1,572.42	1,572.42
TE87-0277	Kelly Henry U of I employee struck claimant's vehicle	797.15	747.15
T87-0278	Roger Jensen, Jr. Personal injuries & property damages due to collision with state employee	13,500.00	9,000.00
T87-0283	St. Paul Insurance Co. as Subrogee of Joseph Schmitt State employee struck claimant's vehicle	2,881.94	2,881.94
T87-0284	John Drahos State employee struck claimant's building	101.58	101.58
T87-0285	Charles Brian Whitlatch State employee struck claimant's vehicle	456.76	456.76

<u>Claim Number</u>	<u>Name of Claimant Nature of Claim</u>	<u>Amount of Claim</u>	<u>Amount Approved</u>
T87-0286	C.C. Mosier ISU employee struck claimant's parked vehicle	534.36	534.36
T87-0287	State of Illinois Department of Transportation ISU employee struck exit sign on Interstate 80	195.30	195.30
T87-0288	Garret Norman Johnson U of I employee struck claimant's motorcycle	95.00	92.59
T87-0289	Ronald Bower State employee rearended claimant's vehicle	255.99	255.99
T87-0291	Pat Kruse Property damaged at Correctional Institute for Women	4.50	2.60
T87-0292	Mary Hensley Car damaged by parking lot gate	436.42	436.42
T87-0295	Anne Barcus Car damaged by parking lot gate	116.00	116.00
T87-0297	Scott Young Claimant's daughter was injured on slide at UNI family housing	Undetermined	383.87
T87-0298	Employers Mutual Ins. Co. as Subrogee of Marc & Jana Shearer State employee struck claimant's parked vehicle	393.48	393.48
T87-0304	American Family Ins. Co. as Subrogee of Dennis & Sheryl Bacon Carr damaged by parking lot gate	734.15	734.15
T87-0306	State Farm Insurance as Subrogee of Jerry & Annette Nichols State employee struck claimant's vehicle	949.31	949.31
T87-0308	Dorothy M. Brooks State employee struck claimant's vehicle	136.80	136.80
T87-0309	James C. Cannon Car damaged by drifting spray paint at U of I	219.68	219.68
T87-0312	William E. Twaler Car damaged by parking lot gate	934.68	894.52
T87-0314	Susan Nickels Car damaged by drifting spray paint at U of I	111.52	111.52
T87-0321	Carolyn S. Dyer Car damaged by parking lot gate	179.76	167.82

<u>Claim Number</u>	<u>Name of Claimant Nature of Claim</u>	<u>Amount of Claim</u>	<u>Amount Approved</u>
T87-0322	Bennie Phillips Car window broken by rock thrown by mower	64.28	64.28
T87-0323	Jerry B. Dickinson Car damaged by spray paint at the Iowa State Fairgrounds	166.40	166.40
T87-0327	Thyra L. Cox ISU employee collided with claimant's vehicle	432.13	484.13
T87-0329	Kenneth E. Johns Clothing damaged in laundry at Riverview Release Center	70.00	25.00
T87-0331	Alice Fennell Car damaged by parking lot gate	323.63	323.63
T87-0337	Craig W. Kaiser State employee struck claimant's parked vehicle	237.00	237.00
T87-0339	Yolanda Denise Hart U of I employee collided with claimant's vehicle	800.00	639.52
T87-0344	Jen-Hen Hwang U of I employee sideswiped claimant's vehicle	82.40	82.40
T87-0345	Rebecca Kathryn Hays U of I employee struck claimant's vehicle	235.57	200.20
T87-0350	Gerald W. Franz State employee struck claimant's parked vehicle	164.11	164.11
T87-0351	Paul Edward Beckler	235.00	235.00
TE87-0432	Paul Edward Beckler, Jr. Governor's trooper stopped vehicle in intersection in front of claimant caus- ing Paul, Jr. to apply brakes of scooter and slide underneath of state vehicle	1,273.00	590.00
T87-0353	Andrea Dursky State employee struck claimant's house	185.00	185.56
T87-0354	Lakeside Lifts, Inc. State employee struck claimant's boat hoist	500.00	500.00
T87-0355	Mike Gail West Car damaged by grass clippings from state mower	200.00	178.25
T87-0356	Pekin Insurance as Subrogee to Roderick & Kay Radenbaugh Car damaged by parking lot gate	662.83	662.83

<u>Claim Number</u>	<u>Name of Claimant Nature of Claim</u>	<u>Amount of Claim</u>	<u>Amount Approved</u>
T87-0361	Harlan R. Elliott Lost property at Riverview Release Center	42.91	42.91
T87-0364	Pamela J. Garcia State employee struck claimant's parked vehicle	1,115.89	1,115.89
TE87-0368	Marcia Baruah U of I employee struck claimant's vehicle	447.70	384.94
TE87-0370	Marvin Soppeland State employee struck claimant's parked vehicle	37.76	37.76
TE87-0371	Linda Elaine Lilienthal State employee struck claimant's vehicle	Undetermined	1,292.38
T87-0372	Dean Ludwig Clothing was damaged when claimant's daughter sat on bench at Iowa State Fairgrounds	25.00	25.00
T87-0373	Kevin T. Bean Personal property was lost during transfer between Anamosa and Mt. Pleasant	25.49	10.00
T87-0378	Marty L. Reisen Personal property lost at Mt. Pleasant	11.00	8.00
T87-0384	Charles E. Dickinson Window damaged when softball from U of I field shattered it	277.78	177.80
T87-0385	United Parcel Service Inmate struck claimant's vehicle at Anamosa	606.93	606.93
T87-0387	James W. Shoup State employee's glasses were damaged when a mattress slipped from hands of another employee	91.00	91.00
T87-0389	Barbara Ann Nunn Clothing damaged while being stored at Correctional Institute for Women	120.64	35.00
TE87-0391	William E. Allen State employee collided with claimant's vehicle	Undetermined	257.94
T87-0392	Diane Venghaus U of I employee rear-ended claimant's vehicle	189.30	189.30
T87-0393	General Casualty Co. as Subrogee of Catherine Zavala U of I employee collided with claimant's vehicle	2,100.00	2,100.00

<u>Claim Number</u>	<u>Name of Claimant Nature of Claim</u>	<u>Amount of Claim</u>	<u>Amount Approved</u>
T87-0394	Fred Jackson State employee struck claimant's parked vehicle	278.32	278.32
T87-0398	Robert J. Garrity U of I employee struck claimant's vehicle	223.43	144.60
T87-0404	Jordi Roglans-Ribas Debris from ISU dump truck fell on claimant's vehicle	229.60	225.32
T87-0410	Travis DeCamp Troopers arrested individual, placing him over hood of claimant's vehicle damaging hood	95.00	95.00
T87-0412	Charles V. Hall ISU employee struck claimant's vehicle	57.69	57.69
T87-0420	State Farm Insurance as Subrogee of Kenneth Adamson Car damaged by drifting spray paint	419.36	419.36
T87-0426	State Farm Insurance Co. as Subrogee of Gary & Linda Baker U of I employee backed into claimant's parked vehicle	1,098.14	1,098.14
T87-0430	Lauren LaRoy Christian ISU employee backed into claimant's parked vehicle	949.23	949.23
T87-0431	Francis M. Watkins Moritz State employee rear-ended claimant's vehicle	500.00	450.00
T87-0438	Kathryn J. Gullion State employee collided with claimant's vehicle	144.60	128.96
T87-0439	Carl Joseph Grego, Jr. State employee collided with claimant's vehicle	1,552.77	1,552.77
T87-0441	Kevin M. Leyden U of I employee struck claimant's parked vehicle	263.78	261.29
T87-0448	Manatt's Investment Company State employee backed into claimant's building damaging eaves spout and gutter	83.20	83.20
T87-0449	Ohio Casualty Co. as Subrogee for Herbert Tjaden U of I employee collided with claimant's vehicle	1,285.00	1,285.00
T87-0453	Hy-Vee DBA Drug Town State employee struck doors of claimant's building	432.55	432.55

<u>Claim Number</u>	<u>Name of Claimant Nature of Claim</u>	<u>Amount of Claim</u>	<u>Amount Approved</u>
T87-0455	Lynn M. Reynolds & Steve Reynolds State employee rearended claimant's vehicle	2,017.92	1,992.40
T87-0458	John W. Landes U of I employee collided with claimant's vehicle	315.00	303.03
T87-0460	Steven Weaver Personal property lost when trans- ferred from Iowa State Penitentiary	82.00	82.00
T87-0479	Michelle Kay Ziniel Gust of wind blew topper off ISU pickup onto claimant's vehicle	295.63	191.70
T87-0482	Chalmer H. Smith Personal property lost at Vets Home	11.00	11.00
T87-0483	Continental Western Insurance Company as Subrogee to Jay Dean McCracken U of I employee struck claimant's vehicle	447.76	447.76
T87-0485	Doug Thorson State employee struck claimant's vehicle	489.28	489.28
T87-0486	Pearl Waline Estate, Colleen Roggentien Executor State employee damaged claimant's yard by driving on it	78.00	78.00
T87-0501	Barbara B. Stein U of I employee struck claimant's parked vehicle	870.65	870.65
T87-0512	Iowa Power & Light State employee struck claimant's light pole	632.38	632.38
T87-0513	Carl Raymond Christensen State employee backed a state tractor trailer into a dumpster pushing it into the claimant's building	1,338.00	1,338.00
T87-0521	Nageshprasad Anath ISU employee struck claimant's parked vehicle	388.55	327.19
T87-0527	Total Petroleum, Inc. State employee struck a gas station sign	287.17	287.17
T87-0530	Michael J. Bock U of I employee struck claimant's parked vehicle	271.94	235.45
T87-0531	American States Ins. Co. as Subrogee of Ronald Jones State employee struck claimant's vehicle	510.54	510.54

<u>Claim Number</u>	<u>Name of Claimant Nature of Claim</u>	<u>Amount of Claim</u>	<u>Amount Approved</u>
T87-0535	Rosemarie Burch ISU employee rearended claimant's vehicle	159.12	159.12
T87-0540	Jerry L. Coy U of I employee struck claimant's vehicle	468.41	448.33
T86-0200	Various Claimants Damage to vehicles caused by emis- sions from the University of Iowa's power plant		67,013.27

**CHAPTER 25A HIGHWAY TORT CLAIMS  
APPROVED BY STATE APPEAL BOARD, 1987**

<u>Claim Number</u>	<u>Name of Claimant Nature of Claim</u>	<u>Amount of Claim</u>	<u>Amount Approved</u>
H85-0233	George Halstead Evergreen trees damaged by spraying.	\$ 14,000.00	\$ 7,000.00
H86-0121	John Christner Snowplow damaged mailbox.	50.00	20.00
H86-0144	Kathryn E. Olthoff Damage to car by rocks thrown.	230.00	229.40
H86-0145	Gary Lee Minor Drain tile was broken during road construction.	3,204.52	1,602.26
H86-0180	Herbert R. Speer Soybean crop was damaged by spraying.	275.00	250.00
H86-0182	Amco Insurance Company Wood siding and electrical service was damaged when DOT truck struck home.	143.83	143.83
H86-0184	Western Insurance as Subrogee for Martin Witkoske Damage when collision occurred between DOT vehicle and a second vehicle.	560.37	560.37
H86-0185	State Farm Insurance Co. as Subrogee for Hector Meneses See H86-0184	1,904.29	1,207.52
H86-0189	Alfred D. Mehmen Storage of salt resulted in runoff from stockpile and damaged farm land.	3,000.00	3,000.00
H86-0191	Greyhound Lines, Inc. Claimant's bus and DOT vehicle collided.	1,492.12	1,492.12
H86-0198	Sally Sue Stoker Vehicle damaged by large rocks mixed in gravel on detour road.	47.84	47.84

<u>Claim Number</u>	<u>Name of Claimant Nature of Claim</u>	<u>Amount of Claim</u>	<u>Amount Approved</u>
H86-0200	Bill Kuntz and Sons Tire damaged by right of way rail.	276.60	124.80
H86-0204	Darrell E. Kersey Damage to car when DOT mower threw coffee can into side of car.	93.45	93.45
H86-0205	William P. Young Headlights and windshield damaged by gravel truck.	261.71	261.71
H86-0208	Kenneth Eugene Snow Injury to eye when sprayed by her- bicide.	28.00	28.00
H86-0209	David F. Bender Personal injury and property damages done by patching material being used by state maintenance crew.	303.70	258.70
H86-0211	Mark Fagan Damage resulted when car was hit by DOT van.	494.50	469.80
H86-0212	Teresa J. Brown Tire damaged by piece of curbing in road.	25.95	25.95
H86-0215	Julie A. Lind Tires damaged when claimant ran over a sign post laying across highway.	58.19	58.19
H86-0218	Mary E. Ripperger Bracket for traffic recorder device was not secure and vehicle ran over it causing damage to tire.	Undetermined	62.40
H86-0222	Allstate Insurance Co. as Subrogee of Delbert D. Martin Vehicle damaged by object thrown by DOT mower.	Undetermined	428.91
H86-0227	Northwestern Bell Telephone Co. 150 pair cable damaged by DOT road crew.	642.54	642.54
H86-0231	State Farm Insurance As Subrogee of Daniel J. Jacobson Collision between claimant and DOT vehicle.	261.92	261.92
H86-0235	Jack C. Coffey Collision between claimant's vehicle and DOT vehicle.	1,974.86	1,974.86
H86-0243	Arthur H. Ladeburg Windshield damaged by rock thrown by DOT truck.	157.04	157.04
H86-0244	Haines Transport Collision between claimant's vehicle and DOT vehicle.	1,485.31	1,473.47



<u>Claim Number</u>	<u>Name of Claimant Nature of Claim</u>	<u>Amount of Claim</u>	<u>Amount Approved</u>
H86-0248	Marie D. Caldwell Tree was cut down by DOT.	475.00	475.00
H86-0250	Phyllis J. Rollefson Windshield damaged by rock which fell off DOT truck.	235.24	235.24
H86-0253	Iowa American Insurance Co. and Joseph M. Martin Parked vehicle damaged by DOT vehicle.	606.40	606.40
H86-0257	State Farm Mutual Ins. Co. as Subrogee of Larrayne Stephenson Collision between claimant's vehicle and DOT vehicle.	2,175.00	2,175.00
H86-0260	Barry DeJong Window was damaged by rock thrown by DOT mower/tractor.	94.19	94.19
H86-0264	Allied Construction Co., Inc. Collision between claimant's vehicle and DOT vehicle.	389.96	389.96
H86-0266	Northwestern Bell Telephone Co. Cable was severed by DOT road crew.	238.61	238.61
H86-0272	Ronald L. Brus Damage to vehicle when slipped off highway into edge rut and car went out of control.	1,000.00	400.00
H86-0273	Lea Mobile Glass, Inc. Windshield was damaged by rock thrown by DOT mower.	151.23	151.23
H86-0274	Donald Gene Blackstone Crops damaged by 2-4D chemical sprayed by DOT.	65.63	65.63
H86-0275	Lloyd Earl Carlson Crops damaged by chemical sprayed by DOT.	300.00	151.97
H86-0276	Randall Bus Co., Inc. Windshields were damaged when struck by asphaltic material.	398.76	398.76
HE86-0278	Wausau Insurance Co. as Subrogee of Commercial Asphalt Paving Company Claimant's insured was injured when struck by DOT truck.	47.00	47.00

<u>Claim Number</u>	<u>Name of Claimant Nature of Claim</u>	<u>Amount of Claim</u>	<u>Amount Approved</u>
H86-0280	Margaret Garbers and Continental	699.02	50.00
H86-0307	Western Insurance Co. as Subrogee for Ralph Garbers Claimant's vehicle was damaged when DOT truck backed into path of vehicle.	699.02	649.02
H86-0281	Scott D. Kartman Windshield was damaged by rocks thrown by DOT truck.	442.04	442.04
H86-0283	Keith Slater Tile was damaged during road con- struction.	1,399.50	1,399.50
H86-0288	Robert Bechtel Vehicle damaged by rocks thrown from gravel truck.	187.86	187.86
H86-0293	Patricia A. Marble Vehicle damaged by epoxy compound sprayed during bridge repair.	96.20	96.20
H86-0294	Donna L. Bentley Vehicle damaged by epoxy compound sprayed during bridge repair.	768.00	768.00
H86-0302	Eugene M. Heithoff Vehicle was damaged by piece of con- crete from road repair.	77.00	77.00
H86-0303	Tina M. Kehl Vehicle damaged by epoxy compound sprayed during bridge repair.	728.00	728.00
H86-0304	Beth Ann Murphy Vehicle damaged by epoxy compound sprayed during bridge repair.	530.40	530.40
H86-0308	State Farm Insurance as Subrogee to Maryellen Hatting Windshield and car damaged by rocks thrown by DOT mower.	478.19	478.19
H86-0309	Rose Marie DeFazio Vehicle damaged by cement chips thrown by jackhammer during road construction.	766.28	766.28
H86-0314	George M. Iverson Vehicle damaged by epoxy compound sprayed during bridge repair.	Undetermined	316.74
H86-0315	Central Iowa Electric DOT maintenance grader caused damage to an electric utility manhole.	136.50	136.50
H86-0318	Rosene International, Inc. Tire was damaged by steel dis- charged from DOT mower.	222.08	222.08
H86-0320	Floyd LeRoy Daniels Vehicle was damaged by tar and sand from road repair.	53.16	53.16

<u>Claim Number</u>	<u>Name of Claimant Nature of Claim</u>	<u>Amount of Claim</u>	<u>Amount Approved</u>
H86-0321	Clarence Irwin Carter DOT grader backed into claimant's vehicle.	276.60	120.72
H86-0322	May Rogers and State Farm Mutual Insurance as Subrogee for	Undetermined	406.62
H87-0041	May Rogers Vehicle damaged when DOT truck backed into her vehicle.	406.62	406.62
H86-0323	Farmers Feed & Supply Transportation DOT payloader punctured the tire of claimant's vehicle.	355.17	260.00
H86-0326	Duane Bontrager, Exec. of the Estate of Mary Bontrager Wrongful Death.	2,005,000.00	10,000.00
H86-0329	Raymond Schnur Vehicle damaged when it struck piece of metal which had fallen from DOT vehicle.	72.52	63.82
H86-0330	Tim A. Zisoff Windshield damaged by dirt which fell from DOT dump truck.	244.35	244.35
H86-0331	Rex Foreman DOT employee struck claimant's parked vehicle.	424.82	424.82
H86-0332	James L. Miller Windshield was cracked by gravel which fell from DOT truck.	253.08	253.08
H86-0334	Estate of Larry Elmer Elwick DOT pickup truck struck deceased claimant's vehicle.	381.92	381.92
H86-0342	Ronald & Janice Swires DOT snowplow backed up into clai- mant's vehicle.	721.93	721.93
H86-0343	Northwestern Bell Telephone Co. Cables were damaged by DOT main- tenance crew.	7,880.81	7,880.81
H86-0344	Richard Ray Hibbert, Jr. DOT pickup collided with claimant's vehicle.	332.07	332.07
H86-0345	Michael W. Shuey Vehicle damaged by rocks from DOT mower.	580.67	580.67
H86-0346	Allen Ray Remily Vehicle damaged by rock thrown by rotary hand mower.	159.28	159.28
H86-0347	James Stewart Bennett and Home Mutual-Secura Insurance as Subrogee to James Bennett Collision between claimant's vehicle and DOT vehicle.	1,943.24	2,233.32

<u>Claim Number</u>	<u>Name of Claimant Nature of Claim</u>	<u>Amount of Claim</u>	<u>Amount Approved</u>
H86-0348	Northwestern Bell Telephone Co. Cable damaged by DOT backhoe.	568.30	568.30
H86-0349	Edwin J. Plagman Collision between claimant's vehicle and DOT vehicle.	156.00	156.00
H86-0351	Donald L. Gray Vehicle was damaged by rock thrown from DOT mower.	72.20	72.20
H86-0354	Barbara A. McKern Windshield damaged by rock thrown from DOT snowplow.	197.75	197.75
H86-0359	Jolene S. Starr Windshield damaged by sand thrown from DOT truck.	375.60	375.60
H86-0360	Gregg Kern Knowles Vehicle damaged by rocks thrown by snowplow.	230.70	230.70
H86-0361	Myron V. Andrews Vehicle damaged when a tire rolled off DOT truck and struck claimant's vehicle.	140.80	140.80
H86-0362	Sharon M. Fisher Damage caused by "chuckhole".	132.32	69.46
H86-0365	Harold L. White Windshield was damaged by rocks thrown from DOT truck.	137.10	121.05
H86-0368	Jerry Lynn Carrier Vehicle damaged by sand thrown by DOT spreader.	475.36	475.36
H86-0369	Forrest Urbatsch DOT crew broke fence which allowed cattle to get into field destroying crops.	212.85	212.85
H87-0001	Glenn Lewis for North Grand Care Center Vehicle damaged by fresh tar.	190.32	154.88
H87-0005	Jerry Arnold Kleppe Vehicle damaged by small rocks thrown by DOT snowplow.	243.36	243.36
H87-0006	Richard A. Schmidt Windshield chipped by material thrown from DOT truck.	129.84	129.84
H87-0008	Wilfrid W. Bintner Collision between DOT vehicle and claimant vehicle.	352.00	352.00

<u>Claim Number</u>	<u>Name of Claimant Nature of Claim</u>	<u>Amount of Claim</u>	<u>Amount Approved</u>
H87-0010	City of Libertyville DOT was removing a tree from stream bed, tree trunk pivoted after cutting and landed in creek breaking a waterline.	4,239.53	3,639.53
H87-0012	Frank E. Squires Damage caused by fresh tar.	325.60	88.40
H87-0015	Michelle L. Book Vehicle damaged by overspray.	112.02	112.02
HE87-0016	Charles Dewey Davis Collision between snowplow and claimant vehicle.	838.26	838.26
H87-0018	Fort Madison Community School District Vehicles damaged by material being spread by DOT sand truck.	128.78	120.08
H87-0020	Jean Carole Rusk Damage by sand and debris thrown by DOT sand truck.	199.34	192.40
H87-0022	United Security as Subrogee of Richard Hibbert, Jr. See H86-0344	337.07	337.07
H87-0023	Frances McGaffey See H86-0326	1,000.00	1,000.00
H87-0024	Timothy H. Philips Damage caused by sand thrown by DOT sand truck.	239.98	239.98
H87-0025	Sandra K. Rogers Windshield damaged by dirt and rocks thrown by DOT truck.	237.71	237.71
H87-0026	Elizabeth A. Rogers Windshield damaged by sand being spread by DOT truck.	Undetermined	275.13
H87-0027	Mary F. Long Windshield damaged by cinder thrown by DOT sand truck.	210.40	210.40
H87-0028	James T. Borota Windshield damaged by debris thrown by DOT truck.	143.26	143.26
H87-0029	Sioux City American Indian Center Collision between claimant's vehicle and DOT vehicle.	858.80	858.80
H87-0030	Melvin Cleon Price Damage caused when claimant ran over vibrator which fell from DOT truck.	253.14	253.14
H87-0033	William L. Lighthall Windshield damaged by rock thrown by DOT truck.	234.31	234.31

<u>Claim Number</u>	<u>Name of Claimant Nature of Claim</u>	<u>Amount of Claim</u>	<u>Amount Approved</u>
H87-0035	David E. Brown & Iowa Mutual as Subrogee of David E. Brown Windshield damaged by gravel thrown by DOT truck.	424.30	424.30
H87-0036	Steven Lee Fischer Windshield damaged by rock thrown by DOT truck.	366.03	366.03
H87-0037	David Michael Shipley Vehicle damaged when claimant ran over snowblade in road.	82.59	82.59
H87-0038	Kenneth Ray Graham Vehicle damaged when struck by a tree felled by DOT employees.	Undetermined	1,173.12
H87-0040	Goodyear Tire & Rubber Vehicle damaged when struck by unattended DOT vehicle.	497.39	497.39
H87-0041	May Rogers and State Farm Mutual Insurance as Subrogee for May Rogers See H86-0322	406.62	406.62
H87-0042	State Farm Insurance Co. as Subrogee of Joseph C. Owen Vehicle damaged when struck by DOT snowplow.	1,432.02	1,432.02
H87-0043	Dwight D. Netzer and Farm Bureau Mutual Co. as Subrogee Vehicle damaged when struck in rear by DOT truck.	1,550.20	1,391.20
H87-0044	Larry L. Jayne Windshield damaged by rock thrown by DOT truck.	219.21	231.40
H87-0046	Continental Western Insurance as Subrogee for Vernon T. Kluth Windshield damaged by rock thrown by DOT truck.	217.88	217.88
H87-0047	Ruth Reel Windshield damaged by snow and ice thrown by DOT truck.	237.47	217.47
H87-0048	Continental Western Insurance Co. as Subrogee of Ronald Kellen Collision between claimant's vehicle and DOT truck.	7,783.85	7,683.85
H87-0049	Kenneth Alan Miller Vehicle damaged by rock chips thrown by DOT truck.	274.68	270.40
H87-0051	Herbert R. Jackson Persimmon trees damaged by DOT employees while removing other trees.	300.00	100.00

<u>Claim Number</u>	<u>Name of Claimant Nature of Claim</u>	<u>Amount of Claim</u>	<u>Amount Approved</u>
H87-0053	Linda Kay Breitbach Vehicle damaged by sand thrown by DOT truck.	846.45	815.59
H87-0054	Donald Eugene Larsen Windshield damaged by sand thrown by DOT truck.	141.05	141.05
H87-0055	Danny L. Reetz Vehicle damaged by rocks and sand thrown by DOT truck.	290.97	290.97
H87-0056	James M. Croy Windshield damaged by sand thrown by DOT truck.	157.52	163.02
H87-0057	Gerald W. Cavanaugh Headlights damaged by rocks thrown by DOT snowplow.	41.36	41.36
H87-0059	Thelma J. Mohr Windshield damaged by rock thrown by DOT air compressor.	Undetermined	197.62
H87-0063	Maurice Christensen & Farm Bureau Mutual Insurance as Subrogee of Maurice Christensen Vehicle damaged by sand thrown by DOT truck.	452.61	452.61
H87-0065	Reginald J. Erwin and Allied Group Insurance as Subrogee of Reginald J. Erwin Collision between claimant's vehicle and DOT vehicle.	1,912.18	2,012.18
H87-0066	John A. Hemesath Vehicle damaged by sand thrown by DOT truck.	134.00	134.62
H87-0067	Lisa Ann Baie Vehicle damaged by sand thrown by DOT truck.	285.68	222.33
H87-0069	Penelope Lynn Dunlop Vehicle damaged by rocks thrown by DOT truck.	245.55	229.96
H87-0070	Bob Tabler Damage occurred when claimant hit range pole which had no warning flags.	251.40	214.67
H87-0071	Dennis Stout Tiles damaged and not re-hooked by DOT after road construction.	142.10	76.05
H87-0073	Plymouth County Windshield damaged when rocks fell out of DOT truck.	202.85	202.85
HE87-0075	Susan J. Schulte, Paul Dennis Schulte	57,900.00	9,500.00
HE87-0076	and James F. Dennis Collision between claimant's vehicle and DOT snowplow.	27,900.00	

<u>Claim Number</u>	<u>Name of Claimant Nature of Claim</u>	<u>Amount of Claim</u>	<u>Amount Approved</u>
H87-0077	All State Insurance as Subrogee for Darlene J. Bax Damage caused by fresh tar.	88.40	298.58
H87-0082	Linda R. Winther and State Farm Insurance as Subrogee Vehicle damaged by sand and gravel thrown by DOT sand truck.	497.03	440.24
H87-0084	Robert D. Bromley Reconstruction of road made it neces- sary to remove driveway which caused drainage problem.	644.70	644.70
H87-0085	State Farm Insurance Company as Subrogee of Paul Vanscoyk DOT snowplow hit lamp pole, it fell into road and claimant hit it.	1,689.89	1,689.89
H87-0086	Carl A. Sinn Damage caused by rocks in roadway which fell off DOT trucks.	123.22	123.22
H87-0087	Einar A. Anderson Collision between claimant's vehicle and DOT vehicle.	1,435.29	1,435.29
H87-0088	Henry Schnetter Large piece of metal fell off DOT vehicle and damaged claimant's car.	483.86	483.86
H87-0090	Wayne Howard Mussman Parked vehicle was damaged when struck by DOT snowplow.	1,367.35	1,367.35
H87-0091	James S. Johnston Damage caused by rocks thrown by DOT truck.	458.01	454.69
H87-0094 H87-0109	Lester Paff and American Family Insurance as Subrogee Parked vehicle was damaged when struck by DOT snowplow.	4,500.00 1,815.52	2,325.52
H87-0099	John Ritzman Damage caused by rock thrown by air compressor.	150.00	224.36
H87-0100	Richard R. Feldman DOT truck's boom hit overpass and chunks of concrete fell onto vehicle's roof.	179.67	179.67
H87-0104	Richard Lee Collins Windshield damaged by rock thrown from DOT truck.	221.94	221.94
H87-0107	State Farm Insurance Company as Subrogee of Karen Koch Damage caused when DOT truck backed into claimant's vehicle.	444.27	444.27
H87-0108	City of Oskaloosa Fire truck damaged by rocks thrown from DOT truck.	Undetermined	118.04



<u>Claim Number</u>	<u>Name of Claimant Nature of Claim</u>	<u>Amount of Claim</u>	<u>Amount Approved</u>
H87-0111	Ronald Paul Jaeschke Windshield damaged by debris thrown from air hose.	162.49	162.49
H87-0113	Arlo Sigmon and IMT Insurance Company as Subrogee of Arlo Sigmon Parked travel trailer damaged when struck by DOT snowplow.	1,750.00	1,137.59
H87-0115	Kathleen Mueggenberg Windshield damaged by rock thrown from DOT mower.	234.46	202.52
H87-0116	Roger J. Marchant Parked vehicle damaged when struck by DOT snowplow.	174.88	159.90
H87-0117	Grinnell Mutual Reinsurance Co. as Subrogee of Gary Lee Martindale Damage caused by sand and gravel thrown by DOT truck.	435.46	435.46
H87-0119	USAA as Subrogee of David A. Morse DOT truck backed up into claimant's vehicle.	1,163.49	1,163.49
H87-0121	New Hampshire Insurance Co. as Subrogee of Hazel Louise Galey DOT caused a limb to be in highway; claimant tried to avoid hitting it and collided with another vehicle.	187.32	187.32
H87-0122	Jeffery Alan Beal Windshield damaged by rock which fell from DOT truck.	270.34	270.34
H87-0123	Eugene Selmer Sandy Collision between claimant's vehicle and DOT vehicle.	303.16	303.16
H87-0125	Pleasantville Golf & Country Club, Inc. Waterline was broken as a result of installation of snow fence.	95.00	95.00
HE87-0127	Christopher B. Scott Parked vehicle damaged when DOT truck backed into vehicle.	Undetermined	503.44
H87-0132	Robert J. Hassett II Damage caused by spray paint from DOT shop bays.	295.40	295.40
H87-0134	Dennis M. Mabie See H87-0132	342.00	342.10
H87-0136	Carroll Irvin Oxley Windshield damaged by aggregate thrown from DOT vehicle.	299.83	299.83
H87-0139	John E. Blackford, Sr. Windshield damaged by gravel thrown from DOT truck.	182.83	182.83

<u>Claim Number</u>	<u>Name of Claimant Nature of Claim</u>	<u>Amount of Claim</u>	<u>Amount Approved</u>
H87-0140	Robert L. Peck Damage caused by paint which drifted from DOT maintenance garage.	78.00	78.00
H87-0151	Steve Luhmann Damage caused by rocks thrown from DOT truck.	Undetermined	159.80
H87-0154	David J. Nebel, Sr. Damage caused by rocks thrown from DOT truck.	181.04	181.04
H87-0155	Northwestern Bell Telephone Co. Cables damaged by DOT road crew.	836.75	836.75
H87-0158	Richard C. Lennon Windshield damaged by rocks thrown from DOT truck.	243.45	243.45
H87-0161	Mary M. Brown Damage caused by rock thrown from DOT truck.	277.83	277.83
H87-0163	James House Damage caused by rocks thrown from DOT truck.	240.20	240.20
H87-0166	Robert Edward Wooldridge Damage caused by paint from DOT road crew.	341.20	341.20
H87-0168	Joseph Martin and Iowa American Insurance Co. as Subrogee for Joseph Martin Parked vehicle damaged when struck by DOT vehicle.	231.55	231.55
H87-0175	Patricia Ann Farmer Collision between claimant's vehicle and DOT vehicle.	177.08	177.08
H87-0180	Elmer J. Schiffer Damage caused by rock thrown by DOT mower.	166.54	166.54
H87-0182	Nancy Lee Hart Damage caused by rock thrown by DOT mower.	284.64	258.96
H87-0189	John J. O'Keefe Personal injury when claimant was accidently sprayed with chemical.	100.89	100.89
H87-0191	State Farm Insurance as Subrogee of Thomas Haag and Thomas Haag Van was struck by DOT snowplow.	963.90	963.90

<u>Claim Number</u>	<u>Name of Claimant Nature of Claim</u>	<u>Amount of Claim</u>	<u>Amount Approved</u>
H87-0192	M.J.E., Inc. Parked vehicle was struck by DOT vehicle.	849.22	849.22
H87-0197	Jon A. Richter Mailbox damaged when struck by DOT mower.	41.60	41.60
H87-0198	Verna Dargren Damage caused by rocks thrown by DOT mower.	104.57	104.57
H87-0200	Jeffrey M. DeBower Parked vehicle damaged when struck by DOT vehicle.	430.78	430.78
H87-0201	Allied Mutual as Subrogee for Ann M. Walter Damage occurred when DOT vehicle knocked a barricade into traffic caus- ing claimant to run into it.	172.00	172.00
H87-0203	Marilyn Jennaven King Parked vehicle was struck by DOT vehicle.	414.02	397.56
H87-0210	Vince N. Castillo Damage caused by rock thrown by DOT mower.	115.00	177.28
H87-0211	JoAnn L. King Parked vehicle was struck by DOT vehicle.	239.88	239.88
H87-0238	Richard O. Alvestad Damage caused by rock thrown by DOT mower.	465.89	465.89
H87-0240	Debra Jean Capers DOT truck backed out of parking lot and struck front fender of claimant's car.	771.90	771.90
H87-0244	Patience Angela Gaston Damage caused by string cable reel which fell from DOT truck striking claimant's vehicle.	418.00	320.36
H87-0245	Farm Bureau Mutual Insurance Co. as Subrogee for J. E. Jackson Vehicle damaged when struck by hydra-scoop bucket.	2,178.91	2,178.91
H87-0256	Audrey Helena Miller Windshield damaged by rock thrown by DOT mower.	Undetermined	350.43
H87-0260	Delbert D. Miller DOT dump box caught electrical ser- vice to farm and pulled it down.	413.36	413.36
HE87-0272	Forest W. Johnson Collision between claimant's vehicle and DOT vehicle.	2,039.63	2,039.63

**CHAPTER 25A – GENERAL TORT CLAIMS**  
**JUDGMENTS & SETTLEMENTS AT OR BEFORE TRIAL – 1987**

<u>Former Claim No.</u>	<u>Name of Claimant Nature of Claim</u>	<u>Amount of Original Claim</u>	<u>Amount Settled</u>
T-6692-69	Margaret Caley and Robert W. Thompson Personal Injury (Settlement)	\$ 4,570.20	\$ 111,745.34
T-10311-69	Lyle Denison & Sharyle Denison, Ind.	1,800,000.00	47,425.00
T-10312-69	& As Conservators of the Estate of the Property of Arian Denison Personal Injury (Settlement)	1,800,000.00	
T-10455-69	Harold W. Mozingo and James Powers, his att. Personal Injury (Settlement)	1,000,000.00	52,500.00
T-008-70	McBreen & Associates as Subrogee	Undetermined	195,000.00
TE-171-70	to Carver Aero, Inc. Personal Injury (Settlement)	500,000.00	
T-028-70	Nancy Ewoldt, Adm. of Estate of Steven White & Peter Lousberg, Attorney Personal Injury (Settlement)	Undetermined	2,000.00
TE-776-70	James Brown, Barbara Baird & James Hayes Property Damages (Settlement)	100,000.00	32,500.00
T-1196-70	Joey Thurman & Emmitt George, attorney Personal Injury (Settlement)	20,000.00	100.00
T-1322-70	Jan Ricard Barklund & his attorney, Glenn C. Sedgwick Personal Injury (Settlement)	9,693.94	7,500.00
T-1732-71	Edna M. Dixon & William Wickett, her attorney Personal Injury (Settlement)	600,000.00	54,436.01
T-1786-71	Ronald Hansen, Janet Hansen, Jeffrey A. Hansen & John G. Mertens, Attorney Personal Injury (Settlement)	Undetermined	50,000.00
T-1924-71	James W. Dillon and Carlie Dillon &	9,000,000.00	
T-1925-71	James P. Piazza, their attorney	3,000,000.00	
T-1926-71	Personal Injury	3,000,000.00	15,000.00
T-1927-71	(Settlement)	3,000,000.00	

<u>Former Claim No.</u>	<u>Name of Claimant Nature of Claim</u>	<u>Amount of Original Claim</u>	<u>Amount Settled</u>
T-2104-71	David L. and Judy Carlson &	2,500.00	
T-2105-71	Attorney Thomas D. Marion Personal Injury (Settlement)	25,000.00	12,500.00
T-2136-71	Alexander Hamilton Insurance Co.	1,000,000.00	200,000.00
T-2137-71	Personal Injury (Settlement)	1,000,000.00	
	Alexander Hamilton Insurance Co.		50,000.00
	First National Bank of Iowa City		15,000.00
	Henry & Linda Smith and Attorney James Hayes		85,000.00
T-2518-71	Blanche Foster, Everett Foster and	Undetermined	130,000.00
T85-0005	attorney, Thomas Staack Personal Injury (Settlement)	75,000.00	
T-2649-71	Jerald Watters, Mike Watters & James R. Welsh, attorney Personal Injury (Settlement)	3,000,000.00	207,000.00
TE-2650-71	Mona Johnson, Todd Johnson & James R. Welsh, attorney Personal Injury (Settlement)	3,000,000.00	270,000.00
TE-2651-71	Carolyn Legg, Roger Morford & James R. Welsh, attorney Personal Injury (Settlement)	3,000,000.00	27,000.00
TE-2652-71	Beverly Halleran, Bill Halleran, Jodie Adams & James Welsh, attorney Personal Injury (Settlement)	1,000,000.00	27,000.00
TE-2653-71	James Elwell, Sr., James Elwell, Jr., & James R. Welsh, attorney Personal Injury (Settlement)	3,000,000.00	127,500.00
TE-2654-71	Gerald Carlson, Jerry Carlson & James R. Welsh, attorney Personal Injury (Settlement)	1,000,000.00	27,000.00
	American Agency Life Insurance Co.		330,000.00
	American Agency Life Insurance Co.		225,000.00
	American Agency Life Insurance Co.		225,000.00
	American Agency Life Insurance Co.		50,000.00
T-2655-71	Noah Clark [Irrevocable Trust] Personal Injury (Settlement)	1,000,000.00	32,500.00
T-2667-71	Curt Sparks & James R. Welsh, att. Personal Injury (Settlement)	3,000,000.00	207,000.00

<u>Former Claim No.</u>	<u>Name of Claimant Nature of Claim</u>	<u>Amount of Original Claim</u>	<u>Amount Settled</u>
T85-0018	Lorne Schultz, Brian Schultz and James R. Welsh, attorney Personal Injury (Settlement)	3,000,000.00	77,500.00
T85-0115	Daniel Snyder, Jane Snyder, James Snyder, Diane Snyder & Dresselhuis & Heidenreich Property Damages (Settlement)	595,750.00	2,500.00
T85-0185	Elizabeth McDonough and White & Johnson, P.C. Property Damages Personal Injury (Settlement)	30,050.00	18,000.00
T85-0420	Leonard Slach and His Attorney, Mark Liabo Personal Injury (Settlement)	500,000.00	3,000.00
T85-0446	Richard Hoss and Bauerly, Hemmingson & Trotzig Personal Injury (Settlement)	20,000.00	150.00
T85-0538	Andrea B. Bivens and Stephen Lombardi, her attorney Personal Injury (Settlement)	125,000.00	9,000.00
TE86-0035	Karin A. Bennett & White & Johnson, P.C. her attorneys Personal Injury (Settlement)	100,000.00	24,300.00
T86-0063	John Kevin Stroup & his attorney,	500,000.00	2,500.00
TE86-0064	Emmit George, Jr. Property Damages Personal Injury (Settlement)	500,000.00	
T86-0070	Emmit J. George, Jr. as Attorney for Michelle G. Altmaier Personal Injury (Settlement)	75,000.00	3,000.00
T86-0148	Sharon Hatcher and her attorney, Joe Thornton Personal Injury (Settlement)	Undetermined	1,510.90
T86-0174	Ferman Jones Property Damages (Settlement)	55.02	55.02
TE86-0184	William R. Tilton & his attorney, Joseph Lauterbach Property Damages (Settlement)	4,000.00	1,000.00

<u>Former Claim No.</u>	<u>Name of Claimant Nature of Claim</u>	<u>Amount of Original Claim</u>	<u>Amount Settled</u>
T86-0200-485	Classified Insurance Corp. and their attorney, Dennis W. Johnson Property Damages (Settlement)	1,723.38	1,763.51
T86-0200-495	David E. Wilson Property Damages (Settlement)	927.92	927.92
T87-0055	John Luth and Stanley, Rehling and Lande Property Damages (Settlement)	1,951.20	500.00

**CHAPTER 25A — HIGHWAY TORT CLAIMS  
JUDGMENTS & SETTLEMENTS AT OR BEFORE TRIAL — 1987**

<u>Former Claim No.</u>	<u>Name of Claimant Nature of Claim</u>	<u>Amount of Original Claim</u>	<u>Amount Settled</u>
H-007-70-T	Jimmie D. McClain and Tim Pearson (Settlement) Wrongful Death	\$ 500,000.00	\$ 105,000.00
H-012-70-T	Trudy A. Sinn, Verne Lawyer & Richard H. Doyle IV (Settlement) Wrongful Death	900,000.00	297,000.00
H-095-70-T	Delores Ashley,	500,000.00	
H-249-70-T	Patrick H. Payton	300,000.00	
H-250-70-T	& Ronald G. Cable	300,000.00	190,000.00
H-251-70-T	(Settlement) Wrongful Death	500,000.00	
H-280-70-T	Jack Cory Scoular	500,000.00	
H-281-70-T	and Verne Lawyer	900,000.00	
H-282-70-T	(Settlement)	1,500,000.00	275,000.00
H-283-70-T	Wrongful Death	500,000.00	
H-287-70-T		500,000.00	
H-380-70-T	Leonard L. Myszka,	850,000.00	
H-381-70-T	Linda B. Myszka,	100,000.00	
H-382-70-T	Ind., Linda B.	50,000.00	75,000.00
H-383-70-T	Myszka As Parent & Next Friend of Eric James Myszka & Dana Marie Myszka, Minor Children, & William R. King. Attorney (Settlement) Personal Injury		
H-424-70-T	Margaret L. Regur & Leonard Regur & Arthur Buzzell, their attorney (Settlement) Personal Injury	250,000.00	7,500.00
H-425-70-T	Mary Muir & Gary Muir & J.W. McGrath, attorney (Settlement) Personal Injury	250,000.00	7,500.00

<u>Former Claim No.</u>	<u>Name of Claimant Nature of Claim</u>	<u>Amount of Original Claim</u>	<u>Amount Settled</u>
H-428-70-T	James Hood & Michael Morehead (Settlement) Personal Injury	100,000.00	11,175.69
H-465-71-T	Debbra L. Keller & LeRoy J. Sturgeon, attorney (Settlement) Wrongful Death	750,000.00	11,000.00
H-507-71-T	Paul H. Wiecek II & Brian Brown (Settlement) Personal Injury Property Damages	35,511.26	3,000.00
H-523-71-T	Larry & Linda Locher & their counsel, Tom Staack & Cheryl Weber (Settlement) Personal Injury Property Damages	85,000.00	20,000.00
H-615-71-T	Jerome T. Schiefen, Doug Cummings & Robert L. Sikma (Settlement) Wrongful Death	1,500,000.00	47,500.00
H-620-71-T	Jacquelin Y. Gibbs & Jay H. Honohan, her attorney (Settlement) Personal Injury	500,000.00	5,000.00
H-621-71-T	Dubuque County	Undetermined	930.25
H-622-71-T	Clerk of Court		
H85-0034	(Settlement)		
H85-0035	Personal Injury Property Damages		
H85-0015	Janet L. & Richard D. Morrical & their counsel, Jon H. Johnson (Settlement) Personal Injury	851,206.25	13,775.00
H85-0050	Janice Asklng, Adm. of the	2,504,344.29	15,000.00
H85-0067	Estate of Lawrence Asklng & her counsel, Tom Riley & Mark Liabo (Settlement) Property Damages Wrongful Death		
H85-0066	Stephanie L. Jenkins & The Peters Law Firm (Settlement) Personal Injury	500,000.00	10,000.00
H86-0001	Anna M. Williams As Adm. of the Estate of Howard Dean Williams & Lee Hook (Settlement) Wrongful Death	Undetermined	5,000.00
H86-0009	Kathleen & Mitchell Ellison & their counsel, Michael McCarthy (Settlement) Property Damages Personal Injury	23,975.00	1,000.00



<u>Former Claim Number</u>	<u>Name of Claimant Nature of Claim</u>	<u>Amount of Original Claim</u>	<u>Amount Settled</u>
H86-0102	Linda L. Gardner & her attorney, Robert C. Shearer (Settlement) Personal Injury	50,000.00	30,000.00
HE86-0103	Julie A. Gardner, a minor by her mother & next friend, Linda L. Gardner & her attorney, Robert C. Shearer (Settlement) Personal Injury	60,000.00	35,000.00
H86-0153	Midwest Gas Company & their attorney, Steve James (Settlement) Property Damages	186.99	113.12
T86-0158	Steven C. Knutson & Roger Stone, attorney (Settlement) Personal Injury	5,000.00	1,000.00
H86-0178 H86-0179	Gordon Arnott, Joan A. Arnott & their attorney, James Vernon Hicks (Settlement) Personal Injury Property Damages	14,881.81 19,898.91	5,000.00
H86-0221	W. Barry Yount, Theresa Yount & Douglas A. Fulton (Settlement) Property Damages	10,000.00	3,750.00
H86-0299 HE86-0300	Paul D. Swartzel & his attorney Paula M. Stenlund (Settlement) Personal Injury	28,149.66	5,000.00
T86-0382	Sharon Louise Engel & Charles S. Crook III, attorney (Settlement) Personal Injury	15,000.00	1,200.00
H87-0081	Joseph D. Thornton, Marvin Z. Schmitz & Joan E. Schmitz (Settlement) Property Damages	1,640.00	839.37

## HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

### H.S.B. 511 Education

Relating to the viability of school districts, including establishing a restructuring committee and prescribing its duties, specifying duties of the state board of education, amending enrollment options for parents and guardians, and providing appropriations.

### H.S.B. 512 Judiciary and Law Enforcement

Relating to the share of an estate of a child born or adopted after execution of a testator's last will.

**H.S.B. 513 Judiciary and Law Enforcement**

Relating to the power of a surviving spouse's conservator to elect to take or refuse to take under a will or to elect to occupy the homestead.

**H.S.B. 514 Judiciary and Law Enforcement**

Relating to a disclaimer of interest by a beneficiary also acting as a fiduciary.

**H.S.B. 515 Judiciary and Law Enforcement**

Relating to the time when the share of a surviving spouse may be set off by referees when the spouse elects to take against the will.

**H.S.B. 516 Economic Development**

Relating to the establishment of economic development finance corporations to assist in providing financing for small business development by providing loan guarantees, letters of credit, equity financing, underwriting for public offerings, and providing state matching funds.

**H.S.B. 517 Transportation**

Relating to the amount and use of road tax revenues.

**H.S.B. 518 Transportation**

Relating to expenditures on roads and providing a standing appropriation.

**SUBCOMMITTEE ASSIGNMENTS****House File 98 (Reassigned)**

Natural Resources and Outdoor Recreation: Cooper, Chair; Diemer and Fogarty.

**House File 647**

Natural Resources and Outdoor Recreation: Schrader, Chair; Gruhn and Tyrrell.

**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 NATURAL RESOURCES AND OUTDOOR RECREATION**

**Senate File 38**, a bill for an act relating to conservation easements.

Fiscal Note is not required.

Recommended **Do Pass** January 13, 1988.

### RESOLUTION FILED

**HCR 104**, by Connors, a concurrent resolution relating to the establishment of a "sister state" relationship with the Republic of China (Taiwan) and a trade and investment office in Taiwan.

Laid over under **Rule 25**.

### AMENDMENT FILED

H—5002

H.F. 649

Garman of Story

On motion by Arnould of Scott, the House adjourned at 1:36 p.m., until 10:00 a.m., Monday, January 18, 1988.

# JOURNAL OF THE HOUSE

Eighth Calendar Day — Fifth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Monday, January 18, 1988

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

Prayer was offered by the Honorable Pat Harper, state representative from Black Hawk County.

The Journal of Thursday, January 14, 1988 was approved.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Brammer of Linn, for the morning, on request of Svoboda of Tama.

## INTRODUCTION OF BILLS

**House File 2041**, by Chapman, a bill for an act relating to the filing of federal liens on real estate to recover costs and damages resulting from the treatment or disposal of hazardous substances.

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

**House File 2042**, by Van Maanen, a bill for an act relating to grandparent visitation rights and a determination that the visitation is in the best interests of the child.

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

**House File 2043**, by Rosenberg, a bill for an act relating to radon testing, mitigation, and safeguarding, and providing a penalty.

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

**House File 2044**, by Hammond, a bill for an act relating to city civil service.

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

**House File 2045**, by Hummel, a bill for an act relating to the time for bringing an action arising out of the performance or nonperformance of a professional service or arising from an alleged defect in a product.

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

**House File 2046**, by Rosenberg, Hatch, Teaford, Hammond, Neuhauser, Peterson of Carroll, Dvorsky and Siegrist, a bill for an act relating to student membership on the state board of regents.

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

**House File 2047**, by Swartz, a bill for an act relating to state school foundation aid reductions to certain school districts that violate state law and providing that the Act takes effect upon its enactment.

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

**House File 2048**, by Schrader, a bill for an act allowing personalized vehicle registration plates to contain up to seven characters.

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

**House File 2049**, by Swartz, Fuller, Svoboda and Black, a bill for an act making an appropriation for grants to approved county or multicounty juvenile homes.

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

**House File 2050**, by Gruhn, a bill for an act providing that assessments for services provided by a sanitary district have equal precedence with ordinary taxes and are not divested by judicial sale.

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

**House File 2051**, by Running, a bill for an act relating to the regulation of certain crane operators and providing penalties.

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

**House File 2052**, by Teaford, a bill for an act regulating the practice of surrogate parenting and providing a penalty.

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

**House File 2053**, by Paulin and Plasier, a bill for an act to prohibit the expansion of the liberal arts curricula at the merged area schools.

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

**House File 2054**, by Halvorson of Clayton, a bill for an act relating to name changes upon marriage.

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

## MARTIN LUTHER KING, JR. OBSERVANCE

In honor and memory of the birthday of Martin Luther King, Jr., Teaford of Black Hawk offered the following remarks:

Today is a national holiday honoring Dr. Martin Luther King, Jr. His name is intertwined with the great landmarks of the civil rights movement: Montgomery, Birmingham, the first march on Washington, Selma. He was a dedicated, selfless leader and an eloquent advocate of nonviolence. He was awarded the Nobel Peace Prize in 1964.

Dr. King was one of the founders of the Southern Christian Leadership Conference, a nonviolent organization formed to continue the struggle for improved conditions for blacks in the United States. He became the dominant force in the nonviolent movement in this country.

On April 4, 1968, nearly 20 years ago, Dr. King was assassinated in Memphis, Tennessee. There is no better way to commemorate his life than to read from one of his last speeches in late 1967.

"In 1963, on a sweltering August afternoon, we stood in Washington, D. C., and talked to the nation about many things. Toward the end of that afternoon, I tried to talk to the nation about a dream that I had had, and I must confess to you today that not long after talking about that dream, I started seeing it turn into a nightmare. I remember the first time I saw that dream turn into a nightmare, just a few weeks after I had talked about it. It was when four beautiful unoffending, innocent Negro girls were murdered in a church in Birmingham, Alabama. I watched that dream turn into a nightmare as I moved through the ghettos of the nation and saw my black brothers and sisters perishing on a lonely island of poverty in the midst of a vast ocean of material prosperity and saw the nation doing nothing to grapple with the Negroes' problem of poverty. I saw that dream turn into a nightmare as I watched my black brothers and sisters in the midst of anger and understandable outrage, in the midst of their hurt, in the midst of their disappointment, turn to misguided riots to try to solve that problem. I saw that dream turn into a nightmare as I watched the war in Vietnam escalating, and as I saw so-called military advisers, 16,000 strong, turn into fighting soldiers until today over 500,000 American boys are fighting on Asian soil. Yes, I am personally the victim of deferred dreams, of blasted hopes, but in spite of that I close today by saying I still have a dream, because, you know, you can't give up in life. If you lose hope, somehow you lose that vitality that keeps life moving, you lose the courage to be, that quality that helps you to go on in spite of all. And so today I still have a dream.

"I have a dream that one day men will rise up and come to see that they are made to live together as brothers. I still have a dream this morning that one day every Negro in this country, every colored person in the world, will be judged on the basis of the content of his character rather than the color of his skin, and every man will respect the dignity and worth of human personality. I still have a dream today that one day the idle industries of Appalachia will be revitalized, and the empty stomachs of Mississippi will be filled, and brotherhood will be more than a few words at the end of a prayer, but rather the first order of business on every

legislative agenda. I still have a dream today that one day justice will roll down like water, and righteousness like a mighty stream. I still have a dream today that in all of our state houses and city halls men (and women) will be elected to go there who will do justly and love mercy and walk humbly with their God. I still have a dream today that one day war will come to an end, that men will beat their swords into plowshares and their spears into pruning hooks, that nations will no longer rise up against nations, neither will they study war anymore. I still have a dream today that one day the lamb and the lion will lie down together and every man will sit under his own vine and fig tree and none shall be afraid. I still have a dream today that one day every valley shall be exalted and every mountain and hill will be made low, the rough places will be made smooth and the crooked places straight, and the glory of the Lord shall be revealed, and all flesh shall see it together. I still have a dream that with this faith we will be able to adjourn the councils of despair and bring new light into the dark chambers of pessimism. With this faith we will be able to speed up the day when there will be peace on earth and goodwill toward men. It will be a glorious day, the morning stars will sing together, and the sons of God will shout for joy."

Hearing these words, we remember once again one of the great Americans of our time, Dr. Martin Luther King, Jr.

### HOUSE FILES 269, 512 AND 616 WITHDRAWN

Doderer of Johnson asked and received unanimous consent to withdraw House Files 269, 512 and 616 from further consideration by the House.

### HOUSE FILE 461 WITHDRAWN

Gruhn of Dickinson asked and received unanimous consent to withdraw House File 461 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 January 14, 1988, adopted the following resolution in which the concurrence of the Senate was asked:

House Concurrent Resolution 102, relating to a joint convention, Monday, January 18, 1988, 6:30 p.m., Governor Branstad's budget message.

Also: That the Senate has on January 14, 1988, adopted the following resolution in which the concurrence of the Senate was asked:

House Concurrent Resolution 103, relating to a joint convention, Tuesday, January 19, 1988, 10:00 a.m., Chief Justice McGiverin present his message of the condition of the judicial department.

Also: That the Senate has on January 14, 1988, passed the following bill in which the concurrence of the House is asked:

Senate File 2031, a bill for an act relating to the reporting of results of the precinct caucuses, providing a penalty, and providing an effective date.

JOHN F. DWYER, Secretary

On motion by Arnould of Scott, the House was recessed at 10:17 a.m., until 6:00 p.m.

### EVENING SESSION

The House reconvened, Speaker Avenson in the chair.

#### COMMITTEE TO NOTIFY THE SENATE

Gruhn of Dickinson 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 Gruhn of Dickinson, Fey of Scott and Stueland of Clinton.

The House stood at ease at 6:02 p.m., until the fall of the gavel.

The House resumed session at 6:06 p.m., Speaker Avenson in the chair.

#### REPORT OF THE COMMITTEE TO NOTIFY THE SENATE

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

The report was accepted and the committee discharged.

The Sergeant-at-Arms announced the arrival of the President of the Senate, the 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

In accordance with law and House Concurrent Resolution 102, duly adopted, the joint convention was called to order at 6:07 p.m., President Zimmerman presiding.

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



The motion prevailed.

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

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

The motion prevailed and the President appointed as such committee Senators Gronstal of Pottawattamie, Horn of Linn, Jensen of Bremer, on the part of the Senate; and Representatives Fuller of Hardin, Teaford of Black Hawk and Van Maanen of Mahaska, on the part of the House.

The Joint Convention stood at ease at 6:09 p.m., until the fall of the gavel.

The Joint Convention resumed session at 6:14 p.m., President Zimmerman presiding.

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

Secretary of State Baxter, Treasurer of State Fitzgerald, Secretary of Agriculture Cochran, Auditor of State Johnson and Attorney General Miller were escorted into the House chamber.

Mrs. Chris Branstad and Mr. and Mrs. Richard Johnson (Mrs. Branstad's parents), were escorted into the House chamber.

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

President Zimmerman presented Governor Terry E. Branstad, who delivered the following budget message:

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

It's a pleasure to be back in these beautiful house chambers tonight, especially on this important state holiday, as we mark the birthday of Dr. Martin Luther King, Jr. During the day today I've attended a number of activities where we've recognized the important contributions that Dr. King has made in the United States of America. It's appropriate that we are here tonight to see how we can keep his dream alive here in the heartland of America.

Last Tuesday I stood before you in these chambers and outlined a vision for Iowa.

- \* An Iowa that is economically sound and diverse, yet preserves our hometown way of life.
- \* An Iowa where everyone in the state can have a say in shaping the future.
- \* An Iowa that can be called home to our sons and daughters and grandchildren as they pursue careers and opportunities in the twenty-first century.

I believe we all share this vision of the new Iowa. Living, working, even struggling together over the past difficult years in this decade has helped us to sharpen our direction, to clear our focus and to forge common goals.

Now I know we have talked about goals in the past, but we have often hit an impasse when the talk turned to the methods to achieve those goals. Indeed, I believe that we finally have a destination for our state, now we have to choose a common road to get there. That's not going to be easy because we really do not have the resources to go off in a lot of different directions.

At the same time, I suspect that some of you are saying, "Well, we agree with the goals; we may even agree with many of the methods, but, seriously, given the budget constraints that we have today, can we ever accomplish them? Can we pay for the new Iowa when we couldn't afford the old one?"

Those are good questions. They deserve to be addressed in a straightforward manner and I plan to do that tonight.

The first question to be answered, then, is how can we reach agreement on the ends and the means in this budget? Now I know that all of you will not agree with every choice that I made in putting this budget together. The choices were tough and budgets with direction don't please all of the people all of the time. I hope we can adopt a common set of principles, or guideposts to help us set out on the same path.

I would like to spell out for you six principles that I used in developing this budget. And, I would ask you to consider them, as well, as we move forward to establish a budget for our state for this next fiscal year.

First, this budget must be seen as an investment. The state must get something of value for the money that we spend. With economic development, the return is new jobs and capital formation. In education, we must require improved quality, accountability, and even higher standards of excellence. In human services, we must demand improved quality of care for our less fortunate, and jobs for those on welfare who are able to work.

Second, we must recognize priorities in this budget. If we are to achieve our goals, we must recognize that some investments, like economic development and education, will have a better payback than others. We should allocate our money accordingly, that is why I reject across-the-board cuts and across-the-board increases. Both ignore quality, merit and direction.

The third principle which should guide our budget making is efficiency. We can't afford to spend money wastefully. We must root out inefficiencies in government and whenever and wherever possible, eliminate them from our budget. When money is

tight and priorities carefully determined, it is simply wrong to spend taxpayer monies on appendages of the past and it is wrong to tax our people excessively.

Fourth, this budget should meet the state's essential commitments. When we make promises, particularly to property taxpayers, we should keep them. We should provide no excuse for property taxes to go up by renegeing on real commitments to property tax relief.

Fifth, the budget must be fair. It must recognize that government does have a role to help take care of those unable to take care of themselves or unable to receive help from any other source. But let us be fair with the people. It would be a cruel hoax to make promises we know we can't keep.

Finally, the budget must be honest and balanced. I reject the notion that the budget should somehow be balanced with smoke and mirrors. Iowans would see through that in a minute. Instead, the budget should include reasonable estimates of entitlement costs and no part year implementation schedules to understate the real cost of new programs.

It should reflect the basic recommendations of our Revenue Estimating Conference, with no fudging or finagling of those estimates. This budget should put in place generally accepted accounting principles on the schedule that we set out for ourselves. To do that, we should realistically assess what we will need to meet the timetable and put the money away this year to put our accounting books in order.

Most important, although there is little room to spare, this budget must be balanced for both fiscal year 1988 and fiscal year 1989, and, it is.

Investment, priorities, efficiency, commitments, fairness, honest and balanced. These are the watchwords of this budget. They are the principles that drive this budget that I am recommending to you tonight. I commend those principles to you, as well. If you, too, can adopt them as your own, we can take the same path and reach our common goals.

So, how did I find the funds for our priorities, adhere to these principles and make this budget balance? Given the existing obligations, it wasn't easy. Consider for a moment what greeted me when I began to develop this budget:

- \* We were \$150 million short of meeting our obligations;
- \* Local governments were expecting \$83 million in additional state aid;
- \* Human services, particularly Medicaid and foster care, were running a deficit of nearly \$20 million this year, with even more projected growth in expenditures next year.

- \* The salary bill, school aid, twenty-seventh pay period — they all added up to this litany of last year's promises that are this year's obligations.

Those past obligations made this year's decision-making doubly difficult. Money was short — existing commitments were large. Frankly, we must do a better job of avoiding excessive future budget entanglements. The ability of future legislatures to choose a new course for our state will be hamstrung by the obligations that we make today.

We ought to resolve here and now to change the law and return to two-year budgets. The political process reinforces short term gain over long term prudence. And our present one-year budgeting process makes it even worse.

We ought to say no to the federal government's approach toward budget problems. You all know what happens when you fall prey to those who want to cut taxes and increase spending all at the same time. The result is a \$2.5 trillion federal debt — that is like running up a \$3.5 million deficit every day since the birth of Christ.

Thank goodness the founders of our state had the wisdom to put in the Constitution a requirement for a balanced budget. That makes the option selected by the Congress simply not permissible in Iowa.

Instead, this budget is balanced the old-fashioned way by spending cuts and, yes, where appropriate, by raising revenue.

On the revenue side, I am recommending an increase in the cigarette and tobacco tax. Smoking has been identified as one of our nation's greatest health problems. Over 350,000 Americans died last year from smoking-related illnesses and it is costing Iowans a lot of money to take care of those problems. So, I think that it is appropriate for us to raise additional revenue to help pay for those costs. We should raise the cigarette tax by twelve cents a pack and make it effective March 1. At the same time we should start taxing wine coolers, like wine.

There should be no increase in the income or sales tax rates. We can and we should balance this budget without a general tax increase and without putting more burden on the property taxpayers.

That means we will need some substantial expenditure reductions. And I have done just that.

- \* I cut over \$270 million from departmental requests.
- \* Our restructured state government has already resulted in the elimination of 1200 positions from the state's payroll. The new structure has helped us identify further savings, the size of government is pared back an additional 431 positions in this budget. An early retirement program and enhancement of IPERS should be adopted to ease the transition for many of these employees.
- \* Unnecessary administrative support items have been eliminated from the budget, and the

total administrative costs are actually below last year's levels. I salute many of our state managers for doing better with less.

- \* And, distortions in some state funding mechanisms are corrected in order to save critically needed state dollars.

The result is a budget that is tight, yet balanced, strict but fair, fiscally conservative yet recognizing our priorities. It is a budget that doesn't shy away from making the tough choices needed to reach our goals.

I have already discussed with you two of our priorities in the Condition of the State Address — economic development and education.

Education, human services, property tax replacement and economic development are clearly given priority status. The school foundation aid formula for local schools is fully funded and our commitment to Educational Excellence is maintained. Education's share of this state budget will be 59 percent. Surely no one can doubt this state's commitment to quality education for our children.

Human services are provided with an additional \$27 million. The cost of entitlement programs are reasonably projected and funded. No new programs are started without paying the full year's bill.

We are keeping our commitments to replace property taxes at the local level. An extra \$83 million in state aid is provided for that purpose. This should give some local governments an opportunity to actually reduce property taxes.

I am recommending that lottery dollars be dedicated to this year's state's critical economic development and capital needs. This will allow us to continue important programs like tourism and satellite centers, Main Street projects, business incubators and expedite a schedule to renovate the Capitol. Economic development's share of this year's general fund budget is also substantially increased.

I have sketched out for you a broad brush outline of this budget. Now I would like to discuss with you in more detail two of our other priorities — meeting human needs and ensuring the public's safety.

We talk about holding down spending and, yet, we know the needs of some Iowans are great. I am well aware that there are some critical human needs that must be met by government. For example, we must make certain that our rural areas do not lose access to quality health care. We have already talked about putting a cap on medical liability insurance to make certain that our small communities don't lose doctors. Emergency medical services are also critical to rural health care. That is why I am recommending for the first time a state appropriation of \$1 million for this program.

Our young people are our future, yet the pressures and stresses of today's society make growing up terribly tough for some. Substance abuse, unwanted pregnancies and suicide plague some of our young people today. We need to help them to say no to the temptations that could jeopardize their futures. That is why funding is provided to implement a school curriculum with strong emphasis on building self-esteem and teaching decision-making skills. These skills should be offered to young people at all grade levels.

The state must continue our commitment to assist our growing elderly population. We need to help more of our older people to be able to stay in their homes, and to improve their health care. I am also asking that you support establishing a task force to address the growing problem of Alzheimer's Disease.

This budget not only focuses on the needs of our young and our old, but it addresses the problems of those who are less fortunate.

I am recommending major reforms in our welfare system and in our foster care program. We simply must make welfare work. During the past year, the Task Force on Welfare Reform has been reviewing their current programs and developing new ways to help welfare recipients break the cycle of poverty. We have already implemented job search requirements and existing resources are being targeted to help find jobs for those on welfare.

As a result of these actions already taken and an improving economy, we reduced the welfare rolls by over 6,200 people last year. Our goal for 1988 should be to double those results.

To accomplish this, I am willing to commit more resources to help remove the barriers to employment and to get rid of the practices that discourage people from taking jobs. We should:

- \* Provide child care assistance for welfare recipients who take jobs.
- \* Extend Medicaid services to 12 months for ADC recipients who do get jobs.
- \* And provide training and education to help welfare recipients prepare for jobs.

In fact, I believe that we ought to establish a contract with those on ADC. In return for government assistance, we should require that they seek appropriate education, training and a job.

If we do this, we can truly make our welfare system more caring and responsive. Instead of perpetuating dependency, we can help people become independent and self-sufficient. We can help people contribute to the growth of their family, their community and the state. 1988 is the year to make a major step for welfare reform in Iowa.

It is also the year to reform our foster care program. This system provides care for our children when they are the most vulnerable and needy. I believe that we can do a better job of helping children in the foster care program by:

- \* Making certain that payments for foster services are based on the special need of the child; and, by providing additional funds to help families with difficult foster children.
- \* Ensuring adequate supervision and treatment of problem children, and
- \* Caring for more of our children in Iowa rather than out of state. No child should be put in foster care more than 100 miles from their hometown.

We can increase the efficiency of our foster care system and save money this year and in the future. I encourage you to adopt the recommendations of the Foster Care Work Group which outlines this comprehensive program to reform our system.

And above all, we must make it clear that in Iowa, the first priority of our foster care system is to serve the needs of the children.

Our budget decisions this year are made more difficult because of the skyrocketing health care costs. If we don't find a way to contain them, we will not be able to find the dollars to support those in need or to adequately pay providers. This budget does include an increase of almost 4 percent in provider reimbursements. But you must allow the Department of Human Services to adopt mandatory Health Maintenance Organizations to control the costs of our Medicaid program.

We must not only care for those in need. We must make certain that Iowa remains a place that is safe and secure for our citizens.

Frankly, I am concerned about the recent trends in the area of public safety. Let me cite some startling statistics for you. Since 1980, prison overcrowding has forced the parole board to increase the number of people let out of prison by 250 percent. As a result, the median time actually served by inmates today is about one-half of what it was in 1980. Some of those parolees are dangerous. In case you have any doubts about increased problems from parolees, just look at parole revocations. They are up an astounding 340 percent.

Those facts speak for themselves. We need more medium security prison beds. If we don't provide this space, two things will happen.

- \* Our community based correction system which already supervises over 80 percent of the prisoners will lose its effectiveness, and
- \* Public safety will be threatened.

That is why I am asking you to appropriate \$7 million in lottery funds over the next two years to pay the capital costs of adding 200 medium security prison beds to our corrections system. We should ask the State Board of Corrections to review the proposal and to select the best site and design for that addition to our system. We ought to do it this year.

We must also eliminate the confusion in our law that prevents some juveniles from being detained. We should adopt the recommendations of the Iowa Commission on Judicial Compensation and Benefits so that judges are given appropriate salary increases.

The budget that I have laid out for you tonight is a road map for Iowa's future. It is a book of choices, much like the choices we talked about a week ago. This budget is a set of priorities that establishes a direction for Iowa and helps us to achieve our goals.

I know that many of you may not agree with all the choices that I have made, all the priorities I have established. In fact, our political process is one that encourages discussion, debate and consensus building to achieve a mutually agreeable set of priorities.

But I believe that debate can be without confrontation, that consensus building can be without bitterness, that priority setting can be accomplished without name calling. It can be accomplished if we jointly agree on what needs to be done and commit to do it together.

Cooperation is always difficult when money is scarce. I am reminded of Mark Twain's wry observation that "the root of all evil is the lack of money." That does often seem to be the case in the political process. But it can be a blessing in disguise. Limited resources can force us to set priorities, demand greater efficiencies and eliminate the unnecessary.

Let us resolve tonight to make Iowans proud of how we accomplish the difficult task before us — to budget fairly, honestly and without unnecessary rancor.

We have already taken bold steps to do just that. The legislative leaders and I met before the session to sketch out the framework for this budget. We found out that tough budget decisions are made easier if they are made together.

This budget fits within the framework we set for ourselves.

- \* It is priority driven, yet it is fair and it sets a clear direction for a brighter and more prosperous future.
- \* It is a budget without major tax increases, yet it is balanced.
- \* It is a budget that demands results.

Let us work together to make it a reality.

Thank you.

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

On motion by Arnould of Scott, the joint convention was dissolved at 7:00 p.m.

The House reconvened at 7:01 p.m., Speaker Avenson in the chair.

### COMMUNICATIONS RECEIVED

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

#### BOARD OF REGENTS

The report for the Center for Health Effects of Environmental Contamination, pursuant to Section 263.17(4)(b), 1987 Code of Iowa Supplement.

The Board of Regents' 1988-98 Ten Year Building Program, pursuant to Section 262A.3, Code of Iowa.

#### COMMERCE COMMISSION Iowa Utilities Board

The 1986 Annual Report, pursuant to Chapter 17.10, Code of Iowa.

#### DEPARTMENT OF ECONOMIC DEVELOPMENT

Long Range Plan for Iowa Welcome Centers, pursuant to Chapter 178(2)(1), 1987 Iowa Acts.



The Annual Report of the Job Training Partnership Program for the period from July 1, 1986 through June 30, 1987, pursuant to Chapter 7B.3(10), Code of Iowa.

#### DEPARTMENT OF HUMAN SERVICES

The Annual Report of the Long Term Care Coordinating Unit, pursuant to Chapter 249D.42(7), Code of Iowa.

#### DEPARTMENT OF NATURAL RESOURCES

The plan for the establishment of a Small Business Assistance Center (SBAC) for the Safe and Economic Management of Solid Waste and Hazardous Substances, pursuant to Chapter 455A.4(1)(d), Code of Iowa.

A report on the Center for Health Effects of Environmental Contamination, pursuant to Chapter 455E.11(10), 1987 Code of Iowa Supplement.

#### DEPARTMENT OF PUBLIC HEALTH

##### Office of Health Planning

The Certificate of Need Program Annual Report, January 1, 1987 - December 31, 1987, pursuant to Chapter 135.63, Code of Iowa.

#### Organ and Tissue Transplant Commission

The State Plan adopted by the Iowa Organ and Tissue Transplant Commission, pursuant to Chapter 142B.1, 1987 Code of Iowa Supplement.

#### DEPARTMENT OF PUBLIC SAFETY

The Fire Marshal's Report, pursuant to Chapter 100.19(4), 1987 Code of Iowa Supplement.

#### DEPARTMENT OF TRANSPORTATION

The Annual Report, pursuant to Section 310.36, Code of Iowa.

The 1988-1992 Transportation Program approved by the State Transportation Commission, pursuant to Section 307A.2(12), Code of Iowa.

#### HEALTH DATA COMMISSION

The Annual Report to the General Assembly, pursuant to Chapter 145.6, Code of Iowa.

#### OFFICE OF THE GOVERNOR

A Report by Governor Terry E. Branstad of Pardons, Suspensions, Commutations and Remissions of Fines for the Seventy-second General Assembly of the State of Iowa, pursuant to Article IV, Section 16, of the Constitution of the State of Iowa.

#### HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

#### **H.S.B. 519 Human Resources**

Relating to the certification of clinical laboratories and blood banks which perform human immunodeficiency virus screening or confirmatory testing.

**H.S.B. 520 Human Resources**

Requiring informed consent prior to the testing of a person for the presence of antibodies to the human immunodeficiency virus, and making penalties applicable.

**H.S.B. 521 Human Resources**

Relating to confidentiality of human immunodeficiency virus-related matters and providing penalties.

**H.S.B. 522 Human Resources**

Relating to a comprehensive acquired immune deficiency syndrome (AIDS) prevention and intervention plan.

**H.S.B. 523 Human Resources**

Relating to the adoption of rules by the Iowa department of public health concerning acquired immune deficiency syndrome-related training for certain care providers.

**H.S.B. 524 Human Resources**

Relating to the civil rights of persons with a condition relating to acquired immune deficiency syndrome, by prohibiting the testing, with respect to the employment of persons, for a condition related to acquired immune deficiency syndrome, and by making remedial provisions of the civil rights law applicable.

**H.S.B. 525 Human Resources**

Requiring accredited elementary and secondary schools to provide, within the health education curricula, instruction concerning acquired immune deficiency syndrome.

**H.S.B. 526 Human Resources**

Relating to drugs, devices, and cosmetics.

**H.S.B. 527 Human Resources**

Prohibiting the disclosure of acquired immune deficiency syndrome-related testing and test results by persons providing health and accident insurance or benefits coverages or life insurance coverages, and providing penalties.

**H.S.B. 528 Transportation**

Relating to brake requirements for certain trucks and truck tractors.

**H.S.B. 529 State Government**

Relating to the reporting of results of the precinct caucuses, providing a penalty, and providing an effective date.

**H.S.B. 530 Human Resources**

Relating to the reporting of terminations of pregnancy.

**H.S.B. 531 Labor and Industrial Relations**

Relating to the benefit ratio array system under the unemployment insurance law by making the benefit ratio array system permanent, by resolving potential federal conformity issues concerning new non-construction experience-based rates and access to job service information by business and labor organizations, by abolishing the special employer contribution rate for employers with certain negative balance account histories with retroactive applicability, and by providing an effective date.

**H.S.B. 532 Economic Development**

Relating to the repeal of the Iowa venture capital investment Act.

**H.S.B. 533 Economic Development**

Relating to individual training accounts and providing, under certain conditions, for a deduction or credit based on deposits made into, and an exemption for interest earned on the accounts under the state individual income tax and providing a retroactive effective date for the tax provisions.

**H.S.B. 534 Education**

Relating to payment of costs of asbestos identification and removal by boards of directors of school districts.

**H.S.B. 535 Education**

Relating to the organizational meeting of the state board of education.

**H.S.B. 536 State Government**

To change the composition of the state board of health.

**H.S.B. 537 Transportation**

Increasing the excise tax on motor fuel and special fuel.

**H.S.B. 538 Transportation**

To increase the allocation of moneys to the public transit assistance fund.

**H.S.B. 539 Small Business and Commerce**

Relating to the leasing of propane tanks by regulating the continued sale of propane to a lessee.

**H.S.B. 540 Small Business and Commerce**

Relating to the regulation of securities by amending the Iowa uniform securities Act to provide that registrations filed by coordination become effective when the federal registration becomes effective.

**SUBCOMMITTEE ASSIGNMENTS****House File 119 (Reassigned)**

Small Business and Commerce: Blanshan, Chair; Chapman, Groninga, Harbor and Schneklath.

**House File 231 (Reassigned)**

Local Government: Peters, Chair; Norrgard and Platt.

**House File 245**

Local Government: Hatch, Chair; Eddie and Fuller.

**House File 264**

Small Business and Commerce: Groninga, Chair; Brammer, Halvorson of Clayton, Schneklath and Shoultz.

**House File 611**

Small Business and Commerce: Parker, Chair; Hummel, Renken, Sherzan and Skow.

**House File 662**

Small Business and Commerce: Chapman, Chair; Holveck, Kremer, McKinney and Metcalf.

**House File 681**

Appropriations: Peterson of Carroll, Chair; Jochum and Mullins.

**House File 2026**

Judiciary and Law Enforcement: Rosenberg, Chair; Hansen of Woodbury, Kremer, Paulin, Peterson of Carroll, Plasier and Sherzan.

**House File 2033**

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

**House File 2034**

Education: Schrader, Chair; Beaman and Connolly.

**House File 2036**

Judiciary and Law Enforcement: Jay, Chair; Carpenter and Poncy.

**House File 2045**

Judiciary and Law Enforcement: McKinney, Chair; Halvorson of Clayton, Hansen of Woodbury and Lageschulte.

**HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS****House Study Bill 510**

Education: Ollie, Chair; Connolly, Daggett, Maulsby and Miller.

**House Study Bill 511**

Education: Ollie, Chair; Daggett, Haverland, McKean and Shoultz.

**House Study Bill 512**

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

**House Study Bill 513**

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

**House Study Bill 514**

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

**House Study Bill 515**

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

**CERTIFICATES OF RECOGNITION**

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

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

- |        |   |
|--------|---|
| 1988-1 | W. J. McGowan, Dyersville — For actively achieving and celebrating his 100th birthday January 31, 1988. |
| 1988-2 | Ryan Groves, Council Bluffs — Named to the Deaf All-America team for 1987.                              |
| 1988-3 | Darwin Schultz, Council Bluffs — Named to the Deaf All-America team for 1987.                           |

On motion by Arnould of Scott, the House adjourned at 7:02 p.m., until 9:00 a.m., Tuesday, January 19, 1988.

# JOURNAL OF THE HOUSE

Ninth Calendar Day — Sixth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Tuesday, January 19, 1988

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

Prayer was offered by the Honorable Clyde Norrgard, state representative from Des Moines County.

The Journal of Monday, January 18, 1988 was approved.

## INTRODUCTION OF BILLS

**House File 2055**, by Knapp, a bill for an act relating to the imposition of the local option vehicle tax and sales and services tax by cities and counties.

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

**House File 2056**, by Tyrrell, a bill for an act relating to the establishment of perpetual care funds for cemeteries.

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

**House File 2057**, by Hammond, a bill for an act providing for the creation of county review commissions, specifying their powers and duties, authorizing a tax levy, and providing for the implementation of their recommendations.

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

**House File 2058**, by Rosenberg, a bill for an act relating to the liability of a volunteer guardian or conservator.

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

**House File 2059**, by Pellett, a bill for an act relating to the use of advertising devices along highways for identifying locations of cities.

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

**House File 2060**, by Haverland, a bill for an act relating to sales of goods and services by defining that a sale made at a trade show is not a door-to-door sale.

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

**House File 2061**, by Spear, a bill for an act to require members of examining boards and board of review to be residents of the assessor jurisdiction.

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

**House File 2062**, by Svoboda, a bill for an act relating to banking by prohibiting charges for the handling or custody of certain deposits in a checking account.

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

**House File 2063**, by Gruhn and Branstad, a bill for an act exempting certain bed and breakfast homes and bed and breakfast inns from regulation under the state building code and local building regulations, providing for the Act's applicability, and providing an effective date.

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

**House File 2064**, by Gruhn, a bill for an act to increase the maximum annual tax rate which may be levied for a benefited fire district.

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

**House File 2065**, by Corey and Kremer, a bill for an act relating to the compensation of state employees by repealing provisions establishing and requiring implementation of the state's policy in favor of compensation based on comparable worth, and providing an effective date.

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

#### SENATE MESSAGE CONSIDERED

**Senate File 2031**, by committee on state government, a bill for an act relating to the reporting of results of the precinct caucuses, providing a penalty, and providing an effective date.

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

#### COMMITTEE TO NOTIFY THE SENATE

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

The motion prevailed and the Speaker appointed as such committee: Knapp of Dubuque, Norrgard of Des Moines and Clark of Cerro Gordo.

The House stood at ease at 9:11 a.m., until the fall of the gavel.

The House resumed session at 9:32 a.m., Speaker Avenson in the chair.

#### REPORT OF THE COMMITTEE TO NOTIFY THE SENATE

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

The Sergeant-at-Arms announced the arrival of the President of the Senate, the 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

In accordance with law and House Concurrent Resolution 103, duly adopted, the joint convention was called to order at 9:35 a.m., President Zimmerman presiding.

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

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

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

The motion prevailed and the President appointed as such committee Senators Doyle of Woodbury, Mann of Polk and Hester of Pottawattamie, on the part of the Senate, and Representatives Jay of Appanoose, McKinney of Dallas and Halvorson of Clayton, on the part of the House.

The joint convention stood at ease at 9:37 a.m., until the fall of the gavel.



The joint convention resumed session at 9:48 a.m., President Zimmerman presiding.

Secretary of State Baxter, Treasurer of State Fitzgerald, Auditor of State Johnson, Secretary of Agriculture Cochran and Attorney General Miller were escorted into the House chamber.

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

The Chief Judge and Judges of the Appellate Court and the Chief Judges of the eight Iowa Judicial Districts were escorted into the House chamber.

Mrs. Joan McGiverin and Tom McGiverin (son of the Chief Justice); Paul McGiverin (brother of the Chief Justice); Mr. and Mrs. Ed McGiverin (brother and sister-in-law of the Chief Justice); and Ms. Ruth Keneston were escorted into the House chamber.

The committee waited upon Chief Justice Arthur A. McGiverin and escorted him to the Speaker's station.

President Zimmerman presented Chief Justice Arthur A. McGiverin who delivered the following Condition of the Judicial Department message:

Madam President, Mr. Speaker, Senators, Representatives, State Officials, Justices, Judges, my fellow Iowans:

Today's state of the judiciary message is my first as Chief Justice of the Iowa Supreme Court. I am pleased to continue the path of my predecessor Chief Justice Reynoldson with whom you probably are better acquainted. Thank you for the invitation to speak here today.

I would like to take a moment to acknowledge some of the people present. Three new appellate judges are with us — two new Supreme Court Justices, Justice Bruce Snell and Justice James Andreasen, and the new Court of Appeals Judge, Judge Albert Habhab. Also present is the Judicial Council composed of the Chief Judge of each judicial district, and officers of Iowa's attorney organizations.

In this message, I will address the condition of the judiciary, my concerns and goals for Iowa justice, and the means for achieving those goals.

Before discussing current concerns, two upcoming historic celebrations should be noted. 1988 marks the 200th anniversary of the ratification of the Constitution of the United States. On June 21, 1788, the Constitution became official when New Hampshire, the ninth state, ratified it. Because of its unique flexibility and adaptability, augmented by a constitutional structure that divided power between three separate branches of government, our federal Constitution has stood the test of time to become the oldest document of its kind in the world.

This year also marks 150 years of government in Iowa. On June 12, 1838, Congress passed a law establishing the territorial government of Iowa. In the fall of 1838, the first court was held in the Iowa Territory at what is now Guttenberg in Clayton County.

The first territorial assembly, which consisted of thirteen senators and twenty-six representatives, met in Burlington in 1838. At the urging of Governor Robert Lucas, and with the assistance of the Supreme Court, the assembly compiled the first laws of the territory. Iowa's fine tradition of good government began with the cooperation of the three branches.

Of course, this is not to say that the first assembly passed laws without debate. Apparently, considerable debate centered around the matter of paying the three Supreme Court justices for their legislative services.

A much more recent example of cooperation and commitment between the branches of government is to be found in court reorganization. As you know, it involved phasing in state funding of the court system and the transfer of over 1,400 support personnel to the state judicial system. The major task of court reorganization is now complete and many of the benefits are already evident.

By the close of this fiscal year, the reorganization of the Iowa court system will have saved Iowa property taxpayers more than 18 million dollars. Thanks to your vision, a heavy tax burden has been lifted from the backs of Iowa property owners.

Other benefits of reorganization include:

- Unified budgeting for the courts;
- Continuing education for court reporters, clerks of court, and juvenile court officers;
- Uniform employee job descriptions and pay plans; and
- Moving employees from county to county to assist where most needed.

Today, because of the commitment and cooperation of all the people of Iowa, the Governor, the Legislature, and the Court, all Iowans receive better judicial services. Yet, these improvements in judicial services are only the beginning. Looking ahead, we have to do even better.

The duty of the third branch is to provide justice to all Iowans. I am proud to report, that despite our current budgetary constraints, Iowans are provided top quality judicial services. This can be attributed to our dedicated and hardworking judicial department staff and judges.

The quality of judicial decisions, however, hinges on the quality of Iowa judges. Figures prove the dedication of every Iowa judge. The average number of cases disposed of per district court judge has jumped from 607 to 705 cases per year over the last decade.

But rather than dwell on hard numbers, it is important for Iowans to understand the crucial role and tremendous responsibilities of our judges, especially our trial court judges. Our judges preside over every kind of civil and criminal case imaginable, from small claims property disputes to multimillion dollar product liability actions and from simple misdemeanors to class "A" felonies. And although most cases don't make the evening news, every case is significant because it touches the life of an Iowan.

We have every reason to boast about the job our judges are doing. But Iowa is at the brink of a judicial crisis. Our judges are suffering from low morale and potential burnout. We are having difficulty attracting and keeping experienced people devoted to public service, particularly on the district court bench.

Why is Iowa facing this situation? A major reason is low judicial compensation.

During the last decade, judicial salaries in Iowa have not kept pace with inflation, with increases awarded to other state employees, or with judicial compensation in other states.

In the last ten years, judicial salaries have increased less than half the national inflation rate. Measured by the consumer price index, the purchasing power of Iowa district judges has plunged 72 percent since 1977. During the same period, the percentage of salary increases of Iowa judges also has fallen substantially behind that of other state employees.

In 1977, Iowa ranked 16th in the nation in judicial compensation for trial judges. Today, Iowa trial judge salaries place a lowly 37th. In states of comparable population, only one, Oklahoma, pays its judges less than Iowa.

Low judicial compensation is bound to have an adverse impact on the quality of justice in Iowa. To address this imminent problem, the judicial department is strongly supporting the salary recommendations of the Iowa Commission to Review Judicial Compensation and Benefits.

Last year the Commission proposed a salary schedule, slightly below the national average, which we feel will begin to raise the compensation of judges to a level commensurate with their important responsibilities. This is no "pie in the sky" request. This salary proposal is fair and reasonable and we respectfully ask your support so that the quality of Iowa justice will be maintained.

The clerks of district court also deserve special mention. The clerks perform many important functions, including over 160 statutory duties. In 1986, almost 900,000 new cases of all kinds were funneled through the offices of the clerks of court. Last year, the clerks handled over 65,000 uncontested small claims matters and more than 400,000 scheduled violations without judicial assistance.

In addition, the clerk's office is the first registration point for thousands of vital records, including marriages, births, deaths and other documents. Many clerks and their staff work extra hours without additional pay to keep up with the mountains of paperwork.

Despite these important responsibilities and sacrifices, the clerks and their deputies are not treated equally with other state employees when it comes to compensation.

When the Legislature passed court reorganization, it also passed a law capping the clerk's salary at the highest salary received by the county auditor, treasurer, or recorder. Another provision of the court reorganization bill required the State Court Administrator to implement comparable worth for our judicial department employees. Because of the cap, however, comparable worth cannot be fully implemented for the clerks and their deputies.

We believe that the clerks and their deputies should be given equal treatment under the law and the laudable objectives of comparable worth be made available to them.

Therefore, repeal of this ceiling is one of the Court's top priorities. We ask that you correct this inequity which unreasonably singles out the district court clerks and deputies from other state employees.

Our first-rate judicial services can also be attributed to people who volunteer their time, energy, and expertise to assist the third branch. We are guided by the advice of many committees, boards, and commissions composed of lay people, lawyers, judges, and staff.

One of these groups assists the court with our interest on Lawyers Trust Account Program. This program is funded by interest generated from Lawyers Trust Accounts. From this fund grants are awarded to help provide legal services to low income Iowans in civil cases and to support special projects relating to the administration of justice in Iowa. The Supreme Court with the advice of the IOLTA Commission has awarded over 1 million dollars in public interest grants since this program began on July 1, 1985.

In two judicial districts, volunteers provide a special service to abused and neglected children, who are under the jurisdiction of the juvenile court. The Court Appointed Special Advocate program utilizes trained adults who volunteer to advocate for the best interests of these children. This program has received enthusiastic reviews and we are requesting additional funds to expand it.

We take pride in our judicial officers, referees, court attendants, court reporters, juvenile court officers, clerks of court, administrative staff, and volunteers for their part in providing top quality judicial services to the people.

Because the judicial system in Iowa has worked so well for so long, we tend to take it for granted. In these difficult economic times when the financial resources of the people of Iowa and of the state are stretched to the limit, we must try to improve the efficiency of judicial services without eroding the quality of justice.

Trial delays tend to clog the judicial system, increase the cost of litigation, and waste scarce judicial resources. We believe that the sooner a case is resolved, the less it will cost the parties. With the help of our judicial council, the Supreme Court has taken important steps to eliminate needless trial delays. Recently, the court implemented statewide procedures and time standards for case processing and movement.

Our time standard guidelines call for disposition of certain types of cases within fixed time frames. For example, civil jury trials must be disposed of within 18 months and civil nonjury cases must be disposed of within 12 months.

Other types of inefficiencies in our judicial system relate to information processing. Many of these problems could be reduced or eliminated with full utilization of modern technology, specifically — computerization.

Chief Justice Reynoldson spoke to you last year about the Iowa Court Information System. The need for it is crucial and should be addressed again.

Among other things, an automated court information system will:

- Improve the court's ability to retrieve information;

- Allow the judicial department to provide better and more up-to-date data to the Legislature and state agencies from which to make policy decisions;
- Increase revenue collections from court fines, fees and costs by monitoring cases more effectively;
- Eliminate the use of disparate and incompatible computers that cost the State nearly two million dollars a year in rental and maintenance fees; and
- Provide us with better data so that we will have the ability to use a weighted caseload to determine judgeship requirements and staffing levels.

Today, computerization is not a luxury, but a necessity. Long ago, the Legislature wisely provided computerization to the executive branch and more recently you computerized many of your operations.

Computerization is perhaps even more necessary for the management of a unified court system. "Reorganization places heavy demands on the system for coordination among units, for sharing information between courts and administrative offices and for increased specialization in performing many of the administrative functions."

Our budget recommendation for fiscal year 1989 requests funds for further automation of the courts. We ask your support so that we may reach our goal of a statewide system.

Serving the needs of Iowans efficiently and effectively cannot be done without adequate resources. The 62.9 million dollar judicial branch budget for fiscal year 1989 is the amount necessary to assure that Iowans receive basic, yet good quality, judicial services.

This is a responsible budget. The Supreme Court carefully scrutinized the requests of the eight judicial districts and other components of the judicial department, and carved out almost 6 million dollars in legitimate proposed expenditures.

It's important to note that based on fiscal year 1988 figures, the cost of the judicial system in this state amounts to only 2.3 percent of the total state budget. Over one-half of the judicial department's operating budget for this fiscal year, is offset by court generated revenues in the projected amount of more than 31 million dollars.

Court reorganization was a statement by the leaders of Iowa that it is the responsibility of the state to support the judicial system. We ask that you, as lawmakers, not stop there. We ask that you build on that responsibility by appropriating sufficient funds so that the system you helped create will live up to your expectations. Let us never forget the basic obligation of our government to provide justice for all the people.

My concerns are somewhat summarized in a statement of former Chief Justice Burger of the United States Supreme Court.

He once said:

Ideas, ideals and great conceptions are vital to a system of justice, but it must have more than that — there must be delivery and execution. Concepts of justice must have hands and feet or they remain sterile abstractions. The hands and feet we need are efficient means and methods to carry out justice in every case in the shortest possible time and at the lowest possible cost. This is the challenge to every lawyer and judge in America.

That also is the challenge to those of us in Iowa government.

In the spirit established 150 years ago, let us all continue to cooperate to meet that challenge.

Chief Justice McGiverin was escorted from the House chamber by the committee previously appointed.

Arnould of Scott moved that the joint convention be now dissolved at 10:20 a.m., which motion prevailed.

The House reconvened at 10:21 a.m., Speaker Avenson in the chair.

## HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

### **H.S.B. 541 Economic Development**

Relating to the repeal of the authority of the department of economic development to incorporate an export trading company.

### **H.S.B. 542 Economic Development**

Establishing a community and rural development loan program to assist communities in financing traditional and new infrastructure and housing for needy and elderly and providing for a revolving fund to be used for the program.

### **H.S.B. 543 Economic Development**

Relating to providing assistance to workers in existing businesses and providing an appropriation.

### **H.S.B. 544 Education**

To establish an education certification advisory committee and prescribe its duties.

**H.S.B. 545 Education**

Directing the Department of Education to develop criteria for the establishment of an internship program.

**H.S.B. 546 Education**

Directing the Department of Education to develop criteria for enhancing the clinical experiences of prospective teachers.

**H.S.B. 547 Judiciary and Law Enforcement**

Relating to the establishment of a state board and district boards to administer the representation of indigent and incompetent persons by appointed attorneys, public defenders, and the appellate defender's office.

**H.S.B. 548 Judiciary and Law Enforcement**

Relating to the representation of indigent and incompetent persons by appointed attorneys, public defenders, and the appellate defender's office; the establishment of district legal defense boards; and the determination of indigency.

**H.S.B. 549 Human Resources**

Relating to the eligibility policies established by the commission of elder affairs.

**H.S.B. 550 Human Resources**

Relating to the establishment of well-elderly clinics in each county of the state, and making appropriations for the establishment of well-elderly clinics and for coordination and monitoring of existing health screening programs.

**H.S.B. 551 Economic Development**

Relating to the coordination of rural development programs by creating a rural development coordinating committee and the office of rural resources coordinator.

**H.S.B. 552 State Government**

Relating to the jurisdiction of the employment appeal board.

**H.S.B. 553 State Government**

Relating to grievances and discipline resolution in the state personnel system.

**H.S.B. 554 Transportation**

Relating to certificates of title and transfer of ownership of foreign, wrecked, and salvage vehicles and making penalties applicable and providing effective dates.

**H.S.B. 555 Human Resources**

Relating to the issuance of citations and the detention of juveniles, and providing penalties.

**H.S.B. 556 Human Resources**

Relating to the age of juveniles held in adult detention facilities.

**H.S.B. 557 Human Resources**

Relating to the detention in an adult facility of a juvenile over whom the juvenile court has waived its jurisdiction.

**H.S.B. 558 Labor and Industrial Relations**

Relating to financial arrangements in connection with the payment of workers' compensation claims of employees under the control of the state board of regents.

**H.S.B. 559 Economic Development**

Relating to the administration and operation of the state lottery.

**H.S.B. 560 Judiciary and Law Enforcement**

Relating to grandparent visitation rights.

**SUBCOMMITTEE ASSIGNMENTS****House Joint Resolution 2001**

Ways and Means: Teaford, Chair; Chapman and Renken.

**House File 110 (Reassigned)**

Human Resources: Harper, Chair; Connors, Hester, Peters and Swearingen.

**House File 158 (Reassigned)**

Human Resources: Harper, Chair; Connors, Hester, Peters and Swearingen.

**House File 159**

Ways and Means: Rosenberg, Chair; Carpenter and Teaford.

**House File 171 (Reassigned)**

Human Resources: Harper, Chair; Connors, Eddie, Hester and Peters.



**House File 425**

Ways and Means: Connolly, Chair; Bisignano and Renken.

**House File 453 (Reassigned)**

Human Resources: Fey, Chair; Adams, Bisignano, Clark and Plasier.

**House File 547**

Transportation: Cooper, Chair; Fogarty and Platt.

**House File 560**

Transportation: Cohoon, Chair; Beaman and Neuhauser.

**House File 637**

Transportation: Pavich, Chair; Beaman and Fogarty.

**House File 672**

Ways and Means: Wise, Chair; Miller and Parker.

**House File 674**

Ways and Means: Brammer, Chair; Bennett and Wise.

**House File 677**

Ways and Means: Connolly, Chair; Fey, Lageschulte, May and Siegrist.

**House File 685**

Ways and Means: Daggett, Chair; De Groot and Koenigs.

**House File 688**

Appropriations: Peterson of Carroll, Chair; Halvorson of Clayton and Jochum.

**House File 2002 (Reassigned)**

Human Resources: Adams, Chair; Corey, Eddie, Haverland and Spear.

**House File 2004**

Ways and Means: Doderer, Chair; Rosenberg and Schneklath.

**House File 2007**

Ways and Means: Doderer, Chair; Rosenberg and Schneklath.

**House File 2009**

Ways and Means: Wise, Chair; Osterberg and Siegrist.

**House File 2010**

Ways and Means: Groninga, Chair; De Groot and Rosenberg.

**House File 2013**

Labor and Industrial Relations: Brammer, Chair; Connors and Tyrrell.

**House File 2014 (Reassigned)**

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

**House File 2015**

Transportation: Gruhn, Chair; Cohoon, De Groot and Muhlbauer.

**House File 2022**

Ways and Means: Fey, Chair; Johnson and Metcalf.

**House File 2028**

Human Resources: Hammond, Chair; Harper, Mullins, Norrgard and Teaford.

**House File 2030**

Human Resources: Spear, Chair; Bisignano, Buhr, Corey and Miller.

**House File 2031**

Transportation: Cohoon, Chair; Beaman and Neuhauser.

**House File 2032**

Transportation: Cohoon, Chair; Beaman and Neuhauser.

**House File 2048**

Transportation: Neuhauser, Chair; Cohoon and Royer.

**House File 2049**

Appropriations: Peterson of Carroll, Chair; Halvorson of Clayton and Jochum.

**Senate File 397 (Reassigned)**

Ways and Means: Groninga, Chair; Bisignano and Daggett.

**Senate File 452**

Ways and Means: Brammer, Chair; May and Miller.

**Senate File 508**

Ways and Means: Holveck, Chair; Carpenter and Parker.

**HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS**

**House Study Bill 507**

Human Resources: Adams, Chair; Corey, Eddie, Haverland and Spear.

**House Study Bill 508**

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

**House Study Bill 517**

Transportation: Fogarty, Chair; Branstad and Cooper.

**House Study Bill 518**

Transportation: Koenigs, Chair; Lageschulte and Pavich.

**House Study Bill 528**

Transportation: Muhlbauer, Chair; Cooper and Platt.

**House Study Bill 531**

Labor and Industrial Relations: Ollie, Chair; Hermann and Peters.

**House Study Bill 538**

Transportation: Koenigs, Chair; Cooper and Pellett.

**House Study Bill 558**

Labor and Industrial Relations: Buhr, Chair; Halvorson of Webster and Hester.

**COMMITTEE RECOMMENDATIONS**

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

**JOSEPH O'HERN**

Chief Clerk of the House

**COMMITTEE ON APPROPRIATIONS**

**Committee Bill**, relating to and making appropriations to the department of human services and to the Iowa finance authority for the remainder of the fiscal year ending June 30, 1988, allowing carryover of certain funds to the next fiscal year, and providing an effective date.

Fiscal Note is not required.

Recommended **Do Pass** January 19, 1988.

**COMMITTEE ON EDUCATION**

**Committee Bill** (Formerly Study Bill 504), relating to state aid payments for schools beginning prior to September 1.

Fiscal Note is not required.

Recommended **Do Pass** January 18, 1988.

**COMMITTEE ON NATURAL RESOURCES AND OUTDOOR RECREATION**

**House File 2011**, a bill for an act relating to the ownership of certain vessels by requiring the purchaser of a registered vessel to obtain a certificate of title, by providing for the perfection of a security interest, and by providing an effective date.

Fiscal Note is not required.

Recommended **Do Pass** January 18, 1988.

**RESOLUTION FILED**

**HCR 105**, by Van Camp, a concurrent resolution requesting the President and Congress to take appropriate action to stop supplying any

kind of funding, aid, or trade to the Soviet Union and to all other communist nations.

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

On motion by Arnould of Scott, the House adjourned at 10:22 a.m., until 9:00 a.m., Wednesday, January 20, 1988.

# JOURNAL OF THE HOUSE

Tenth Calendar Day — Seventh Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Wednesday, January 20, 1988

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

Prayer was offered by the Honorable Virgil Corey, state representative from Louisa County.

The Journal of Tuesday, January 19, 1988 was approved.

## INTRODUCTION OF BILLS

**House File 2066**, by Fuller, a bill for an act establishing minimum and maximum loop dimensions for snare traps and providing a penalty.

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

**House File 2067**, by McKean, a bill for an act to increase the allocation of moneys to the public transit assistance fund.

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

**House File 2068**, by Schnekloth, a bill for an act relating to the taxing of all costs, including reasonable attorney fees, in an action for damages based upon tort liability.

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

**House File 2069**, by Hummel, a bill for an act to require the registration of blue lights in the name of the individual authorized to use the blue lights by the state department of transportation.

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

**House File 2070**, by Spear, a bill for an act relating to the funding of the juvenile justice system.

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

**House File 2071**, by committee on education, a bill for an act relating to state aid payments for schools beginning prior to September 1.

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

**House File 2072**, by Bennett, a bill for an act altering the definition of a child in need of assistance by including the likelihood of certain sexual abuse.

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

**House File 2073**, by Hanson of Delaware, a bill for an act relating to dependent adult in need of assistance proceedings.

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

**House File 2074**, by Hammond, a bill for an act relating to the sale and consumption of beer in bulk containers and providing penalties.

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

**House File 2075**, by Koenigs, a bill for an act to permit a public body acquiring private property for a public use by eminent domain to examine the property prior to exercising the right of eminent domain.

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

**House File 2076**, by Stromer, a bill for an act including taxable property in certain school districts involved in dissolutions in the foundation property tax levy reduction provided on taxable property in certain school districts affected by a reorganization.

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

**House File 2077**, by Harper, Shoultz, Teaford, Siegrist and Clark, a bill for an act to prohibit the use of corporal punishment in approved or accredited schools.

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

**House File 2078**, by Hatch, a bill for an act relating to medical malpractice by requiring certain health care providers to establish risk management programs, establishing and regulating the operation of medical peer review committees, establishing a patient compensation fund for certain medical malpractice awards, establishing a sales tax on the sale of prescription drugs, creating a standing appropriation for the payment of certain medical malpractice awards or settlements, establishing expert witness standards, providing court oversight of contingent attorney fees, and establishing certain procedural and other requirements for medical malpractice actions.

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

**House File 2079**, by Hansen of Woodbury, a bill for an act appropriating lottery funds for the construction of a new maximum security correctional facility and providing an effective date.

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

**House File 2080**, by Fuller, Bisignano, Svoboda and Peters, a bill for an act directing the department of human services to make capital improvements over a four-year period to the state training school at Eldora, and providing appropriations.

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

**House File 2081**, by Swartz, a bill for an act providing additional funding for high school courses of vocational and technical training offered by a merged area school under a contract with one or more school districts, and providing for the applicability of the Act.

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

**House File 2082**, by committee on appropriations, a bill for an act relating to and making appropriations to the department of human services and to the Iowa finance authority for the remainder of the fiscal year ending June 30, 1988, allowing carryover of certain funds to the next fiscal year, and providing an effective date.

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

**HOUSE FILE 1 WITHDRAWN**

Cooper of Lucas asked and received unanimous consent to withdraw House File 1 from further consideration by the House.

**HOUSE FILE 100 WITHDRAWN**

Fey of Scott asked and received unanimous consent to withdraw House File 100 from further consideration by the House.

**HOUSE FILE 158 WITHDRAWN**

Running of Linn asked and received unanimous consent to withdraw House File 158 from further consideration by the House.

**HOUSE FILE 347 WITHDRAWN**

Dvorsky of Johnson asked and received unanimous consent to withdraw House File 347 from further consideration by the House.

On motion by Arnould of Scott, the House was recessed at 9:08 a.m., until 11:45 a.m.

The House reconvened, Speaker Avenson in the chair.

**SPONSOR ADDED**  
(House File 2046)

Carpenter of Polk requested to be added as a sponsor of House File 2046.

**COMMUNICATION RECEIVED**

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

**IOWA RAILWAY FINANCE AUTHORITY**

The 1987 annual report of the Iowa Railway Finance Authority, pursuant to Section 307B.8(6), Code of Iowa.



## HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

### **H.S.B. 561    Judiciary and Law Enforcement**

Relating to the homestead exemption available to minor issue of either spouse upon the death of the surviving spouse.

### **H.S.B. 562    Small Business and Commerce**

Relating to uninsured and underinsured motor vehicle liability insurance.

### **H.S.B. 563    Transportation**

Relating to funds in the special railroad facility fund and the rail assistance fund and providing an effective date.

### **H.S.B. 564    Transportation**

Relating to regional and public transit systems by providing a definition of a regional transit system, by permitting the state department of transportation to redirect unused federal funds from one public transit system to another, and by requiring compliance to certain Code provisions.

### **H.S.B. 565    State Government**

Providing for temporary three-day liquor licenses, wine permits, and beer permits.

### **H.S.B. 566    State Government**

To allow the alcoholic beverages division of the department of commerce to conduct business on certain holidays.

### **H.S.B. 567    Ways and Means**

Relating to the exemption from the state sales, services, and use taxes of the gross receipts from the sales of modular homes which are not attributable to the cost of the tangible personal property used in the processing of the modular homes.

**H.S.B. 568 Small Business and Commerce**

Relating to the acceptance of checks and share drafts by prohibiting certain forms of identification as a condition of acceptance of a check or share draft, and providing penalties.

**H.S.B. 569 Economic Development**

Relating to the establishment of economic development finance corporations to assist in providing financing for small business development by providing loan guarantees, letters of credit, equity financing, underwriting for public offerings, and providing for and making an appropriation of state matching funds.

**SUBCOMMITTEE ASSIGNMENTS****House File 37 (Reassigned)**

Agriculture: May, Chair; Johnson and Stueland.

**House File 97 (Reassigned)**

State Government: Renken, Chair; Buhr, Fuller, Garman and Pavich.

**House File 214 (Reassigned)**

Agriculture: Gruhn, Chair; Branstad and Fogarty.

**House File 283**

State Government: Renken, Chair; Buhr, Fuller, Garman and Pavich.

**House File 358 (Reassigned)**

Agriculture: Hatch, Chair; Johnson and Stueland.

**House File 448 (Reassigned)**

Agriculture: Muhlbauer, Chair; De Groot and Fogarty.

**House File 581**

Agriculture: Cooper, Chair; Eddie and Svoboda.

**House File 2023**

Education: Teaforde, Chair; Beaman, Connolly, Corey and Harper.

**House File 2027**

Education: Teaforde, Chair; Beaman, Connolly, Corey and Harper.

**House File 2029**

Education: Teaforde, Chair; Beaman, Connolly, Corey and Harper.

**House File 2035**

State Government: Blanshan, Chair; Buhr and Lundby.

**House File 2038**

Education: Teaforde, Chair; Beaman, Connolly, Corey and Harper.

**Senate File 28**

Agriculture: Johnson, Chair; Bennett and Hatch.

**Senate File 2031**

State Government: Running, Chair; Halvorson of Webster and Hanson of Delaware.

**HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS****House Study Bill 38 (Reassigned)**

Judiciary and Law Enforcement: Jay, Chair; Carpenter and Poncy.

**House Study Bill 41 (Reassigned)**

Judiciary and Law Enforcement: Jay, Chair; Carpenter and Poncy.

**House Study Bill 78 (Reassigned)**

Judiciary and Law Enforcement: Jay, Chair; Carpenter and Poncy.

**House Study Bill 79 (Reassigned)**

Judiciary and Law Enforcement: Jay, Chair; Carpenter and Poncy.

**House Study Bill 95 (Reassigned)**

Judiciary and Law Enforcement: Jay, Chair; Carpenter and Poncy.

**House Study Bill 179**

Judiciary and Law Enforcement: Jay, Chair; Carpenter and Poncy.

**House Study Bill 190 (Reassigned)**

Judiciary and Law Enforcement: Jay, Chair; Carpenter and Poncy.

**House Study Bill 294 (Reassigned)**

Judiciary and Law Enforcement: Jay, Chair; Carpenter and Poncy.

**House Study Bill 297 (Reassigned)**

Judiciary and Law Enforcement: Jay, Chair; Carpenter and Poncy.

**House Study Bill 506**

Agriculture: Osterberg, Chair; Johnson and Pellett.

**House Study Bill 516**

Economic Development: Parker, Chair; Bennett, Halvorson of Webster, Hanson of Delaware and Wise.

**House Study Bill 519**

Human Resources: Hammond, Chair; Harper, Hermann, Hester, Mullins, Norrgard and Teaford.

**House Study Bill 520**

Human Resources: Hammond, Chair; Harper, Hermann, Hester, Mullins, Norrgard and Teaford.

**House Study Bill 521**

Human Resources: Hammond, Chair; Harper, Hermann, Hester, Mullins, Norrgard and Teaford.

**House Study Bill 522**

Human Resources: Hammond, Chair; Harper, Hermann, Hester, Mullins, Norrgard and Teaford.

**House Study Bill 523**

Human Resources: Hammond, Chair; Harper, Hermann, Hester, Norrgard and Teaford.

**House Study Bill 524**

Human Resources: Hammond, Chair; Harper, Hermann, Hester, Mullins, Norrgard and Teaford.

**House Study Bill 525**

Human Resources: Hammond, Chair; Harper, Hermann, Hester, Mullins and Teaford.

**House Study Bill 526**

Human Resources: Hammond, Chair; Harper, Hermann, Hester, Mullins, Norrgard and Teaford.

**House Study Bill 527**

Human Resources: Hammond, Chair; Harper, Hermann, Hester, Mullins, Norrgard and Teaford.

**House Study Bill 530**

Human Resources: Hammond, Chair; Harper, Hermann, Hester, Mullins, Norrgard and Teaford.

**House Study Bill 532**

Economic Development: Halvorson of Webster, Chair; Running and Van Camp.

**House Study Bill 533**

Economic Development: Groninga, Chair; Cohoon, Lundby, Miller and Ollie.

**House Study Bill 534**

Education: Harper, Chair; Black and Miller.

**House Study Bill 535**

Education: Siegrist, Chair; Cohoon and Wise.

**House Study Bill 536**

State Government: Beatty, Chair; Garman, Hanson of Delaware, Knapp and Peterson of Carroll.

**House Study Bill 544**

Education: Shoultz, Chair; Adams and Siegrist.

**House Study Bill 545**

Education: Shoultz, Chair; Adams and Siegrist.

**House Study Bill 546**

Education: Shoultz, Chair; Adams and Siegrist.

**House Study Bill 549**

Human Resources: Harper, Chair; Connors, Hester, Peters and Swearingen.

**House Study Bill 550**

Human Resources: Harper, Chair; Connors, Hester, Peters and Swearingen.

**House Study Bill 555**

Human Resources: Fey, Chair; Adams, Bisignano, Clark and Plasier.

**House Study Bill 556**

Human Resources: Fey, Chair; Adams, Bisignano, Clark and Plasier.

**House Study Bill 557**

Human Resources: Fey, Chair; Adams, Bisignano, Clark and Plasier.

**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 TRANSPORTATION

**Senate File 312**, a bill for an act requiring the state and its political subdivisions, under certain circumstances, to pay compensation to owners of off-premises advertising devices.

Fiscal Note is not required.

Recommended **Do Pass** January 19, 1988.

## RESOLUTION FILED

**HCR 106**, by Buhr, Hatch, Holveck, Sherzan, Haverland, Connors, Bisignano, Carpenter, Metcalf and Renaud, a concurrent resolution congratulating the Greater Des Moines Chamber of Commerce Federation upon its centennial.

Laid over under **Rule 25**.

## AMENDMENT FILED

H — 5003

H.F. 2082

Mullins of Kossuth

On motion by Arnould of Scott, the House adjourned at 11:50 a.m., until 9:00 a.m., Thursday, January 21, 1988.

# JOURNAL OF THE HOUSE

Eleventh Calendar Day — Eighth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Thursday, January 21, 1988

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

Prayer was offered by the Honorable Arthur Ollie, state representative from Clinton County.

The Journal of Wednesday, January 20, 1988 was approved.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Brammer of Linn on request of Svoboda of Tama.

## INTRODUCTION OF BILLS

**House File 2083**, by Hanson of Delaware, Mullins and Osterberg, a bill for an act to increase the maximum civil penalty which may be administratively assessed for violations of environmental protection standards.

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

**House File 2084**, by Metcalf and Peterson of Carroll, a bill for an act relating to the membership of the medical assistance advisory council.

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

**House File 2085**, by Blanshan, a bill for an act exempting the withholding agent from the requirement to withhold state income taxes from payments made to a nonresident owner of agricultural land in the state, if the payments are from the sale of agricultural commodities and the withholding agent submits needed information.

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

**House File 2086**, by Osterberg, a bill for an act relating to group accident and sickness insurance, group nonprofit health service plans, and prepaid group plans of health maintenance organizations by mandating inclusion of infertility treatment, including in vitro fertilization, coverage under certain conditions.



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

**House File 2087**, by Shoning, Van Camp and Mullins, a bill for an act relating to resource exemptions and allowances in the determination of medical assistance eligibility for married individuals who are institutionalized.

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

**House File 2088**, by Svoboda, a bill for an act relating to work release for prisoners in county jails by providing for intermittent sentencing and by providing that a gainfully employed prisoner on work release is liable for the cost of the prisoner's lodging.

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

**House File 2089**, by Fogarty, a bill for an act relating to the abolishment of water resource districts.

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

**House File 2090**, by Running, Lundby and Poney, a bill for an act relating to the display of POW and MIA flags and making an appropriation to purchase and distribute the flags.

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

**House File 2091**, by Fuller, a bill for an act relating to the property tax credit and rent reimbursement for elderly and disabled individuals by increasing the amount of household income the individual may have for purposes of determining the credit and reimbursement and providing an applicable date.

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

#### HOUSE FILE 98 WITHDRAWN

Buhr of Polk asked and received unanimous consent to withdraw House File 98 from further consideration by the House.

#### HOUSE FILE 177 WITHDRAWN

Doderer of Johnson asked and received unanimous consent to withdraw House File 177 from further consideration by the House.

On motion by Arnould of Scott, the House was recessed at 9:12 a.m., until 3:00 p.m.

## AFTERNOON SESSION

The House reconvened, Speaker Avenson in the chair.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Daggett of Adams on request of Bennett of Ida; Skow of Guthrie on request of Black of Jasper, both for the remainder of the day.

## QUORUM CALL

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

## HOUSE FILE 453 WITHDRAWN

Peterson of Carroll asked and received unanimous consent to withdraw House File 453 from further consideration by the House.

## RULES SUSPENDED

Arnould of Scott asked for unanimous consent to suspend the rules for the immediate consideration of House File 2082.

Objection was raised.

Arnould of Scott moved that the rules be suspended for the immediate consideration of House File 2082.

A non-record roll call was requested.

The ayes were 54, nays 39.

The motion prevailed and the rules were suspended.

## RULE 31.8 SUSPENDED

Arnould of Scott asked and received unanimous consent to suspend Rule 31.8, relating to the timely filing of amendments, for the consideration of House File 2082.

## CONSIDERATION OF BILLS

### Appropriations Calendar

**House File 2082**, a bill for an act relating to and making appropriations to the department of human services and to the Iowa finance authority for the remainder of the fiscal year ending June 30, 1988, allowing carryover of certain funds to the next fiscal year, and providing an effective date, was taken up for consideration.

The House stood at ease at 3:24 p.m., until the fall of the gavel.

The House resumed session and consideration of House File 2082 at 4:39 p.m., Speaker Avenson in the chair.

Action on amendment H—5016 was temporarily deferred.

Halvorson of Clayton offered the following amendment H—5014 filed from the floor by Halvorson of Clayton, Van Maanen and Harbor and moved its adoption:

H—5014

- 1 Amend House File 2082 as follows:
- 2 1. Page 3, by striking lines 22 through 27 and
- 3 inserting the following: "programs."
- 4 2. Page 5, by striking lines 7 through 12 and
- 5 inserting the following: "application process."

A non-record roll call was requested.

The ayes were 35, nays 55.

Amendment H—5014 lost.

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Muhlbauer of Crawford, for the remainder of the day, on request of Fuller of Hardin.

Halvorson of Clayton offered the following amendment H—5016 filed from the floor by Halvorson of Clayton, Harbor and McKean and moved its adoption.

H—5016

- 1 Amend House File 2082 as follows:
- 2 1. By striking page 1, line 26 through page 2,
- 3 line 3 and inserting the following:
- 4 "NEW PARAGRAPH. j. Effective March 1, 1988, the
- 5 department shall make supplemental assistance for
- 6 child care expenses available to recipients of aid to
- 7 dependent children benefits who have become gainfully
- 8 employed. Eligibility for the supplemental assistance
- 9 shall be determined under a sliding-fee schedule based
- 10 on recipient income. The eligibility period for
- 11 supplemental assistance shall be the twelve-month
- 12 period following a recipient's loss of eligibility for
- 13 aid to dependent children benefits due to gainful
- 14 employment.
- 15 Effective March 1, 1988, adult recipients of aid to
- 16 dependent children benefits shall be required to
- 17 participate or cooperate in a program intended to

18 assist them in attaining a high school diploma, a high  
 19 school equivalency diploma, or adult basic literacy,  
 20 if the particular adult recipient has not attained any  
 21 of the three."

22 2. Page 2, by striking lines 27 through 32 and  
 23 inserting the following:

24 "NEW UNNUMBERED PARAGRAPH. Effective March 1,  
 25 1988, the department shall extend medical assistance  
 26 benefits for an additional three months to individuals  
 27 who lose assistance through the aid to families with  
 28 dependent children program due to gainful employment."

A non-record roll call was requested.

The ayes were 25, nays 57.

Amendment H—5016 lost.

Blanshan of Greene in the chair at 5:40 p.m.

Halvorson of Clayton offered the following amendment H—5007  
 filed by him and Harbor of Mills from the floor:

H—5007

1 Amend House File 2082 as follows:

2 1. By striking page 1, line 1 through page 3,  
 3 line 27.

4 2. By striking page 4, line 11 through page 8,  
 5 line 24.

6 3. By renumbering as necessary.

Speaker Avenson in the chair at 5:52 p.m.

Halvorson of Clayton moved the adoption of amendment H—5007.

Roll call was requested by Jochum of Dubuque and Connors of  
 Polk.

On the question "Shall amendment H—5007 be adopted?"  
 (H.F. 2082)

The ayes were, 30:

Bennett	Branstad	Carpenter	Clark
Corey	De Groot	Diemer	Eddie
Garman	Halvorson, R. A.	Hanson, D. R.	Harbor
Hester	Hummel	Lageschulte	Maulsby
McKean	Metcalf	Miller	Mullins
Paulin	Petersen, D. F.	Plasier	Platt
Renken	Royer	Siegrist	Stromer
Tyrrell	Van Maanen		

The nays were, 62:

Adams	Arnould	Beaman	Beatty
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Bisignano	Black	Blanshan	Buhr
Chapman	Cohoon	Connolly	Connors
Cooper	Corbett	Doderer	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
Neuhauser	Norrsgard	Ollie	Osterberg
Parker	Pavich	Pellett	Peters
Peterson, M. K.	Poncy	Renaud	Rosenberg
Running	Schrader	Sherzan	Shoning
Shoultz	Spear	Stueland	Svoboda
Swartz	Tabor	Teaford	Van Camp
Wise	Mr. Speaker		

Absent or not voting, 8:

Brammer	Daggett	Hermann	Kremer
Muhlbauer	Schnekloth	Skow	Swearingen

Amendment H—5007 lost.

## 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.

Van Maanen of Mahaska offered the following amendment H—5006 filed by him from the floor and moved its adoption:

H—5006

- 1 Amend House File 2082 as follows:
- 2 1. Page 5, line 1, by striking the words "or
- 3 expand".
- 4 2. Page 5, lines 3 and 4, by striking the words
- 5 "continued rural economic decline" and inserting the
- 6 following: "current rural economic situation".

Amendment H—5006 was adopted.

Mullins of Kossuth offered the following amendment H—5003 filed by her and moved its adoption:

H—5003

- 1 Amend House File 2082 as follows:
- 2 1. Page 6, by striking lines 19 through 22 and
- 3 inserting the following: "It is the intent of the".

Amendment H—5003 was adopted.

Stromer of Hancock offered the following amendment H—5018

filed from the floor by Stromer, Beaman, De Groot, Tyrrell, Maulsby, Van Camp, Petersen of Muscatine, Platt and Siegrist and moved its adoption:

H—5018

- 1 Amend House File 2082 as follows:
- 2 1. Page 7, line 16, by striking the word "sixty-
- 3 sixth" and inserting the following: "seventy-fourth".

Roll call was requested by Stromer of Hancock and Maulsby of Calhoun.

On the question "Shall amendment H—5018 be adopted?"  
(H.F. 2082)

The ayes were, 36:

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

The nays were, 58:

Adams	Arnould	Beatty	Bisignano
Black	Blanshan	Buhr	Carpenter
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
Lundby	May	McKinney	Neuhauser
Norrgard	Ollie	Osterberg	Parker
Pavich	Peters	Peterson, M. K.	Poncy
Renaud	Rosenberg	Running	Schneklloth
Schrader	Sherzan	Shoultz	Spear
Svoboda	Swartz	Tabor	Teaford
Wise	Mr. Speaker		

Absent or not voting, 6:

Brammer	Daggett	Kremer	Muhlbauer
Skow	Swearingen		

Amendment H—5018 lost.

Van Maanen of Mahaska asked and received unanimous consent to defer action on amendment H—5017 for the consideration of amendment H—5015:

Van Maanen of Mahaska offered the following amendment H—5015 filed by him from the floor and moved its adoption:

H—5015

- 1 Amend House File 2082 as follows:
- 2 1. Page 8, by inserting after line 24 the
- 3 following:
- 4 "Sec. \_\_\_\_\_. INTERIM STUDY. The legislative council
- 5 shall establish an interim study committee to review
- 6 issues relating to the medical assistance and other
- 7 reimbursement rates for health care facilities,
- 8 including the medical assistance reimbursement rates
- 9 for intermediate care facilities. The committee shall
- 10 make its report and any recommendations to the
- 11 legislative council and the general assembly meeting
- 12 in January 1989."
- 13 2. By renumbering as necessary.

A non-record roll call was requested.

The ayes were 31, nays 44.

Amendment H—5015 lost.

The House resumed consideration of amendment H—5017, previously deferred.

Van Maanen of Mahaska asked and received unanimous consent to withdraw amendment H—5017 filed from the floor by Van Maanen, Paulin, Hummel, Kremer, Hester, Hermann, Maulsby, Pellett, Renken, Garman, Miller, De Groot, McKean, Van Camp, Petersen of Muscatine, Beaman, Mullins, Harbor, Plasier, Eddie, Stueland, Swearingen, Schneklath, Royer, Tyrrell, Corey, Branstad, Siegrist, Shoning, Metcalf, Lageschulte and Halvorson of Clayton.

Halvorson of Clayton offered the following amendment H—5008 filed by him and Harbor of Mills from the floor and moved its adoption:

H—5008

- 1 Amend House File 2082 as follows:
- 2 1. Page 8, by inserting after line 24 the
- 3 following:
- 4 "Sec. \_\_\_\_\_. STATE FINANCING. Within funds
- 5 appropriated, all programs and services authorized by
- 6 this Act shall be financed with state or federal
- 7 funds. Except as specifically required by statute or

8 except as specifically required by administrative  
 9 rules which are in effect before the effective date of  
 10 this Act, the counties shall have no additional  
 11 responsibility to support the programs and services  
 12 authorized by this Act."

13 2. By renumbering as necessary.

Roll call was requested by Stromer of Hancock and Bennett of Ida.

On the question "Shall amendment H—5008 be adopted?"  
 (H.F. 2082)

The ayes were, 36:

Beaman	Bennett	Branstad	Carpenter
Clark	Corbett	Corey	De Groot
Diemer	Eddie	Garman	Halvorson, R. A.
Hanson, D. R.	Harbor	Hermann	Hester
Hummel	Lundby	Maulsby	McKean
Metcalf	Miller	Paulin	Pellett
Petersen, D. F.	Plasier	Platt	Renken
Royer	Shoning	Siegrist	Stromer
Stueland	Tyrrell	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	Neuhauser	Norrgard	Ollie
Osterberg	Parker	Pavich	Peters
Peterson, M. K.	Poncy	Renaud	Rosenberg
Running	Schrader	Sherzan	Shoultz
Spear	Svoboda	Swartz	Tabor
Teaford	Wise	Mr. Speaker	

Absent or not voting, 9:

Brammer	Daggett	Kremer	Lageschulte
Muhlbauer	Mullins	Schnekloth	Skow
Swearingen			

Amendment H—5008 lost.

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



### On the question "Shall the bill pass?" (H.F. 2082)

The ayes were, 62:

Adams	Arnould	Beaman	Beatty
Bisignano	Black	Blanshan	Buhr
Chapman	Cphoon	Connolly	Connors
Cooper	Corbett	Doderer	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
Neuhauser	Norrgard	Ollie	Osterberg
Parker	Pavich	Peters	Peterson, M. K.
Poncy	Renaud	Rosenberg	Running
Schrader	Sherzan	Shoning	Shoultz
Siegrist	Spear	Stueland	Svoboda
Swartz	Tabor	Teaford	Van Camp
Wise	Mr. Speaker		

The nays were, 30:

Bennett	Branstad	Carpenter	Clark
Corey	De Groot	Diemer	Eddie
Garman	Halvorson, R. A.	Hanson, D. R.	Harbor
Hester	Hummel	Lageschulte	Maulsby
McKean	Metcalf	Miller	Mullins
Paulin	Pellett	Petersen, D. F.	Plasier
Platt	Renken	Royer	Stromer
Tyrrell	Van Maanen		

Absent or not voting, 8:

Brammer	Daggett	Hermann	Kremer
Muhlbauer	Schnekloth	Skow	Swearingen

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

### COMMUNICATION RECEIVED

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

#### CITIZENS' AIDE/OMBUDSMAN

Legislative Recommendations to the 1988 Session of the Seventy-second General Assembly, State of Iowa, pursuant to Chapter 601G.18, Code of Iowa.

#### HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

#### H.S.B. 570 Judiciary and Law Enforcement

To repeal the limitation on the salary of a clerk of the district court.

**H.S.B. 571 Agriculture**

Relating to carrying out sustainable soil and water conservation reserve projects, and providing an appropriation.

**SUBCOMMITTEE ASSIGNMENTS****House Concurrent Resolution 105**

Small Business and Commerce: Swartz, Chair; Brammer and Renken.

**House File 465**

Local Government: Peters, Chair; Bisignano and Renken.

**House File 2011**

Natural Resources and Outdoor Recreation: Gruhn, Chair; Dvorsky and Platt.

**House File 2016**

Natural Resources and Outdoor Recreation: Fuller, Chair; Johnson and Stueland.

**House File 2044**

Local Government: Muhlbauer, Chair; Black and Eddie.

**House File 2050**

Local Government: Fuller, Chair; Beatty and Hester.

**House File 2056**

Small Business and Commerce: Chapman, Chair; Holveck, Kremer, McKinney and Metcalf.

**House File 2058**

Judiciary and Law Enforcement: Jay, Chair; Halvorson of Clayton, Hansen of Woodbury, Lageschulte and McKinney.

**House File 2060**

Small Business and Commerce: Chapman, Chair; Holveck, Kremer, McKinney and Metcalf.

**House File 2062**

Small Business and Commerce: Parker, Chair; Hummel, Renken, Sherzan and Skow.

**House File 2068**

Judiciary and Law Enforcement: Jay, Chair; Carpenter and Poney.

**House File 2078**

Judiciary and Law Enforcement: Jay, Chair; Halvorson of Clayton, Hansen of Woodbury, Lageschulte and McKinney.

**Senate File 454 (Reassigned)**

Local Government: Peters, Chair; Bisignano and Renken.

## HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS

**House Study Bill 539**

Small Business and Commerce: Sherzan, Chair; Renken and Swartz.

**House Study Bill 540**

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

**House Study Bill 541**

Economic Development: Skow, Chair; Corbett, Neuhauser, Running and Van Camp.

**House Study Bill 542**

Economic Development: Parker, Chair; Bennett, Halvorson of Webster, Hanson of Delaware and Wise.

**House Study Bill 543**

Economic Development: Groninga, Chair; Cohoon, Lundby, Miller and Ollie.

**House Study Bill 547**

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

**House Study Bill 548**

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

**House Study Bill 551**

Economic Development: Parker, Chair; Bennett, Halvorson of Webster, Hanson of Delaware and Wise.

**House Study Bill 559**

Economic Development: Running, Chair; Beaman and Dvorsky.

**House Study Bill 560**

Judiciary and Law Enforcement: Clark, Chair; Chapman and Kremer.

**House Study Bill 561**

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

**House Study Bill 562**

Small Business and Commerce: Groninga, Chair; Brammer, Halvorson of Clayton, Schnekloth and Shoultz.

**House Study Bill 568**

Small Business and Commerce: Skow, Chair; Hansen of Woodbury, Hanson of Delaware and Metcalf.

**House Study Bill 569**

Economic Development: Parker, Chair; Bennett, Halvorson of Webster, Hanson of Delaware and Wise.

**COMMITTEE RECOMMENDATIONS**

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

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

**COMMITTEE ON HUMAN RESOURCES**

**Committee Bill** (Formerly Study Bill 508), relating to requirements of human growth and development and health in grades kindergarten through twelve.

Fiscal Note is required.

Recommended **Amend and Do Pass** January 20, 1988.

**COMMITTEE ON STATE GOVERNMENT**

**Senate File 2031**, a bill for an act relating to the reporting of results of the precinct caucuses, providing a penalty, and providing an effective date.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H-5004** January 20, 1988.

**AMENDMENTS FILED**

H-5004	S.F.	2031	Committee on State Government
H-5005	H.F.	2071	Swartz of Marshall
H-5009	H.F.	2031	Spear of Lee
H-5010	S.F.	2031	Swartz of Marshall
H-5011	H.F.	2031	Spear of Lee
H-5012	H.F.	2031	Spear of Lee
H-5013	S.F.	2031	Swartz of Marshall
H-5019	H.F.	2071	Lageschulte of Bremer McKean of Jones Corey of Louisa
H-5020	H.F.	2031	Spear of Lee

On motion by Arnould of Scott, the House adjourned at 7:12 p.m., until 10:00 a.m., Monday, January 25, 1988.

# JOURNAL OF THE HOUSE

Fifteenth Calendar Day — Ninth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Monday, January 25, 1988

The House met pursuant to adjournment, Speaker pro tempore Connors of Polk in the chair.

Prayer was offered by the Honorable Ralph Rosenberg, state representative from Story County.

The Journal of Thursday, January 21, 1988 was approved.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Daggett of Adams, Shoning of Woodbury and McKean of Jones on request of Stromer of Hancock; Svoboda of Tama on request of Schrader of Marion; Fuller of Hardin on request of Bisignano of Polk; Petersen of Muscatine on request of Platt of Muscatine, all until their arrival.

## QUORUM CALL

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

## INTRODUCTION OF BILLS

**House File 2092**, by Garman, a bill for an act relating to insurance coverage requirements for motor vehicles in this state and providing penalties and effective dates.

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

**House File 2093**, by Paulin, a bill for an act relating to appropriations from the road use tax fund to the department of public safety, division of highway safety and uniformed force.

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

**House File 2094**, by Gruhn, Branstad, Eddie and Fogarty, a bill for an act allowing certain electric public utilities to apply delayed payment charges to a customer's account after a seven-day period has expired from the date of billing under certain circumstances.

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

**House File 2095**, by Garman, a bill for an act relating to hunting within two hundred yards of buildings inhabited by people or domestic livestock.

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

**House File 2096**, by Clark, a bill for an act relating to the purging of the record of a missing person.

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

**House File 2097**, by Daggett, a bill for an act relating to insurance for county governments by permitting a county to contract indebtedness and issue general obligation bonds to procure or provide for a policy of insurance, a self-insurance program, or a local government risk pool.

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

**House File 2098**, by Paulin and Eddie, a bill for an act relating to the annual registration fees for light delivery trucks, panel delivery trucks, pickups, and multipurpose vehicles and providing for the Act's applicability.

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

**House File 2099**, by Fogarty, a bill for an act requiring public school districts to allow certain fourteen year olds to attend driver education courses.

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

**House File 2100**, by Harbor, a bill for an act to require a public hearing on salary recommendations of a county compensation board.

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

**House File 2101**, by Fuller, a bill for an act relating to victim restitution for property damage suffered as a result of a crime.

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

**House File 2102**, by Koenigs, a bill for an act to prohibit the taking of an albino deer and protected game, and providing penalties.

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

**House File 2103**, by Blanshan, a bill for an act relating to a sales, services, and use tax exemption for the sales of computers to professionals.

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

**House File 2104**, by Van Camp, a bill for an act relating to the reporting of persons testing positive for the human immunodeficiency virus to the acquired immune deficiency syndrome registry, establishing a contact tracing program, providing civil immunity for certain actions, and providing penalties.

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

On motion by Arnould of Scott, the House was recessed at 10:08 a.m., until 10:45 a.m.

The House reconvened, Speaker Avenson in the chair.

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Shultz of Black Hawk on request of Ollie of Clinton; Eddie of Buena Vista on request of Stueland of Clinton; Lageschulte of Bremer on request of Pellett of Cass; Adams of Hamilton on request of Dvorsky of Johnson; Koenigs of Mitchell and Tabor of Jackson on request of Arnould of Scott, all until their arrival.

### QUORUM CALL

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

### MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on January 25, 1988, passed the following resolution in which the concurrence of the House is asked:

Senate Concurrent Resolution 103, a concurrent resolution congratulating the Greater Des Moines Chamber of Commerce Federation upon its centennial.

JOHN F. DWYER, Secretary

### RESOLUTION FILED

**SCR 103**, by Kinley, Mann, Readinger, Gentleman and Palmer, a concurrent resolution congratulating the Greater Des Moines Chamber of Commerce Federation upon its centennial.

Read first time and **passed on file**.

## ADOPTION OF SENATE CONCURRENT RESOLUTION 103

Buhr of Polk called up for consideration House Concurrent Resolution 106, congratulating the Greater Des Moines Chamber of Commerce Federation upon its centennial.

Buhr of Polk asked and received unanimous consent to substitute Senate Concurrent Resolution 103 for House Concurrent Resolution 106.

Senate Concurrent Resolution 103, congratulating the Greater Des Moines Chamber of Commerce Federation upon its centennial, was taken up for consideration.

On motion by Buhr of Polk, the resolution was adopted.

## SENATE FILES 2031 AND 38 DEFERRED

Arnould of Scott asked and received unanimous consent that Senate Files 2031 and 38 be deferred and that the bills retain their place on the calendar.

## SENATE AMENDMENT CONSIDERED

## House Refused to Concur

Chapman of Linn called up for consideration **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, amended by the Senate, and moved that the House concur in the following Senate amendment H — 4098:

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.

The motion lost and the House refused to concur in the Senate amendment H—4098.

## CONSIDERATION OF BILLS

### Regular Calendar

**House File 2011**, a bill for an act relating to the ownership of certain vessels by requiring the purchaser of a registered vessel to obtain a certificate of title, by providing for the perfection of a security interest, and by providing an effective date, with report of committee recommending passage was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 2011)

The ayes were, 87:

Arnould	Beaman	Beatty	Bennett
Bisignano	Black	Blanshan	Brammer
Branstad	Buhr	Carpenter	Chapman
Clark	Cohoon	Connors	Cooper
Corbett	Corey	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	Hatch	Haverland
Hermann	Hester	Holveck	Hummel
Jay	Jochum	Johnson	Knapp
Kremer	Lundby	Maulsby	May
McKinney	Metcalf	Miller	Muhlbauer
Mullins	Neuhauser	Norrgard	Ollie
Osterberg	Parker	Paulin	Pavich
Pellett	Peters	Peterson, M. K.	Plasier
Platt	Poncy	Renaud	Renken
Rosenberg	Royer	Running	Schneklath
Schrader	Sherzan	Siegrist	Skow
Spear	Stromer	Stueland	Swartz
Swearingen	Teaford	Tyrrell	Van Camp
Van Maanen	Wise	Mr. Speaker	

The nays were, none.

Absent or not voting, 13:

Adams	Connolly	Daggett	Eddie
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Fuller  
Petersen, D. F.  
Tabor

Koenigs  
Shoning

Lageschulte  
Shultz

McKean  
Svoboda

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

**SPONSORS ADDED**  
(House File 2025)

Harper of Black Hawk requested to be added as a sponsor of House File 2025.

(House File 2025)

Pavich of Pottawattamie requested to be added as a sponsor of House File 2025.

**EXPLANATION OF VOTE**

I was necessarily absent from the House chamber on Thursday evening, January 21, 1988. Had I been present, I would have voted "nay" on House File 2082.

**SWEARINGEN** of Keokuk

**HOUSE STUDY BILL COMMITTEE ASSIGNMENTS**

**H.S.B. 572 Agriculture**

Relating to the procurement of starch-based plastics and soybean-based inks by the department of general services, the state board of regents, the commission for the blind, and the state department of transportation.

**H.S.B. 573 Transportation**

Relating to the movement of vehicles of excess size and weight, subject to penalties provided by law.

**H.S.B. 574 Natural Resources and Outdoor Recreation**

Relating to and appropriating lottery revenue to the natural resource commission for outdoor recreation facilities and activities.

**H.S.B. 575 Natural Resources and Outdoor Recreation**

Relating to the establishment of a statewide trails system, by providing for the retention and acquisition of abandoned railroad rights-of-way for recreational trails and other public transportation or utility purposes, by creating a state trails advisory council, and by making corresponding amendments to the Code.

**H.S.B. 576 Local Government**

Relating to the recording of trade names, and subjecting violators to a penalty.

**H.S.B. 577 Local Government**

Relating to the filing date of the elderly or disabled property tax credit.

**H.S.B. 578 Local Government**

Relating to the withholding of claim payments for elderly and disabled property tax credits by the department of revenue and finance.

**H.S.B. 579 Local Government**

Relating to the recording of instruments by a county recorder.

**H.S.B. 580 State Government**

Relating to the administration and benefits for certain public retirement systems.

**H.S.B. 581 Human Resources**

Relating to the assessment of nursing personnel needs in the state.

**H.S.B. 582 Human Resources**

Relating to the admission to or retention in a health care facility of a patient with positive test results for the human immunodeficiency virus, or a diagnosis of acquired immune deficiency syndrome or a related condition.

**H.S.B. 583 Human Resources**

Requiring the department of human services to initiate the waiver process to provide alternative services for persons with acquired immune deficiency syndrome or a related condition.

**H.S.B. 584 Human Resources**

Relating to requirements of human growth and development in grades kindergarten through twelve and providing an effective date.

**H.S.B. 585 Human Resources**

To repeal sections of the Code which authorize the Iowa department of public health to administer planning and federal funding for the construction and operation of mental health facilities.

**H.S.B. 586 Small Business and Commerce**

Relating to automobile liability insurance by altering the minimum proof of financial responsibility for motor vehicles, by mandating the inclusion of uninsured and underinsured motorist coverage in an automobile liability insurance policy, and by regulating certain automobile insurance rates.

**H.S.B. 587 Labor and Industrial Relations**

Repealing a requirement that the department of corrections prepare a biennial report relating to the management of the community-based corrections programs.

**H.S.B. 588 Labor and Industrial Relations**

Relating to the Iowa employment security law by providing that job service determinations are not binding in separate actions, by reducing extended benefit amounts by certain federal reductions, and by allowing moneys to accumulate in the administrative contribution surcharge fund.

**H.S.B. 589 Local Government**

Relating to continuing education requirements for members of county zoning commissions and county boards of adjustment and authorizing a remedy for failure to meet the education requirements.

**H.S.B. 590 Local Government**

Relating to the calculation of special assessment installments, interest on unpaid installments, and interest penalties.

**H.S.B. 591 Natural Resources and Outdoor Recreation**

Authorizing the natural resource commission to establish a schedule of fees for permit and conditional permit applications and for costs of administering permits and conditional permits.

**H.S.B. 592 Human Resources**

Relating to the qualifications of the director of the department of corrections.

**SUBCOMMITTEE ASSIGNMENTS****House File 2057**

Local Government: Muhlbauer, Chair; Connors and Renken.

**House File 2059**

Transportation: Muhlbauer, Chair; Gruhn and Pellett.

**House File 2061**

Local Government: Beatty, Chair; Fuller and Platt.

**House File 2063**

Local Government: Black, Chair; Diemer and Muhlbauer.

**House File 2076**

Education: Ollie, Chair; Connolly, Daggett, Maulsby, Miller, Shoultz and Swartz.

**House File 2081**

Education: Swartz, Chair; Miller and Tabor.

**House File 2088**

Judiciary and Law Enforcement: Rosenberg, Chair; Hansen of Woodbury, Kremer, Paulin, Peterson of Carroll, Plasier and Sherzan.

**House File 2096**

Judiciary and Law Enforcement: Tabor, Chair; Doderer and Knapp.

**House File 2100**

Local Government: Fuller, Chair; Cooper and Eddie.

**House File 2101**

Judiciary and Law Enforcement: Hansen of Woodbury, Chair; Poncy and Siegrist.

**HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS****House Study Bill 554**

Transportation: Cooper, Chair; Pavich and Platt.

**House Study Bill 563**

Transportation: Cooper, Chair; Beaman and Connolly.

**House Study Bill 564**

Transportation: Cohoon, Chair; Harbor and Renaud.

**House Study Bill 570**

Judiciary and Law Enforcement: Jay, Chair; Halvorson of Clayton and Rosenberg.

**House Study Bill 578**

Local Government: Bisignano, Chair; Daggett and Norrgard.

**House Study Bill 579**

Local Government: Royer, Chair; Fuller and Muhlbauer.

**COMMITTEE RECOMMENDATIONS**

**MR. SPEAKER:** The Chief Clerk of the House respectfully reports that the following committee recommendations have been

received and are on file in the office of the Chief Clerk.

JOSEPH O'HERN  
Chief Clerk of the House

COMMITTEE ON EDUCATION

**Committee Bill** (Formerly House Study Bill 502), relating to certain scholarship and grant programs administered by the college aid commission, including the requirements for receipt of a state scholarship and the repeal of the supplemental grant program, and providing appropriations and an effective date for the repeal.

Fiscal Note is not required.

Recommended **Amend and Do Pass** January 21, 1988.

COMMITTEE ON LABOR AND INDUSTRIAL RELATIONS

**House File 102**, a bill for an act relating to the prohibition of polygraph examinations as a condition of employment, and providing a penalty.

Fiscal Note is required.

Recommended **Amend and Do Pass with amendment H—5021** January 21, 1988.

AMENDMENTS FILED

H—5021	H.F. 102	Committee on Labor and Industrial Relations
H—5022	H.F. 2031	Spear of Lee

On motion by Arnould of Scott, the House adjourned at 11:42 a.m., until 9:00 a.m., Tuesday, January 26, 1988.

# JOURNAL OF THE HOUSE

Sixteenth Calendar Day — Tenth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Tuesday, January 26, 1988

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

Prayer was offered by the Honorable Charles Poncy, state representative from Wapello County.

The Journal of Monday, January 25, 1988 was approved.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Lageschulte of Bremer, until his arrival, on request of Pellett of Cass.

## INTRODUCTION OF BILLS

**House File 2105**, by committee on education, a bill for an act relating to certain scholarship and grant programs administered by the college aid commission, including the requirements for receipt of a state scholarship and the repeal of the supplemental grant program, and providing appropriations and an effective date for the repeal.

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

**House File 2106**, by Mullins, a bill for an act prohibiting the advertisement, sale, or use in this state of home testing kits for human immunodeficiency virus antibody or antigen testing, and providing a penalty.

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

**House File 2107**, by Harbor, Stromer, Petersen of Muscatine, Paulin, Eddie, Stueland, Hummel, Corbett, Renken, Tyrrell, Connors, Dvorsky, Poncy, Beaman, Doderer, Ollie, Halvorson of Clayton, Chapman, Pavich, Diemer and Blanshan, a bill for an act relating to the regulation of athlete agents and student athletes and providing penalties.

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

**House File 2108**, by Rosenberg, and Hammond, a bill for an act to allow public school districts to charge a fee for driver education courses.

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

**House File 2109**, by Beatty, a bill for an act relating to final stage manufacturing of vehicles, and making penalties applicable and providing an effective date.

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

**House File 2110**, by Daggett, a bill for an act providing additional supplementary weighting for high school students enrolled in vocational or technical training classes provided in merged area schools and providing an effective date.

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

**House File 2111**, by Harbor, a bill for an act creating a county compensation board and specifying its powers and duties, and providing an effective date.

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

**House File 2112**, by Stromer and Mullins, a bill for an act relating to the school district of attendance of certain pupils under a dissolution proceeding.

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

**House File 2113**, by Fey, a bill for an act relating to the dispensing of prescription drugs.

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

### MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on January 25, 1988, passed the following bill in which the concurrence of the House is asked:

Senate File 2074, a bill for an act relating to the extension of the applicability of House File 689, enacted during the Second Extraordinary Session of the Seventy-second General Assembly during 1987, updating references to the Internal Revenue Code, providing for retroactive applicability, and providing an effective date.

JOHN F. DWYER, Secretary

### CONSIDERATION OF BILLS

#### Regular Calendar

**Senate File 2031**, a bill for an act relating to the reporting of results of the precinct caucuses, providing a penalty, and providing an effective date, with report of committee recommending amendment and passage was taken up for consideration.



Running of Linn offered the following amendment H—5004 filed by the committee on state government and moved its adoption:

H—5004

- 1 Amend Senate File 2031, as amended, passed, and re-
- 2 printed by the Senate, as follows:
- 3 1. Page 1, line 15, by inserting after the word
- 4 "party." the following: "When the person designated
- 5 to report the results of the precinct caucus reports
- 6 the results, representatives of each candidate may, if
- 7 they so choose, accompany the person as the results
- 8 are being reported to assure that an accurate report
- 9 of the proceedings is reported. If ballots are used
- 10 at the precinct caucus, representatives of each
- 11 candidate or other persons attending the precinct
- 12 caucus may observe the tabulation of the results of
- 13 the balloting."

The committee amendment H—5004 was adopted.

Swartz of Marshall offered the following amendment H—5010 filed by him:

H—5010

- 1 Amend Senate File 2031, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, by inserting after line 27 the
- 4 following:
- 5 "Sec. \_\_\_\_\_. There is established a commission with
- 6 the membership composed of the secretary of state and
- 7 the chairpersons of the state central committees of
- 8 each political party, or their designees, to conduct a
- 9 comprehensive study and develop recommendations to
- 10 eliminate the primary election system as it relates to
- 11 the nomination of party candidates for partisan
- 12 political offices and to provide for the nomination of
- 13 party candidates for partisan political offices
- 14 through the caucus process. The report of the
- 15 commission, including bill drafts to implement its
- 16 recommendations, shall be submitted to the general
- 17 assembly not later than January 1, 1990, which
- 18 recommendations will apply to the nomination of party
- 19 candidates for partisan political offices in the 1992
- 20 general elections and subsequent general elections."

Running of Linn rose on a point of order that amendment H—5010 was not germane.

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

Swartz of Marshall offered the following amendment H—5013 filed by him:

H—5013

1 Amend Senate File 2031, as amended, passed, and  
2 reprinted by the Senate, as follows:  
3 1. Page 1, by inserting after line 27 the  
4 following:  
5 "Sec. \_\_\_\_\_. There is established a commission with  
6 the membership composed of the secretary of state and  
7 the chairpersons of the state central committees of  
8 each political party, or their designees, to conduct a  
9 study of the precinct caucus procedures used in this  
10 state and develop recommendations relating to  
11 procedures which may be implemented by the office of  
12 the secretary of state to insure participation and  
13 accountability in the precinct caucus process. The  
14 recommendations of the commission shall be submitted  
15 to the general assembly not later than September 1,  
16 1990."

Connors of Polk rose on a point of order that amendment H—5013 was not germane.

The Speaker ruled the point well taken and amendment H—5013 not germane.

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

### COMMUNICATION RECEIVED

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

#### COMMISSION ON CHILDREN, YOUTH AND FAMILIES

The 1987 Annual Report, pursuant to Chapter 601K.35, Code of Iowa.

#### HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

##### **H.S.B. 587 (Corrected) Human Resources**

Repealing a requirement that the department of corrections prepare a biennial report relating to the management of the community-based corrections programs.

##### **H.S.B. 593 Human Resources**

Relating to the site of a probable cause hearing involving an alleged parole violation.

**H.S.B. 594 Human Resources**

Relating to reports to be submitted by superintendents of correctional institutions to the director of the department of corrections.

**H.S.B. 595 Human Resources**

Relating to the use of the Iowa state industries revolving fund.

**H.S.B. 596 Human Resources**

Relating to the definition of serious mental impairment.

**H.S.B. 597 Natural Resources and Outdoor Recreation**

Relating to the disposition of interest earned on moneys credited to the county conservation land acquisition and capital improvement reserve account.

**H.S.B. 598 Transportation**

Relating to the registration of aircraft, and making penalties applicable.

**H.S.B. 599 State Government**

To allow the board of dental examiners to revoke or suspend a license of a licensee where the licensee has been disciplined in another state, territory, or country.

**H.S.B. 600 Natural Resources and Outdoor Recreation**

Relating to and appropriating moneys to the state department of transportation to fund the statewide trails development plan.

**H.S.B. 601 Judiciary and Law Enforcement**

Relating to the receipt and disbursement of support payments, providing for the Act's applicability, and providing effective dates.

**H.S.B. 602 Transportation**

To increase the time period for which in-transit stickers are valid.

**H.S.B. 603 Labor and Industrial Relations**

To prohibit employer sanctions against employees who refuse to work in unsafe conditions.

**H.S.B. 604 Local Government**

Relating to the ownership of property for which the military tax exemption may be claimed.

## SUBCOMMITTEE ASSIGNMENTS

**House File 454 (Reassigned)**

Ways and Means: Johnson, Chair; Hanson of Delaware and Koenigs.

**House File 627 (Reassigned)**

Ways and Means: Koenigs, Chair; Hanson of Delaware and Johnson.

**House File 2055**

Ways and Means: Wise, Chair; Hanson of Delaware and May.

**House File 2064**

Ways and Means: Johnson, Chair; Koenigs and Siegrist.

**House File 2066**

Natural Resources and Outdoor Recreation: Johnson, Chair; Fuller and Pellett.

**House File 2091**

Ways and Means: Johnson, Chair; Bisignano and Lageschulte.

**House File 2095**

Natural Resources and Outdoor Recreation: Dvorsky, Chair; Paulin and Poncy.

**House File 2098**

Transportation: Koenigs, Chair; Jay and Lageschulte.

**House File 2102**

Natural Resources and Outdoor Recreation: Koenigs, Chair; Gruhn and Royer.

## HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS

**House Study Bill 567**

Ways and Means: Fey, Chair; Johnson and Metcalf.

**House Study Bill 573**

Transportation: Muhlbauer, Chair; Fey and Maulsby.

**House Study Bill 574**

Natural Resources and Outdoor Recreation: Schrader, Chair; Diemer and Gruhn.

**House Study Bill 575**

Natural Resources and Outdoor Recreation: Black, Chair; Diemer and Dvorsky.

**House Study Bill 588**

Labor and Industrial Relations: Running, Chair; Corey and Peters.

**House Study Bill 598**

Transportation: Gruhn, Chair; Connolly and Royer.

**COMMITTEE RECOMMENDATIONS**

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

**JOSEPH O'HERN**

Chief Clerk of the House

**COMMITTEE ON HUMAN RESOURCES (CORRECTED)**

**Committee Bill (Formerly House Study Bill 508)**, relating to requirements of human growth and development and health in grades kindergarten through twelve.

Fiscal Note is required.

Recommended **Amend and Do Pass** January 20, 1988.

**COMMITTEE ON HUMAN RESOURCES**

**Committee Bill (Formerly House Study Bill 526)**, relating to drugs, devices, and cosmetics.

Fiscal Note is not required.

Recommended **Amend and Do Pass** January 25, 1988.

**COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT**

**Committee Bill (Formerly House Study Bill 513)**, relating to the power of a surviving spouse's conservator to elect to take or refuse to take under a will or to elect to occupy the homestead.

Fiscal Note is not required.

Recommended **Amend and Do Pass** January 25, 1988.

**COMMITTEE ON SMALL BUSINESS AND COMMERCE**

**Committee Bill (Formerly House Study Bill 568)**, relating to the acceptance of checks and share drafts by prohibiting certain forms of identification as a condition of acceptance of a check or share draft, and providing penalties.

Fiscal Note is not required.

Recommended **Do Pass** January 25, 1988.

## AMENDMENTS FILED

H — 5023	H.F. 2071	Halvorson of Clayton Corbett of Linn Harbor of Mills
H — 5024	H.F. 102	Sherzan of Polk
H — 5025	H.F. 2071	Black of Jasper Mullins of Kossuth

On motion by Arnould of Scott, the House adjourned at 9:34 a.m., until 9:00 a.m., Wednesday, January 27, 1988.

# JOURNAL OF THE HOUSE

Seventeenth Calendar Day — Eleventh Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Wednesday, January 27, 1988

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 Tuesday, January 26, 1988 was approved.

## PETITION FILED

The following petition was received and placed on file:

By Daggett of Adams, from thirty-three constituents from the 92nd district favoring the production and use of organically grown foods in Iowa and the establishment of state standards.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Harbor of Mills on request of Pavich of Pottawattamie; Groninga of Cerro Gordo on request of Arnould of Scott; Renaud of Polk on request of Parker of Jasper; Skow of Guthrie on request of Black of Jasper; Buhr of Polk on request of Connors of Polk; Holveck of Polk on request of Hammond of Story; Plasier of Sioux on request of Miller of Cherokee; Hanson of Delaware on request of Carpenter of Polk, all until their arrival.

## INTRODUCTION OF BILLS

**House File 2114**, by committee on human resources, a bill for an act relating to requirements of human growth and development in grades kindergarten through twelve and providing an effective date.

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

**House File 2115**, by Hatch, a bill for an act relating to the use of pure and applied research activities and facilities at board of regents' universities for fostering economic development, and making an appropriation.

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

**House File 2116**, by Rosenberg, a bill for an act relating to child abuse by expanding the definition of child in need of assistance, by requiring departmental coordination in cases of child abuse, and by expanding the definition of indecent contact with a child.

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

**House File 2117**, by Swartz, a bill for an act allowing certain name changes in divorce and annulment decrees.

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

**House File 2118**, by Diemer, a bill for an act requiring railway corporations to offer abandoned rail lines to the state and its agencies prior to removal of the track materials.

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

**House File 2119**, by Running, a bill for an act relating to the provision of hospice care within health care facilities by Medicare certified hospice programs.

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

**House File 2120**, by Fey, a bill for an act relating to the standard for determining child support payments.

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

**House File 2121**, by Corey, a bill for an act relating to the collection and disbursement of support payments, providing for the Act's applicability, and providing effective dates.

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

**House File 2122**, by Jay, a bill for an act relating to the receipt and disbursement of support payments, providing for the Act's applicability, and providing effective dates.

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

**House File 2123**, by committee on judiciary and law enforcement, a bill for an act relating to the inheritance laws by providing for the power of a surviving spouse's conservator to elect to take or refuse to take under a will or to elect to occupy the homestead, eliminating the time requirement when the share of a surviving spouse may be set off by referees when the spouse elects to take against the will, and providing for a share of an estate of a child born or adopted after execution of a testator's last will.

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



**House File 2124**, by McKean and Lageschulte, a bill for an act to strike the requirement that schools must begin sessions for a school year no sooner than September 1.

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

**House File 2125**, by Metcalf and Holveck, a bill for an act relating to the starting date for public school during each school year.

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

**House File 2126**, by Diemer, a bill for an act relating to the imposition of an excise tax on certain retail sales of alcoholic liquor and wine, providing for the administration and collection of the excise tax, providing the disposition of tax receipts, making an appropriation, and subjecting violators to penalties.

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

**House File 2127**, by committee on small business and commerce, a bill for an act relating to the acceptance of checks and share drafts by prohibiting certain forms of identification as a condition of acceptance of a check or share draft, and providing penalties.

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

#### SENATE MESSAGE CONSIDERED

**Senate File 2074**, by committee on ways and means, a bill for an act relating to the extension of the applicability of House File 689, enacted during the Second Extraordinary Session of the Seventy-second General Assembly during 1987, updating references to the Internal Revenue Code, providing for retroactive applicability, and providing an effective date.

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

#### MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on January 25, 1988 passed the following bill in which the concurrence of the House is asked:

Senate File 2036, a bill for an act relating to moneys available to the first in the nation in education foundation.

Also: That the Senate has on January 25, 1988, passed the following bill in which the concurrence of the House is asked:

Senate File 2037, a bill for an act relating to certain scholarship and grant programs administered by the college aid commission, including the requirements for receipt of a state scholarship and the repeal of the supplemental grant program, and providing appropriations and an effective date for the repeal.

JOHN F. DWYER, Secretary

## CONSIDERATION OF BILLS

### Regular Calendar

The House resumed consideration of **Senate File 2031**, a bill for an act relating to the reporting of results of the precinct caucuses, providing a penalty, and providing an effective date, deferred January 26, 1988.

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. 2031)

The ayes were, 74:

Adams	Arnould	Beaman	Beatty
Bennett	Black	Blanshan	Brammer
Branstad	Carpenter	Chapman	Clark
Cohoon	Connolly	Cooper	Corey
Daggett	De Groot	Diemer	Dvorsky
Eddie	Fey	Fogarty	Fuller
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Hansen, S. D.	Harper	Hatch	Haverland
Hermann	Hester	Jochum	Johnson
Knapp	Koenigs	Kremer	Lageschulte
Lundby	May	McKinney	Metcalf
Miller	Muhlbauer	Mullins	Neuhauser
Norrgard	Ollie	Osterberg	Parker
Paulin	Peters	Petersen, D. F.	Peterson, M. K.
Platt	Poncy	Royer	Running
Schrader	Sherzan	Shoning	Siegrist
Spear	Stromer	Stueland	Swartz
Swearingen	Tabor	Teaford	Van Camp
Wise	Mr. Speaker		

The nays were, 15:

Bisignano	Connors	Corbett	Doderer
Garman	Hummel	Maulsby	McKean
Pavich	Pellett	Renken	Schneklloth
Svoboda	Tyrrell	Van Maanen	

Absent or not voting, 11:

Buhr	Groninga	Hanson, D. R.	Harbor
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Holveck  
Rosenberg

Jay  
Shoultz

Plasier  
Skow

Renaud

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

IMMEDIATE MESSAGE  
(Senate File 2031)

Arnould of Scott asked and received unanimous consent that Senate File 2031 be immediately messaged to the Senate.

On motion by Arnould of Scott, the House was recessed at 9:25 a.m., until 4:00 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Avenson in the chair.

ADOPTION OF HOUSE CONCURRENT RESOLUTION 104

Connors of Polk called up for consideration House Concurrent Resolution 104, relating to the establishment of a "sister state" relationship with the Republic of China (Taiwan) and a trade and investment office in Taiwan, and moved its adoption.

The motion prevailed and the resolution was adopted.

SENATE AMENDMENT CONSIDERED

Beatty of Warren called up for consideration **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, amended by the House, further amended by the Senate amendment H-4234 to the House amendment as follows:

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.

Doderer of Johnson in the chair at 4:52 p.m.

Speaker Avenson in the chair at 5:27 p.m.

Beatty of Warren moved that the House concur in the Senate amendment H-4234, to the House amendment.

A non-record roll call was requested.

The ayes were 53, nays 42.

The motion prevailed and the House concurred in the Senate amendment H—4234, to the House amendment.

Beatty of Warren 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. 455)

The ayes were, 72:

Adams	Arnould	Beaman	Beatty
Bisignano	Black	Blanshan	Brammer
Branstad	Clark	Cohoon	Connolly
Connors	Cooper	Corbett	Corey
Daggett	Diemer	Doderer	Dvorsky
Eddie	Fey	Fuller	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Hansen, S. D.
Harper	Hatch	Haverland	Hester
Jay	Johnson	Koenigs	Kremer
Lageschulte	Lundby	May	McKean
McKinney	Miller	Muhlbauer	Mullins
Norrgard	Ollie	Osterberg	Pavich
Pellett	Peters	Peterson, M. K.	Plasier
Platt	Poncy	Renaud	Rosenberg
Royer	Schrader	Sherzan	Shoning
Shoultz	Siegrist	Skow	Spear
Stromer	Stueland	Swearingen	Tabor
Teaford	Van Camp	Wise	Mr. Speaker

The nays were, 25:

Bennett	Buhr	Carpenter	Chapman
De Groot	Fogarty	Garman	Groninga
Hanson, D. R.	Hermann	Hummel	Jochum
Knapp	Maulsby	Metcalf	Neuhauser
Parker	Paulin	Petersen, D. F.	Running
Schnekloth	Svoboda	Swartz	Tyrrell
Van Maanen			

Absent or not voting, 3:

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

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Renken of Grundy, for the remainder of the day, on request of Paulin of Plymouth.

**IMMEDIATE MESSAGE**

(Senate File 455)

Arnould of Scott asked and received unanimous consent that Senate File 455 be immediately messaged to the Senate.

**SPONSOR ADDED**

(House File 2093)

Van Maanen of Mahaska requested to be added as a sponsor of House File 2093.

**APPOINTMENTS**

Speaker Avenson announced the following appointments:

**IOWA PEACE INSTITUTE**

(Chapter 38.2, 1987 Supplement, Code of Iowa)

Paul Johnson (Replacing Mike Connolly) .....Appointed to an unexpired  
term ending June 30, 1991

**SOCIAL SERVICES BLOCK GRANT ADVISORY COMMITTEE**

Jane Svoboda (Replacing Janet Adams) .....Serves at the pleasure  
of the Speaker

**MEDICAL ASSISTANCE ADVISORY COUNCIL**

(Section 249A.4(8), Code of Iowa)

Mike Peters (Replacing Steve Hansen) .....Appointed to an unexpired  
term ending June 30, 1989

**LOW LEVEL RADIOACTIVE WASTE ADVISORY COMMITTEE**

Janet Adams (Replacing Paul Johnson) .....Serves at the pleasure  
of the Speaker

**EXPLANATION OF VOTE**

I was necessarily absent from the House chamber on January 25, 1988. Had I been present, I would have voted "aye" on House File 2011.

CONNOLLY of Dubuque

**COMMUNICATIONS RECEIVED**

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

**AUDITOR OF STATE**

The Audit Report for the Lottery Division, Iowa Department of Revenue and Finance, pursuant to Chapter 99E.20(3), Code of Iowa.

## DEPARTMENT OF PUBLIC HEALTH

A report regarding state funding for homemaker-home health aide and chore services, pursuant to Chapter 234.105(111)(d), Iowa Acts of the Seventy-second General Assembly, 1987 Session.

## HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

**H.S.B. 605 Judiciary and Law Enforcement**

To provide that investigators and certain other representatives of the board of nursing have the powers and status of peace officers.

**H.S.B. 606 Judiciary and Law Enforcement**

Relating to compensation for judges and judicial magistrates.

**H.S.B. 607 Economic Development**

Relating to the lottery by striking the date for appointing the original commissioner of the lottery, permitting the purchase of pull-tab tickets from contractors not located in this state, modifying the rulemaking requirements of the lottery board, removing the requirement for serial numbering of pull-tab tickets, exempting pull-tab tickets from the stamping required by retailers, extending the time for submitting the annual report of the lottery, lowering the limit of the conflict of interest provisions to thirty-five dollars and incorporating the prohibitions of the gift law, authorizing the licensing of certain nonprofit organizations, modifying the hearing procedures for revocation and suspension of lottery licenses, permitting sales of tickets by members of certain nonprofit organizations, making penalties applicable, and providing an effective date.

**H.S.B. 608 Judiciary and Law Enforcement**

Relating to the indemnification of a present or former director, officer, employee, member, or volunteer of a cooperative association for certain judgments and expenses.

**H.S.B. 609 Judiciary and Law Enforcement**

Imposing a monthly fee on offenders on parole and defendants granted probation.

**H.S.B. 610 Judiciary and Law Enforcement**

To correct a statutory provision relating to the exclusive procedure for the involuntary hospitalization of minors.

**H.S.B. 611 Judiciary and Law Enforcement**

Relating to the removal of the criminal penalty of the authorizing of,

or carrying upon a tax list, an amount of tax in excess of the amount certified or authorized by law.

**H.S.B. 612 Energy and Environmental Protection**

Relating to the interest or earnings of moneys within the groundwater protection fund and the accounts within the fund.

**H.S.B. 613 Energy and Environmental Protection**

Relating to the inspection fee for certain specialty fertilizers.

**H.S.B. 614 Agriculture**

Relating to the issuance of grain bargaining permits to licensed grain dealers.

**H.S.B. 615 Agriculture**

To repeal certain health-related regulation responsibilities of the department of agriculture and land stewardship.

**H.S.B. 616 Human Resources**

Relating to child day care for sick children.

**H.S.B. 617 Human Resources**

Relating to parental liability for costs of a child in foster care.

**H.S.B. 618 Natural Resources and Outdoor Recreation**

Relating to the sale of protected wetlands and providing a civil penalty for violations.

**H.S.B. 619 Judiciary and Law Enforcement**

Relating to compensation of persons suffering loss as a result of medical malpractice, providing for peer review by health maintenance organizations, establishing attorney fee standards, modifying the basic requirements for malicious prosecution actions, eliminating certain exemplary or punitive damages, providing a remedy for certain false statements, establishing a required form for verdicts, establishing expert witness standards and requiring expert certification of claims by affidavit, providing for preliminary dismissal in certain circumstances, establishing limitations on damages, providing for payment of judgments in malpractice actions, and providing for the applicability of certain portions of the Act.

**H.S.B. 620 Judiciary and Law Enforcement**

Relating to expenses and compensation for the state judicial nominating commission.

**H.S.B. 621 Human Resources**

Relating to comprehensive long-term care for elders and making an appropriation.

**H.S.B. 622 Human Resources**

Relating to the deduction and disbursement of certain moneys from an allowance paid to an inmate.

**H.S.B. 623 Human Resources**

Relating to zoning and standards for temporary cottage housing units to allow elder and physically handicapped persons to reside on property with a primary dwelling and to require the state building code commissioner to adopt rules.

**H.S.B. 624 Small Business and Commerce**

Providing coverage under the Iowa life and health guaranty association to the holders of unallocated annuity contracts.

**SUBCOMMITTEE ASSIGNMENTS****House File 2001**

Energy and Environmental Protection: Adams, Chair; Dvorsky, Holveck, Petersen of Muscatine and Van Camp.

**House File 2037**

Energy and Environmental Protection: Johnson, Chair; McKean, Mullins, Osterberg, Paulin, Schrader and Svoboda.

**House File 2041**

Energy and Environmental Protection: Holveck, Chair; May and McKean.

**House File 2043**

Energy and Environmental Protection: Norrgard, Chair; Harper, Lundby, Svoboda and Swearingen.

**House File 2046**

Education: Teaford, Chair; Beaman, Connolly, Corey and Harper.

**House File 2047**

Education: Haverland, Chair; Corbett and Neuhauser.

**House File 2053**

Education: Teaford, Chair; Beaman, Connolly, Corey and Harper.

**House File 2074**

State Government: Renaud, Chair; Blanshan, Pavich, Renken and Van Camp.



**House File 2075**

State Government: Fuller, Chair; Knapp and Shoning.

**House File 2083**

Energy and Environmental Protection: Adams, Chair; Dvorsky, Holveck, Petersen of Muscatine and Van Camp.

**House File 2084**

State Government: Beatty, Chair; Garman, Hanson of Delaware, Knapp and Peterson of Carroll.

**House File 2094**

Energy and Environmental Protection: Dvorsky, Chair; Adams, Mullins, Osterberg and Petersen of Muscatine.

**House File 2099**

Education: Cohoon, Chair; Adams, Hester, Lageschulte and Spear.

**House File 2107**

State Government: Peterson of Carroll, Chair; Beatty, Garman, Hanson of Delaware and Knapp.

**House File 2108**

Education: Cohoon, Chair; Adams, Hester, Lageschulte and Spear.

**House File 2110**

Education: Daggett, Chair; Connolly and Spear.

**House File 2112**

Education: Teaford, Chair; Beaman, Connolly, Corey and Harper.

**HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS****House Study Bill 552**

State Government: Connors, Chair; Halvorson of Webster, Hanson of Delaware, Running and Shoning.

**House Study Bill 553**

State Government: Blanshan, Chair; Carpenter, Connors, Hammond and Hanson of Delaware.

**House Study Bill 565**

State Government: Renaud, Chair; Blanshan, Pavich, Renken and Van Camp.

**House Study Bill 566**

State Government: Renaud, Chair; Blanshan, Pavich, Renken and Van Camp.

**House Study Bill 571**

Agriculture: Johnson, Chair; Cooper, Kremer, McKinney and Petersen of Muscatine.

**House Study Bill 580**

State Government: Blanshan, Chair; Carpenter, Connors, Hammond and Hanson of Delaware.

**House Study Bill 599**

State Government: Beatty, Chair; Garman, Hanson of Delaware, Knapp and Peterson of Carroll.

**COMMITTEE RECOMMENDATIONS**

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

**JOSEPH O'HERN**

Chief Clerk of the House

**COMMITTEE ON TRANSPORTATION**

**Committee Resolution** (Formerly House Study Bill 517), relating to the amount and use of road tax revenues.

Fiscal Note is not required.

Recommended **Amend and Do Pass** January 26, 1988.

**Committee Bill** (Formerly House Study Bill 528), relating to brake requirements for certain trucks and truck tractors.

Fiscal Note is not required.

Recommended **Do Pass** January 26, 1988.

On motion by Arnould of Scott, the House adjourned at 5:33 p.m., until 9:00 a.m., Thursday, January 28, 1988.

# JOURNAL OF THE HOUSE

Eighteenth Calendar Day — Twelfth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Thursday, January 28, 1988

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

Prayer was offered by the Honorable David Tabor, state representative from Jackson County.

The Journal of Wednesday, January 27, 1988 was approved.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Halvorson of Clayton on request of Harbor of Mills.

## INTRODUCTION OF BILLS

**House File 2128**, by committee on human resources, a bill for an act relating to drugs, devices, and cosmetics.

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

**House File 2129**, by committee on transportation, a bill for an act relating to brake requirements for certain trucks and truck tractors.

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

**House File 2130**, by Daggett, Miller, McKean, Branstad, Maulsby, Beaman and De Groot, a bill for an act to allow telecommunications to be used by school districts to meet minimum educational standards.

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

**House File 2131**, by Mullins, a bill for an act relating to the exemption from or the refund of state sales, services, and use taxes on the gross receipts from sales or rentals of replacement parts for farm machinery, equipment, and implements.

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

**House File 2132**, by Blanshan, a bill for an act relating to landlord and tenant relations by requiring a tenant to provide certain evidence in order for a presumption of retaliation to arise.

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

**House File 2133**, by Black, a bill for an act to prohibit the use of public funds for lobbying and to provide a penalty.

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

**House File 2134**, by May and Clark, a bill for an act providing for a percentage of lottery revenues collected in each city of the state and each area formed under a chapter 28E agreement with a population of five thousand or more to be returned to the city or area to be used for economic development initiatives.

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

**House File 2135**, by Doderer, a bill for an act relating to the payment of child support by making an exception, for federal social security payments, to the statutory requirements regarding allowable payees.

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

**House File 2136**, by Tyrrell, a bill for an act relating to the compensation paid to grand jurors and petit jurors in all courts.

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

**House File 2137**, by Shoultz, a bill for an act relating to the method of election of directors of certain school districts and providing an effective date.

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

**House File 2138**, by Chapman, a bill for an act relating to judgment liens by providing for the filing of a written demand for acknowledgment of satisfaction and the filing of a verified statement denying satisfaction, providing for the award of expenses including attorney fees, and increasing a civil penalty.

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

**House File 2139**, by Poncy, Hummel, Cooper and Van Camp, a bill for an act establishing the eligibility of Iowans for inclusion of their names on the Iowa Vietnam veterans memorial.

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

## SENATE MESSAGES CONSIDERED

**Senate File 2036**, by committee on education, a bill for an act relating to moneys available to the first in the nation in education foundation.

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

**Senate File 2037**, by committee on education, a bill for an act relating to certain scholarship and grant programs administered by the college aid commission, including the requirements for receipt of a state scholarship and the repeal of the supplemental grant program, and providing appropriations and an effective date for the repeal.

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

## MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on January 26, 1988, passed the following bill in which the concurrence of the House is asked:

Senate File 2055, a bill for an act relating to the registration and use of certain pesticides.

JOHN F. DWYER, Secretary

## HOUSE FILES WITHDRAWN

Rosenberg of Story asked and received unanimous consent to withdraw the following House Files from further consideration by the House: House Files 63, 190, 307, 335 and 364.

On motion by Arnould of Scott, the House was recessed at 9:34 a.m., until 11:45 a.m.

The House reconvened, Connors of Polk in the chair.

On motion by Buhr of Polk, the House was recessed at 11:45 a.m., until 3:00 p.m.

## AFTERNOON SESSION

The House reconvened, Speaker Avenson in the chair.

## EXPLANATIONS OF VOTE

I was necessarily absent from the House chamber on January 27, 1988. Had I been present, I would have voted "aye" on Senate File 2031.

JAY of Appanoose

I was necessarily absent from the House chamber on January 27, 1988. Had I been present, I would have voted "aye" on Senate File 2031.

ROSENBERG of Story

### COMMUNICATION RECEIVED

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

#### IOWA CONSERVATION CORPS

The Annual Report, pursuant to Chapter 15.222, Code of Iowa.

### HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

#### **H.S.B. 625 Judiciary and Law Enforcement**

Relating to department of transportation abstracts of licensed driver motor vehicle operating records.

#### **H.S.B. 626 State Government**

Relating to the practice of funeral directing and mortuary science by increasing the educational requirement, revising terminology, and providing an effective date.

#### **H.S.B. 627 State Government**

Relating to the sale of alcoholic liquor to class "E" liquor control licensees by the alcoholic beverages division by allowing the division to establish a system of electronic funds transfers for the payment for the purchase of alcoholic liquor by class "E" licensees, by allowing the division to send notice of nonpayment and penalty by certified mail, by requiring that payment on a dishonored check or electronic funds transfer be made by certified check, and by allowing the division to refuse to sell to a class "E" licensee until an outstanding obligation is satisfied.

#### **H.S.B. 628 State Government**

To limit proof of financial responsibility furnished by liquor control licensees and class "B" beer permittees to liability insurance policies.

#### **H.S.B. 629 State Government**

Providing that the records of the purchase of alcoholic liquor from the alcoholic beverages division by individual class "E" liquor control licensees are confidential.

**H.S.B. 630 State Government**

To allow the administrator of the alcoholic beverages division of the department of commerce to adopt rules regarding the advertising of alcoholic liquor, wine, and beer and providing a penalty.

**H.S.B. 631 State Government**

To allow the suspension of a liquor control license or wine or beer permit when the licensee or permittee fails or refuses to pay rent or property taxes when due under the provisions of a sublease between the licensee or permittee and the alcoholic beverages division of the department of commerce.

**H.S.B. 632 Transportation**

Relating to the operation of combinations of vehicles on the highways of the state.

**H.S.B. 633 Small Business and Commerce**

Relating to the pledge of United States government obligations or their functional equivalents as security for the deposit of public funds.

**H.S.B. 634 Local Government**

Relating to orders of fence viewers regarding the erection, maintenance, or repair of a fence.

**SUBCOMMITTEE ASSIGNMENTS****House File 2087**

Human Resources: Harper, Chair; Connors, Hester, Peters and Swearingen.

**House File 2106**

Human Resources: Hammond, Chair; Harper, Hermann, Hester, Mullins, Norrgard and Teaford.

**House File 2109**

Transportation: Gruhn, Chair; Pavich and Pellett.

**House File 2113**

Human Resources: Hammond, Chair; Harper, Hermann, Hester, Mullins, Norrgard and Teaford.

**House File 2116**

Judiciary and Law Enforcement: Brammer, Chair; Clark, Hammond, Haverland and Shoning.

**House File 2117**

Judiciary and Law Enforcement: Kremer, Chair; Clark and Paulin.

**House File 2118**

Transportation: Koenigs, Chair; Cohoon and Harbor.

**House File 2121**

Judiciary and Law Enforcement: Jay, Chair; Doderer and Halvorson of Clayton.

**House File 2122**

Judiciary and Law Enforcement: Jay, Chair; Doderer and Halvorson of Clayton.

**House File 2126**

Natural Resources and Outdoor Recreation: Diemer, Chair; Cooper and Koenigs.

**House File 2132**

State Government: Blanshan, Chair; Buhr, Halvorson of Webster, Lundby and Van Camp.

**House File 2133**

State Government: Halvorson of Webster, Chair; Buhr, Hanson of Delaware, Running and Van Camp.

**House File 2139**

State Government: Fuller, Chair; Shoning and Van Camp.

**Senate File 356**

Agriculture: Norrgard, Chair; May and Stueland.

**HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS****House Study Bill 572**

Agriculture: McKinney, Chair; Branstad, De Groot, Gruhn and Osterberg.

**House Study Bill 576**

Local Government: Royer, Chair; Fuller and Muhlbauer.

**House Study Bill 577**

Local Government: Bisignano, Chair; Daggett and Norrgard.

**House Study Bill 581**

Human Resources: Hammond, Chair; Harper, Hermann, Hester, Mullins, Norrgard and Teaford.



**House Study Bill 582**

Human Resources: Hammond, Chair; Harper, Hermann, Hester, Mullins, Norrgard and Teaford.

**House Study Bill 583**

Human Resources: Hammond, Chair; Harper, Hermann, Hester, Mullins, Norrgard and Teaford.

**House Study Bill 585**

Human Resources: Adams, Chair; Corey, Eddie, Haverland and Spear.

**House Study Bill 587**

Human Resources: Spear, Chair; Bisignano, Buhr, Corey and Miller.

**House Study Bill 589**

Local Government: Spear, Chair; Norrgard and Petersen of Muscatine.

**House Study Bill 590**

Local Government: Hester, Chair; Cooper and Peters.

**House Study Bill 591**

Natural Resources and Outdoor Recreation: Gruhn, Chair; Paulin and Platt.

**House Study Bill 592**

Human Resources: Spear, Chair; Bisignano, Buhr, Corey and Miller.

**House Study Bill 593**

Human Resources: Spear, Chair; Bisignano, Buhr, Corey and Miller.

**House Study Bill 594**

Human Resources: Spear, Chair; Bisignano, Buhr, Corey and Miller.

**House Study Bill 595**

Human Resources: Spear, Chair; Bisignano, Buhr, Corey and Miller.

**House Study Bill 596**

Human Resources: Adams, Chair; Corey, Eddie, Haverland and Spear.

**House Study Bill 597**

Natural Resources and Outdoor Recreation: Stueland, Chair; Black and Fogarty.

**House Study Bill 600**

Natural Resources and Outdoor Recreation: Knapp, Chair; Branstad and Diemer.

**House Study Bill 601**

Judiciary and Law Enforcement: Jay, Chair; Doderer and Halvorson of Clayton.

**House Study Bill 602**

Transportation: Renaud, Chair; Jay and Maulsby.

**House Study Bill 603**

Labor and Industrial Relations: Peters, Chair; Brammer and Eddie.

**House Study Bill 605**

Judiciary and Law Enforcement: Knapp, Chair; Haverland and Schnekloth.

**House Study Bill 606**

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

**House Study Bill 608**

Judiciary and Law Enforcement: Jay, Chair; Halvorson of Clayton, Hansen of Woodbury, Lageschulte and McKinney.

**House Study Bill 609**

Judiciary and Law Enforcement: Knapp, Chair; Haverland and Schnekloth.

**House Study Bill 610**

Judiciary and Law Enforcement: Brammer, Chair; Clark, Hammond, Haverland and Shoning.

**House Study Bill 611**

Judiciary and Law Enforcement: Rosenberg, Chair; Hansen of Woodbury, Kremer, Paulin, Peterson of Carroll, Plasier and Sherzan.

**House Study Bill 612**

Energy and Environmental Protection: Johnson, Chair; McKean, Mullins, Osterberg, Paulin, Schrader and Svoboda.

**House Study Bill 613**

Energy and Environmental Protection: Johnson, Chair; McKean, Mullins, Osterberg, Paulin, Schrader and Svoboda.

**House Study Bill 614**

Agriculture: Koenigs, Chair; Bennett and Muhlbauer.

**House Study Bill 615**

Agriculture: Norrgard, Chair; May and Stueland.

**House Study Bill 626**

State Government: Beatty, Chair; Garman, Hanson of Delaware, Knapp and Peterson of Carroll.

**House Study Bill 627**

State Government: Renaud, Chair; Blanshan, Pavich, Renken and Van Camp.

**House Study Bill 628**

State Government: Renaud, Chair; Blanshan, Pavich, Renken and Van Camp.

**House Study Bill 629**

State Government: Renaud, Chair; Blanshan, Pavich, Renken and Van Camp.

**House Study Bill 630**

State Government: Renaud, Chair; Blanshan, Pavich, Renken and Van Camp.

**House Study Bill 631**

State Government: Renaud, Chair; Blanshan, Pavich, Renken and Van Camp.

**House Study Bill 632**

Transportation: Muhlbauer, Chair; Fogarty and Platt.

**COMMITTEE RECOMMENDATIONS**

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

**JOSEPH O'HERN**

Chief Clerk of the House

**COMMITTEE ON LOCAL GOVERNMENT**

**House File 231**, a bill for an act authorizing voter approval of the acquisition of certain new buildings by a city.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H—5026** January 27, 1988.

**Senate File 387**, a bill for an act directing certain political subdivisions of the state to consider joint purchases of equipment.

Fiscal Note is not required.

Recommended **Do Pass** January 27, 1988.

**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>Class of Appointment</u>	<u>Eff. Date</u>
Legislative Research Analyst II	Margaret Ann Thomson	30-1	P-FT	1/08/88
Doorkeeper	Kathleen L. O'Leary	10-1	S-O	1/18/88
Assistant Bill Clerk	Therese L. Shaw	12-1	S-O	1/18/88
Legislative Committee Secretary	LuAnn K. Creek	18-2 + 2	S-O	1/11/88
Legislative Committee Secretary	Maureen A. Kennedy	17-1 + 2	S-O	1/11/88
Legislative Committee Secretary	Betty J. LaCava	18-1 + 2	S-O	1/11/88
Legislative Committee Secretary	Kathleen L. Peterson	17-3 + 2	S-O	1/11/88
Legislative Committee Secretary	JoAnn M. Leachman	17-2 + 2	S-O	1/11/88
Legislative Committee Secretary	Bettie J. Wentz	18-4 + 2	S-O	1/11/88

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

Legislative Research Analyst I	Lynn Carson King	1/16/88
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CHAPMAN of Linn, Chair

### RESOLUTION FILED

**HCR 107**, by committee on transportation, a concurrent resolution relating to the amount and use of road tax revenues.

Laid over under **Rule 25**.

### AMENDMENTS FILED

H—5026	H.F.	231	Committee on Local Government
H—5027	H.F.	2016	Fuller of Hardin
H—5028	H.F.	2051	Running of Linn
H—5029	H.F.	2071	Lageschulte of Bremer
H—5030	H.F.	102	Hermann of Scott

On motion by Arnould of Scott, the House adjourned at 3:22 p.m., until 10:00 a.m., Monday, February 1, 1988.

# JOURNAL OF THE HOUSE

Twenty-second Calendar Day — Thirteenth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Monday, February 1, 1988

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

Prayer was offered by the Honorable Teresa Garman, state representative from Story County.

The Journal of Thursday, January 28, 1988 was approved.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Hummel of Benton on request of Stromer of Hancock; Jay of Appanoose on request of Hansen of Woodbury; Petersen of Muscatine on request of Platt of Muscatine; Svoboda of Tama on request of Brammer of Linn; Hanson of Delaware on request of Renken of Grundy; Koenigs of Mitchell and Muhlbauer of Crawford on request of Fogarty of Palo Alto, all until their arrival.

## PETITION FILED

The following petition was received and placed on file:

By Kremer of Buchanan from two hundred sixty-one constituents opposing centralization of the child-support and alimony collections.

## INTRODUCTION OF BILLS

**House File 2140**, by Blanshan, a bill for an act to remove the provision on ineligibility of a person to serve on the board of trustees of a county public hospital if the person's spouse has medical or staff privileges in the hospital or receives compensation from the hospital.

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

**House File 2141**, by Tyrrell, Van Camp, Kremer and Corbett, a bill for an act relating to location at the seat of government of the chambers and offices of the supreme court and the court of appeals, and the offices of their respective officers and employees, and providing an effective date.

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

**House File 2142**, by Spear, a bill for an act requiring examination and testing for sexually transmitted disease prior to the issuance of a marriage license, and providing for the Act's applicability.

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

**House File 2143**, by Hatch, a bill for an act relating to forcible entry and detainer actions by providing for trial of related counter-claims in the same action and permitting joinder with other actions.

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

**House File 2144**, by Spear, a bill for an act relating to the solemnization of marriage by telephone.

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

**House File 2145**, by Holveck, a bill for an act relating to the valuing of home equity lines of credit for purposes of coverage by the Iowa consumer credit code.

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

**House File 2146**, by Fuller, a bill for an act relating to in-service education requirements for members of local planning and zoning commissions and boards of adjustment, providing for the payment of costs related to in-service education programs, and providing other properly related matters.

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

**House File 2147**, by Holveck, a bill for an act relating to the time within which an action must be brought by a consumer against the manufacturer of a new vehicle.

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

**House File 2148**, by Hatch, a bill for an act relating to mobile home parks.

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

**House File 2149**, by Hatch, a bill for an act relating to the care of a child admitted or committed to the Iowa juvenile home.

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

**House File 2150**, by Pavich, a bill for an act relating to the place of payment of fines and costs for scheduled violations.

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

**House File 2151**, by Schnekloth, a bill for an act relating to the treatment of rebates for purposes of the state sales, services, and use taxes.

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

## MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on January 28, 1988, amended and passed the following bill in which the concurrence of the House is asked:

House File 2011, a bill for an act relating to the ownership of certain vessels by requiring the purchaser of a registered vessel to obtain a certificate of title, by providing for the perfection of a security interest, and by providing an effective date.

Also: That the Senate has on January 28, 1988, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2031, a bill for an act relating to the reporting of results of the precinct caucuses, providing a penalty, and providing an effective date.

Also: That the Senate has on January 28, 1988, passed the following bill in which the concurrence of the House is asked:

Senate File 2046, a bill for an act relating to the method of election of directors of certain school districts and providing an effective date.

Also: That the Senate has on January 28, 1988, passed the following bill in which the concurrence of the House is asked:

Senate File 2060, a bill for an act relating to the benefit ratio array system under the unemployment insurance law by making the benefit ratio array system permanent, by resolving potential federal conformity issues concerning new nonconstruction experience-based rates and access to job service information by business and labor organizations, by abolishing the special employer contribution rate for employers with certain negative balance account histories with retroactive applicability, and by providing an effective date.

Also: That the Senate has on January 28, 1988, passed the following bill in which the concurrence of the House is asked:

Senate File 2062, a bill for an act relating to the appointment and compensation of acting county attorneys.

Also: That the Senate has on January 28, 1988, passed the following bill in which the concurrence of the House is asked:

Senate File 2063, a bill for an act relating to the jurisdiction of magistrates.

Also: That the Senate has on January 28, 1988, passed the following bill in which the concurrence of the House is asked:

Senate File 2064, a bill for an act relating to the residency of an agent for an authorized company engaged in the business of becoming surety upon bonds in criminal cases.

JOHN F. DWYER, Secretary

## CONSIDERATION OF BILLS Regular Calendar

**House File 2071, a bill for an act relating to state aid payments**

for schools beginning prior to September 1, was taken up for consideration.

Lageschulte of Bremer offered the following amendment H—5019 filed by Lageschulte, et al.:

H—5019

1 Amend House File 2071 as follows:

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

4 "Section 1. Section 279.10, subsection 1, Code  
5 1987, is amended to read as follows:

6 1. The school year shall begin on the first day of  
7 July and each regularly established elementary and  
8 secondary school shall begin no sooner than the first  
9 day of September and shall continue for at least one  
10 hundred eighty days, except as provided in subsection  
11 3, and may be maintained during the entire calendar  
12 year. A school corporation may begin employment of  
13 personnel for in-service training and development  
14 purposes before the date to begin elementary and  
15 secondary school.

16 Sec. 2. Section 279.10, subsection 4, Code 1987,  
17 is amended by striking the subsection.

18 Sec. 3. Section 299.1, unnumbered paragraph 1,  
19 Code 1987, is amended to read as follows:

20 A person having control of a child over seven and  
21 under sixteen years of age, in proper physical and  
22 mental condition to attend school, shall cause the  
23 child to attend some public school for at least one  
24 hundred twenty days in each school year, commencing no  
25 sooner than the first day of September, unless the  
26 board of school directors establishes a later date on  
27 a date established by the board of directors, which  
28 date shall not be later than the first Monday in  
29 December."

30 2. Title page, by striking line 1 and inserting  
31 the following:

32 "An Act to repeal the provision requiring school to  
33 begin prior".

Haverland of Polk rose on a point of order that amendment H—5019 was not germane.

The Speaker ruled the point well taken and amendment H—5019 not germane.

Lageschulte of Bremer moved that the rules be suspended to consider amendment H—5019.

A non-record roll call was requested.



The ayes were 37, nays 38.

The motion to suspend the rules lost.

Black of Jasper offered the following amendment H—5025 filed by him and Mullins of Kossuth:

H—5025

1 Amend House File 2071 as follows:

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

4 "Section 1. Section 279.10, subsections 1 and 4,  
5 Code 1987, are amended to read as follows:

6 1. The school year shall begin on the first day of  
7 July and each regularly established elementary and  
8 secondary school shall begin no sooner than a day  
9 during the calendar week in which the first day of  
10 September falls and shall continue for at least one  
11 hundred eighty days, except as provided in subsection  
12 3, and may be maintained during the entire calendar  
13 year. A school corporation may begin employment of  
14 personnel for in-service training and development  
15 purposes before the date to begin elementary and  
16 secondary school.

17 4. The director of the department of education may  
18 grant a request made by a board of directors of a  
19 school district stating its desire to commence classes  
20 for regularly established elementary and secondary  
21 schools before the first day of September prior to the  
22 starting date specified in subsection 1. A request  
23 shall be based upon the determination that a starting  
24 date on or after the first day of September starting  
25 date specified in subsection 1 would have a  
26 significant negative educational impact.

27 Sec. 2. Section 299.1, unnumbered paragraph 1,  
28 Code 1987, is amended to read as follows:

29 A person having control of a child over seven and  
30 under sixteen years of age, in proper physical and  
31 mental condition to attend school, shall cause the  
32 child to attend some public school for at least one  
33 hundred twenty days in each school year, commencing no  
34 sooner than a day during the calendar week in which  
35 the first day of September falls, unless the board of  
36 school directors establishes a later date, which date  
37 shall not be later than the first Monday in December."

38 2. Title page, by striking lines 1 and 2 and  
39 inserting the following: "An Act relating to the  
40 starting date for schools, including changing the  
41 starting date and establishing a penalty for  
42 noncompliance."

Haverland of Polk rose on a point of order that amendment H—5025 was not germane.

The Speaker ruled the point well taken and amendment H—5025 not germane.

Halvorson of Clayton offered the following amendment H—5023 filed by Halvorson of Clayton, et al.:

H—5023

1 Amend House File 2071 as follows:

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

4 "Section 1. Section 279.10, subsection 1, Code  
5 1987, is amended to read as follows:

6 1. The school year shall begin on the first day of  
7 July and each regularly established elementary and  
8 secondary school shall begin no sooner than the first  
9 day of September and shall continue for at least one  
10 hundred eighty days, except as provided in subsection  
11 3, and may be maintained during the entire calendar  
12 year. A school corporation may begin employment of  
13 personnel for in-service training and development  
14 purposes before the date to begin elementary and  
15 secondary school.

16 Sec. 2. Section 279.10, subsection 4, Code 1987,  
17 is amended by striking the subsection.

18 Sec. 3. Section 299.1, unnumbered paragraph 1,  
19 Code 1987, is amended to read as follows:

20 A person having control of a child over seven and  
21 under sixteen years of age, in proper physical and  
22 mental condition to attend school, shall cause the  
23 child to attend some public school for at least one  
24 hundred twenty days in each school year, commencing no  
25 sooner than the first day of September, unless the  
26 board of school directors establishes a later date on  
27 a date established by the board of directors, which  
28 date shall not be later than the first Monday in  
29 December."

30 2. Page 1, line 1, by striking the word and  
31 figure "Section 1" and inserting the following: "Sec.  
32 4".

33 3. Page 1, by inserting after line 6 the  
34 following:

35 "Sec. \_\_\_\_\_. Sections 1 through 3 of this Act take  
36 effect July 1, 1989. Section 4 of this Act is  
37 repealed July 1, 1989."

38 4. Title page, by striking line 1 and inserting  
39 the following: "An Act relating to the starting date  
40 for schools, including establishing a penalty for  
41 noncompliance and repealing the provision requiring  
42 school to begin prior".

43 5. Title page, line 2, by inserting after the  
44 figure "1" the following: "and providing an effective  
45 date".

Haverland of Polk rose on a point of order that amendment H—5023 was not germane.

The Speaker ruled the point well taken and amendment H—5023 not germane.

Swartz of Marshall asked and received unanimous consent to withdraw amendment H—5005 filed by him on January 21, 1988.

Lageschulte of Bremer offered the following amendment H—5029 filed by him:

H—5029

- 1 Amend House File 2071 as follows:
- 2 1. Page 1, line 6, by striking the word and figure
- 3 "September 1" and inserting the word and figure "August 25".

Haverland of Polk rose on a point of order that amendment H—5029 was not germane.

The Speaker ruled the point not well taken and amendment H—5029 germane.

Arnould of Scott asked and received unanimous consent that House File 2071 be deferred and that the bill retain its place on the calendar.

(Amendment H—5029 pending.)

**SPONSOR ADDED**  
(House File 2049)

Adams of Hamilton requested to be added as a sponsor of House File 2049.

**COMMUNICATION RECEIVED**

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

**COMMERCE DEPARTMENT**

A report on the state legislatively mandated life and health insurance coverages, pursuant to Chapter 507D.2, Code of Iowa.

**COMMUNICATION FROM THE STATE APPEAL BOARD**

The following communication was received from the State Appeal Board on January 29, 1988 and is on file in the office of the Chief Clerk:

January 26, 1988

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

Dear Mr. O'Hern:

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

These include 21 claims of a general nature that were denied by the State Appeal Board on January 12, 1988. This supplements our filing of January 12, 1988.

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

Sincerely,  
Richard D. Johnson  
Chairman  
STATE APPEAL BOARD

Receipt of the above is hereby acknowledged.

JOSEPH O'HERN  
Chief Clerk of the House

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>
G87-0719	Leo D. Peters et al Cedar Rapids, Iowa (Tax Refund)	\$ 1,337,035.20	DENIED
G87-0770	William Orr Washington, Iowa (License Fee Refund)	Undetermined	DENIED
G87-0923	Monnie Wadsworth Des Moines, Iowa (Transfer Tax Refund)	286.00	DENIED
G87-0930	Donald D. Claussen Harlan, Iowa (License Fee Refund)	30.00	DENIED
G87-0941	Cecil McNelly Waterloo, Iowa (License Fee Refund)	Undetermined	DENIED
G87-0944	David C. Martinson Greenfield, Iowa (License Fee Refund)	24.00	DENIED
G87-0950	Noel Bachmann Indianola, Iowa (License Fee Refund)	93.00	DENIED

<u>Claim Number</u>	<u>Name of Claimant Nature of Claim</u>	<u>Amount of Claim</u>	<u>Amount Approved</u>
G87-0960	Don Eggspuehler St. Petersburg, Florida (License Fee Refund)	129.00	DENIED
G87-0981	Lori Rykhus Somers, Iowa (License Fee Refund)	52.00	DENIED
G87-0985	Terry Brennan Des Moines, Iowa (License Fee Refund)	Undetermined	DENIED
G87-0994	Kent A. Anderson Kirkman, Iowa (License Fee Refund)	16.00	DENIED
G87-1002	John J. Owens Imogene, Iowa (License Fee Refund)	25.00	DENIED
G87-1008	John M. Thomas MD Omaha, Nebraska (Back Pay)	2,432.87	DENIED
G87-1009	F. Marshall Zahller Omaha, Nebraska (Back Pay)	1,979.74	DENIED
G87-1034	Hiram F. Chase Cedar Falls, Iowa (License Fee Refund)	35.00	DENIED
G87-1056	Randall J. Sieve Boone, Iowa (IPERS Refund)	1,264.99	DENIED
G87-1082	Johnson County Board of Health Iowa City, Iowa (Outdated Invoice)	1,021.95	DENIED
G87-1100	Daniel Bomhoff Des Moines, Iowa (License Fee Refund)	Undetermined	DENIED
G87-1104	Vidu Soni Elgin, Illinois (License Fee Refund)	52.00	DENIED
G87-1105	Vidu Soni Elgin, Illinois (License Fee Refund)	36.00	DENIED
G87-1112	Peter Dammer Rock Rapids, Iowa (License Fee Refund)	323.75	DENIED

## HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

### H.S.B. 635 Natural Resources and Outdoor Recreation

Exempting certain vessels from registration.

**H.S.B. 636 Ways and Means**

To repeal the sunset on the provision exempting from tax liability corporations whose sole business activity in the state is placing liquor in bailment.

**H.S.B. 637 Judiciary and Law Enforcement**

To restrict the use of electronic computer terminals or other devices for lottery games to use only for on-line lotto games.

**H.S.B. 638 Transportation**

Relating to the making or altering of motor vehicle licenses, nonoperator's identification cards, and blank motor vehicle license forms and providing a penalty.

**H.S.B. 639 Transportation**

Relating to right-of-way and relocation assistance provided to persons displaced by highway projects.

**H.S.B. 640 Transportation**

Relating to the financing of primary road projects by permitting the temporary transfer of moneys from the RISE fund and providing an effective date.

**H.S.B. 641 Transportation**

Creating a highway division facilities program for the state department of transportation and making a standing appropriation for the program.

**H.S.B. 642 Natural Resources and Outdoor Recreation**

Relating to the issuance of titles for vessels.

**H.S.B. 643 Natural Resources and Outdoor Recreation**

Relating to commercial concessions operated on certain state-owned lands.

**H.S.B. 644 Human Resources**

Relating to vital statistics by providing for extension of the filing periods for death certificates and medical certifications, shortening the period for notifications of death; and deleting the penalty for transporting or accepting for disposition a dead body without a permit.

**H.S.B. 645 Human Resources**

Relating to training for mandatory reporters of dependent adult abuse and child abuse.

**H.S.B. 646 Human Resources**

Allowing the Iowa department of public health to establish standards and inspection fees for swimming pools, spas, and bathing beaches, to enter into agreement with local boards of health for inspection, enforcement, and fee collection, and establishing a penalty.

**H.S.B. 647 Human Resources**

Relating to the regulation of sources of nonionizing radiation and the registration of tanning facilities and providing penalties.

**H.S.B. 648 Judiciary and Law Enforcement**

Relating to recording, without fee, an acknowledgement of a mortgage foreclosure decree.

**H.S.B. 649 Transportation**

Relating to entering private land for highway construction purposes.

**H.S.B. 650 Transportation**

Relating to the condemnation payment process.

**H.S.B. 651 State Government**

Relating to the registration of voters in state offices.

**H.S.B. 652 State Government**

Relating to the confidentiality of certain records of a library.

**H.S.B. 653 Agriculture**

Relating to fees for the inspection of certain temporarily stored grain and making an appropriation.

**H.S.B. 654 Agriculture**

Relating to regulation of the extraction of coal for commercial purposes from a site of one-half acre or less, and making penalties applicable.

**SUBCOMMITTEE ASSIGNMENTS****House File 2055 (Reassigned)**

Ways and Means: Wise, Chair; Connolly, Hanson of Delaware, Osterberg and Siegrist.

**House File 2077**

Education: Harper, Chair; Shoultz and Siegrist.

**House File 2086**

Small Business and Commerce: Groninga, Chair; Brammer, Halvorson of Clayton, Schnekloth and Shoultz.

**House File 2091 (Reassigned)**

Ways and Means: Johnson, Chair; Bisignano, Daggett, Fey and Lageschulte.

**House File 2092**

Small Business and Commerce: Groninga, Chair; Brammer, Halvorson of Clayton, Schnekloth and Shoultz.

**House File 2103**

Ways and Means: Tabor, Chair; Bennett, Koenigs, Metcalf and Wise.

**House File 2111**

Local Government: Fuller, Chair; Cooper and Eddie.

**House File 2114**

Education: Teaford, Chair; Haverland and Plasier.

**House File 2124**

Education: Cohoon, Chair; Adams, Hester, Lageschulte and Spear.

**House File 2125**

Education: Cohoon, Chair; Adams, Hester, Lageschulte and Spear.

**House File 2134**

Economic Development: Dvorsky, Chair; Miller and Svoboda.

**House File 2137**

Education: Harper, Chair; Haverland and Hester.

**Senate File 2036**

Education: Ollie, Chair; Connolly, Daggett, Maulsby, Miller, Shoultz and Swartz.

**Senate File 2074**

Ways and Means: Doderer, Chair; Carpenter, Hanson of Delaware, Osterberg, Rosenberg, Schnekloth and Teaford.

**HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS****House Study Bill 509**

Energy and Environmental Protection: Hatch, Chair; Lundby, Osterberg, Paulin and Shoultz.



**House Study Bill 586**

Small Business and Commerce: Groninga, Chair; Brammer, Halvorson of Clayton, Schnekloth and Shoultz.

**House Study Bill 607**

Economic Development: Connolly, Chair; Beaman and Running.

**House Study Bill 624**

Small Business and Commerce: Groninga, Chair; Brammer, Halvorson of Clayton, Schnekloth and Shoultz.

**CERTIFICATES OF RECOGNITION**

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

- |        |   |
|--------|---|
| 1988-4 | Hugo and Apoline Busche, Waucoma — Celebrating their 60th wedding anniversary.  |
| 1988-5 | Glen and Myrtle Mills, Wapello — Attaining 77 years of marriage and having been acclaimed Iowa's Longest Married Couple for 1988. |

**JOSEPH O'HERN**

Chief Clerk of the House

**COMMITTEE RECOMMENDATIONS**

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

**JOSEPH O'HERN**

Chief Clerk of the House

**COMMITTEE ON APPROPRIATIONS**

**Senate File 2037**, a bill for an act relating to certain scholarship and grant programs administered by the college aid commission, including the requirements for receipt of a state scholarship and the repeal of the supplemental grant program, and providing appropriations and an effective date for the repeal.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H — 5032** February 1, 1988.

**COMMITTEE ON EDUCATION**

**Committee Bill** (Formerly House Study Bill 534), relating to payment of costs of asbestos identification and removal by boards of directors of school districts.

Fiscal Note is not required.

Recommended **Amend and Do Pass** January 28, 1988.

**Committee Bill** (Formerly House Study Bill 535), relating to the organizational meeting of the state board of education.

Fiscal Note is not required.

Recommended **Do Pass** January 28, 1988.

#### COMMITTEE ON ENERGY AND ENVIRONMENTAL PROTECTION

**Committee Bill** (Formerly House File 553), a bill for an act expanding the time period for filing applications for a rehearing before the utilities board, and expanding the time in which the utilities board may grant or refuse the application.

Fiscal Note is not required.

Recommended **Amend and Do Pass** January 28, 1988.

#### COMMITTEE ON TRANSPORTATION

**Committee Bill** (Formerly House Study Bill 598), relating to the registration of aircraft, and making penalties applicable.

Fiscal Note is required.

Recommended **Amend and Do Pass** January 28, 1988.

#### COMMITTEE ON WAYS AND MEANS

**Senate File 2074**, a bill for an act relating to the extension of the applicability of House File 689, enacted during the Second Extraordinary Session of the Seventy-second General Assembly during 1987, updating references to the Internal Revenue Code, providing for retroactive applicability, and providing an effective date.

Fiscal Note is required.

Recommended **Amend and Do Pass with amendment H—5033** February 1, 1988.

#### AMENDMENTS FILED

H—5031	H.F. 2011	Senate Amendment
H—5032	S.F. 2037	Committee on
		Appropriations
H—5033	S.F. 2074	Committee on Ways
		and Means

On motion by Arnould of Scott, the House adjourned at 10:59 a.m., until 9:00 a.m., Tuesday, February 2, 1988.

# JOURNAL OF THE HOUSE

Twenty-third Calendar Day — Fourteenth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Tuesday, February 2, 1988

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

Prayer was offered by the Honorable Dan Fogarty, state representative from Palo Alto County.

The Journal of Monday, February 1, 1988 was approved.

## INTRODUCTION OF BILLS

**House File 2152**, by Mullins, Clark and Lageschulte, a bill for an act relating to county compensation boards, by providing for the membership of the county compensation boards and by requiring a public hearing on their salary recommendations.

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

**House File 2153**, by committee on energy and environmental protection, a bill for an act expanding the time in which the utilities board may grant or refuse an application for rehearing in a contested case.

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

**House File 2154**, by Chapman, a bill for an act relating to the issuance of fuel exemption certificates for purposes of the state sales, services, and use tax, providing for retroactive applicability, and providing an effective date.

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

**House File 2155**, by committee on education, a bill for an act relating to payment of costs of asbestos identification and removal by boards of directors of school districts.

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

## SENATE MESSAGES CONSIDERED

**Senate File 2046**, by committee on education, a bill for an act relating to the method of election of directors of certain school districts and providing an effective date.

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

**Senate File 2055**, by committee on agriculture, a bill for an act relating to the registration and use of certain pesticides.

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

**Senate File 2060**, by committee on business and labor relations, a bill for an act relating to the benefit ratio array system under the unemployment insurance law by making the benefit ratio array system permanent, by resolving potential federal conformity issues concerning new nonconstruction experience-based rates and access to job service information by business and labor organizations, by abolishing the special employer contribution rate for employers with certain negative balance account histories with retroactive applicability, and by providing an effective date.

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

**Senate File 2062**, by committee on judiciary, a bill for an act relating to the appointment and compensation of acting county attorneys.

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

**Senate File 2063**, by committee on judiciary, a bill for an act relating to the jurisdiction of magistrates.

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

**Senate File 2064**, by committee on judiciary, a bill for an act relating to the residency of an agent for an authorized company engaged in the business of becoming surety upon bonds in criminal cases.

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

### PRESENTATION OF 1988 IOWA EASTER SEAL AMBASSADOR

Speaker Avenson escorted to the front of the Speaker's station and presented to the House Heidi Kriener from Waucoma, the 1988 Iowa Easter Seal Ambassador. Heidi, who is ten years old, was accompanied by her parents, Marvin and Connie Kriener, and her brother Chris.

Heidi has spina bifida which has caused her to have limited lower extremity functions. A three-wheel electric cart allows Heidi to get

to her classes at Turkey Valley School where a ramp was installed specially for her. She enjoys spelling, writing, coloring and recess and riding horses on the Kriener's horse farm is her favorite pastime.

Heidi's bright smile, determination, and friendly personality allows people to look beyond her disability. She's outgoing and a great favorite with her teachers and classmates.

The House rose and expressed its welcome.

### MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on February 1, 1988, passed the following bill in which the concurrence of the House is asked:

Senate File 2061, 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.

JOHN F. DWYER, Secretary

### ASSIGNMENT OF SEATS IN PRESS GALLERY

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

#### WEST PRESS GALLERY

Cedar Rapids Gazette .....	Judy Daubenmier, Ken Sullivan
Lee Newspapers .....	Tom Davidson, Paul Vargas
Iowa Newspaper Association .....	Harrison Weber
Waterloo Courier .....	Ron De Christopher
United Press International .....	Scott Sonner, Bill Brewer, Cornell Fowler, John Peterson
Des Moines Register .....	Tom Fogarty, Jane Norman, Charles Bullard, David Yepsen
Associated Press .....	Mike Glover, Tom Seery, Mark Mittelstadt, John Gaps, Jeff Davis, Roger Buredell

#### EAST PRESS GALLERY

KCCI TV .....	Steve Oswalt, Mary Bock, Dana Cardin, Mike Day, Michele Parker, Anne Hawkins, Kent Peterson, Eric Ulbrich, Cortney Kintzer
IA Legislative News Service .....	Jo Von Stein, Nan Stillians, Nan Hagen

WHO AM .....	Kevin Teale, Connie Murad, Laurie Groves, Ev Hickman
WHO TV .....	Scott Pope, Eileen Wixted, Shirley Washington, Bob Pyle, Kevin Waetke, Dane Placko, Brian Greif
KWWL TV .....	Craig D. Hotvedt, John Dodge, Mark Steines, Jeff Leucke
Iowa Radio Network .....	C. Ross Martin, Brian Weber
KRNT Radio .....	Deb Ryan, Robin Shepard, Roger Summitt, Dale Woolery, Dana Gannon, Pat Parris, Kristi Van Ekeren
WOI TV .....	Jeff Nowakowski, Steve Karlin, Susan Buehler, Diane Daniels, Galen Svanas, Rick Fuller, Anne White, Clyde Rail, John Clough, Elaine Weber
WOI AM (and balcony) .....	Jim Wishner, Brian Doane, Tamara McLaughlin

### GENERAL ASSIGNMENT

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

AFSCME .....	Larry Scarpino
Telegraph Herald .....	Mary Stanley, Mark Nepper, Tim Chanaud
KASI .....	Rich Fellingham, Fred DeJouja
Tribune Radio Networks .....	Dave Braga
Ames Daily Tribune .....	Brian Steffen, Art Cullen, Finn Bullers, Caralee Johnson, Mike Welton
Radio Iowa (and west balcony) .....	O. Kay Henderson, Todd Kimm, Susan Shafer, Dennis Sutterer, Jeff Hansen
Sioux City Journal .....	Gary H. Koerselman

### COMMUNICATIONS RECEIVED

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

#### COMMISSION ON THE STATUS OF WOMEN

The Annual Report, pursuant to Chapter 601K.60, Code of Iowa.

#### DEPARTMENT OF EDUCATION

A report regarding the feasibility of enacting permanent legislation that would allow resident students of a school district to attend school in other school districts, pursuant to Chapter 224.76, Acts of the Seventy-second General Assembly, 1987 Session.

## LEGISLATIVE FISCAL BUREAU

A report on monitoring of dependent adult abuse, pursuant to Chapter 182.11, Acts of the Seventy-second General Assembly, 1987 Session.

## PUBLIC EMPLOYMENT RELATIONS BOARD

The Annual Report for the period of July 1, 1986 through June 30, 1987, pursuant to Chapter 7E.3(4), Code of Iowa.

## HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

**H.S.B. 655 Human Resources**

Relating to vital statistics by eliminating local registrars and amending requirements for certain certificates and services provided by and certain fees and data collected and compiled by the Iowa department of public health.

**H.S.B. 656 Energy and Environmental Protection**

Relating to energy audits by providing for the certification of class A energy auditors, by requiring class A energy audits for all new state-owned facilities, and by providing penalties.

**H.S.B. 657 Transportation**

To permit persons who rebuild motor vehicles into emergency vehicles to be licensed as wholesalers.

**H.S.B. 658 State Government**

Relating to the authority of the treasurer of state to invest in United States government obligations.

**H.S.B. 659 Human Resources**

Relating to the determination of eligibility for institutionalized spouses under the medical assistance program.

**H.S.B. 660 Human Resources**

Relating to adult foster homes.

**H.S.B. 661 Human Resources**

Regulating continuing-care facilities, and providing enforcement procedures.

**H.S.B. 662 Energy and Environmental Protection**

Relating to the certification of laboratories which perform analyses of specimens for the department of natural resources.

**H.S.B. 663 Economic Development**

Relating to the issuance of tax-exempt certificates under the Iowa industrial new jobs training Act.

**H.S.B. 664 Judiciary and Law Enforcement**

Relating to the procedure under which the board of parole determines whether an alleged parole violation has occurred.

**H.S.B. 665 State Government**

Relating to investigations and other enforcement activities and responsibilities of the department of inspections and appeals and other agencies in connection with certain statutory programs and provisions; clarifying and expanding the powers and duties of the department of inspections and appeals in enforcing certain health licensing and public assistance laws; providing for confidentiality of information; providing subpoena power; providing for the payment of costs of investigation and prosecution in public assistance cases involving health care vendors and providers; specifically including providers in provisions requiring an income tax setoff in cases of public assistance overpayments; and providing properly related matters.

**H.S.B. 666 State Government**

Relating to investigations and audits by the department of inspections and appeals to ensure compliance with the state supplementary assistance and medical assistance programs.

**H.S.B. 667 State Government**

Relating to the state government accounting procedures by providing the duty of prescribing accounting and business forms used by state agencies within the department of revenue and finance, providing for use of account coding for authorizing claims, providing for cancellation of state warrants, providing for payment of salaries of state employees, and specifying a time limit for budget reversions.

**H.S.B. 668 State Government**

Relating to the confidentiality of chronic renal disease program records, and establishing a penalty.

**H.S.B. 669 Natural Resources and Outdoor Recreation**

Authorizing a corporate income tax deduction for allowing recreational uses of easements and rights-of-way.



**H.S.B. 670 Energy and Environmental Protection**

Relating to residential water treatment systems, incorporating a penalty, and providing an effective date.

**H.S.B. 671 Education**

Relating to the payment of moneys to teachers under the educational excellence program, including the frequency and manner of payments, eligibility for payments, deadlines for submission of plans and reports, and the issuance of supplemental contracts.

**H.S.B. 672 Labor and Industrial Relations**

Relating to the state employees disability insurance program.

**SUBCOMMITTEE ASSIGNMENTS****House File 2070**

Appropriations: Peterson of Carroll, Chair; Jochum and Van Maanen.

**House File 2080**

Appropriations: Peterson of Carroll, Chair; Jochum and Van Maanen.

**House File 2093**

Appropriations: Peterson of Carroll, Chair; Jochum and Van Maanen.

**House File 2105**

Appropriations: Peterson of Carroll, Chair; Jochum and Van Maanen.

**House File 2119**

Human Resources: Hammond, Chair; Harper, Hermann, Hester, Mullins, Norrgard and Teaford.

**House File 2120**

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

**House File 2135**

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

**House File 2136**

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

**House File 2138**

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

**House File 2143**

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

**House File 2145**

Small Business and Commerce: Parker, Chair; Hummel, Renken, Sherzan and Skow.

**House File 2147**

Small Business and Commerce: Chapman, Chair; Holveck, Kremer, McKinney and Metcalf.

**House File 2150**

Judiciary and Law Enforcement: Renaud, Chair; Paulin and Shoning.

**Senate File 2055**

Energy and Environmental Protection: Johnson, Chair; McKean, Mullins, Osterberg, Paulin, Schrader and Svoboda.

**Senate File 2060**

Labor and Industrial Relations: Ollie, Chair; Hermann and Peters.

**HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS****House Study Bill 616**

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

**House Study Bill 617**

Human Resources: Teaford, Chair; Clark, Connors and Hammond.

**House Study Bill 618**

Natural Resources and Outdoor Recreation: Johnson, Chair; Gruhn and Stueland.

**House Study Bill 621**

Human Resources: Harper, Chair; Connors, Hester and Peters.

**House Study Bill 622**

Human Resources: Spear, Chair; Bisignano, Buhr, Corey and Miller.

**House Study Bill 623**

Human Resources: Harper, Chair; Connors, Hester, Peters and Swearingen.

**House Study Bill 625**

Judiciary and Law Enforcement: Jay, Chair; Carpenter and Renaud.

**House Study Bill 633**

Small Business and Commerce: Parker, Chair; Hummel, Renken, Sherzan and Skow.

**House Study Bill 635**

Natural Resources and Outdoor Recreation: Black, Chair; Gruhn and Tyrrell.

**House Study Bill 637**

Judiciary and Law Enforcement: Renaud, Chair; Plasier and Poncy.

**House Study Bill 642**

Natural Resources and Outdoor Recreation: Fogarty, Chair; Gruhn and Paulin.

**House Study Bill 643**

Natural Resources and Outdoor Recreation: Platt, Chair; Dvorsky and Knapp.

**House Study Bill 656**

Energy and Environmental Protection: Dvorsky, Chair; Adams, Johnson, Lundby and Mullins.

**House Study Bill 662**

Energy and Environmental Protection: Harper, Chair; Fuller and McKean.

**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 2054**, a bill for an act relating to name changes upon marriage.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H—5036**, February 1, 1988.

**COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT**

**Committee Bill** (Formerly House Study Bill 514), relating to a disclaimer of interest by a beneficiary also acting as a fiduciary.

Fiscal Note is not required.

Recommended **Do Pass** February 1, 1988.

**Committee Bill** (Formerly House Study Bill 570), to repeal the limitation on the salary of a clerk of the district court.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 1, 1988.

**Committee Bill** (Formerly House Study Bill 606), relating to compensation for judges and judicial magistrates.

Fiscal Note is not required.

Recommended **Do Pass** February 1, 1988.

**Committee Bill** (Formerly House Study Bill 625), relating to department of transportation abstracts of licensed driver motor vehicle operating records.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 1, 1988.

#### COMMITTEE ON LOCAL GOVERNMENT

**Committee Bill** (Formerly House Study Bill 579), relating to the recording of instruments by a county recorder.

Fiscal Note is not required.

Recommended **Do Pass** February 1, 1988.

#### COMMITTEE ON NATURAL RESOURCES AND OUTDOOR RECREATION

**Committee Bill** (Formerly House Study Bill 591), authorizing the natural resource commission to establish a schedule of fees for permit and conditional permit applications and for costs of administering permits and conditional permits.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 1, 1988.

**Committee Bill** (Formerly House Study Bill 597), relating to the disposition of interest earned on moneys credited to the county conservation land acquisition and capital improvement reserve account.

Fiscal Note is not required.

Recommended **Do Pass** February 1, 1988.

#### AMENDMENTS FILED

H-5034	H.F.	2071	McKean of Jones
H-5035	S.F.	2037	Poncy of Wapello
			Wise of Lee
H-5036	H.F.	2054	Committee on
			Human Resources
H-5037	H.F.	313	Halvorson of Clayton
H-5038	H.F.	102	Hermann of Scott
H-5039	H.F.	2107	Harbor of Mills
H-5040	H.F.	231	Paulin of Plymouth
H-5041	H.F.	2123	Schnekloth of Scott
H-5042	S.F.	2074	Halvorson of Clayton
			Harbor of Mills

On motion by Arnould of Scott, the House adjourned at 9:22 a.m., until 9:00 a.m., Wednesday, February 3, 1988.

# JOURNAL OF THE HOUSE

Twenty-fourth Calendar Day -- Fifteenth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Wednesday, February 3, 1988

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

Prayer was offered by the Honorable Donald Shoning, state representative from Woodbury County.

The Journal of Tuesday, February 2, 1988 was approved.

## INTRODUCTION OF BILLS

**House File 2156**, by committee on transportation, a bill for an act relating to the registration of aircraft, and making penalties applicable.

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

**House File 2157**, by Metcalf, a bill for an act relating to the publication requirements of school districts.

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

**House File 2158**, by Black, a bill for an act to limit operation of motor vehicles in streambeds and providing a penalty.

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

**House File 2159**, by Hester, a bill for an act to exempt a person transporting fertilizers and pesticides in an implement of husbandry or pickup for use in that person's agricultural operations from certain transportation safety requirements.

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

**House File 2160**, by Svoboda, a bill for an act relating to corporate reporting of agricultural land holdings.

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

**House File 2161**, by Pavich and Renaud, a bill for an act to allow class "C" liquor control license holders and class "B" beer permit holders to brew beer to be served on the premises.

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

**House File 2162**, by Wise, a bill for an act relating to the conditions for the issuance of a class "E" liquor control license in counties with a population under nine thousand five hundred.

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

**House File 2163**, by Teaford, a bill for an act relating to raising or lowering of bumper heights on certain motor vehicles, and making penalties applicable.

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

**House File 2164**, by committee on natural resources and outdoor recreation, a bill for an act relating to the disposition of interest earned on moneys credited to the county conservation land acquisition and capital improvement reserve account.

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

**House File 2165**, by committee on judiciary and law enforcement, a bill for an act relating to compensation for judges and judicial magistrates.

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

**House File 2166**, by committee on judiciary and law enforcement, a bill for an act relating to a disclaimer of interest by a beneficiary also acting as a fiduciary.

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

**House File 2167**, by committee on judiciary and law enforcement, a bill for an act relating to the salary of a clerk of the district court.

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

**House File 2168**, by committee on local government, a bill for an act relating to the recording of instruments by a county recorder.

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

**House File 2169**, by committee on education, a bill for an act relating to the organizational meeting of the state board of education.

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

**House File 2170**, by Fey, Corbett, Bisignano, Haverland, Hansen of Woodbury, Peterson of Carroll, Connors, Chapman, Mullins, Clark, Brammer, Lundby, Siegrist and Carpenter, a bill for an act relating to foster care review, providing for the continued existence of the state and local foster care review boards, providing for the establishment

of local foster care review boards throughout the state, providing for review in cases of children involuntarily hospitalized for mental illness, revising provisions relating to confidentiality and access to certain information, providing other procedural revisions, and providing properly related matters.

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

**House File 2171**, by McKean, a bill for an act relating to adult foster homes.

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

**House File 2172**, by Haverland, a bill for an act relating to the liability of a municipality for prejudgment interest.

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

**House File 2173**, by Poncy, Hummel, Cooper and Van Camp, a bill for an act relating to the eligibility date of certain military veterans for membership on a county commission of veterans affairs and certain military veteran benefits.

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

**House File 2174**, by committee on judiciary and law enforcement, a bill for an act relating to certain motor vehicle violations and providing an effective date.

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

**House File 2175**, by committee on natural resources and outdoor recreation, a bill for an act authorizing the natural resource commission to establish a schedule of fees for permit and conditional permit applications and for costs of administering permits and conditional permits.

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

#### SENATE MESSAGE CONSIDERED

**Senate File 2061**, by Hutchins, 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.

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

## MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on February 1, 1988, passed the following bill in which the concurrence of the House is asked:

Senate File 348, a bill for an act authorizing a state agency or a political subdivision of the state to contract to provide medical services.

Also: That the Senate has on February 1, 1988, passed the following bill in which the concurrence of the House is asked:

Senate File 2069, a bill for an act relating to the organizational meeting of the state board of education.

Also: That the Senate has on February 1, 1988, passed the following bill in which the concurrence of the House is asked:

Senate File 2070, a bill for an act relating to the application of certain transportation safety regulations.

Also: That the Senate has on February 1, 1988, passed the following bill in which the concurrence of the House is asked:

Senate File 2086, a bill for an act relating to the procurement of starch-based plastics and soybean-based inks by the department of general services, the state board of regents, the commission for the blind, and the state department of transportation.

Also: That the Senate has on February 1, 1988, passed the following bill in which the concurrence of the House is asked:

Senate File 2090, a bill for an act authorizing the provision of law enforcement administrative services by agreement between a county and a city and providing an effective date.

Also: That the Senate has on February 1, 1988, passed the following bill in which the concurrence of the House is asked:

Senate File 2091, a bill for an act relating to the offense of disorderly conduct and making a penalty applicable.

JOHN F. DWYER, Secretary

On motion by Arnould of Scott, the House was recessed at 9:13 a.m., until 4:00 p.m.

## AFTERNOON SESSION

The House reconvened, Speaker Avenson in the chair.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Bisignano of Polk, for the remainder of the day, on request of Wise of Lee.



## CONSIDERATION OF BILLS

### Regular Calendar

The House resumed consideration of **House File 2071**, a bill for an act relating to state aid payments for schools beginning prior to September 1, deferred February 1, 1988, and amendment H—5029 found on page 194 of the House Journal.

Lageschulte of Bremer moved the adoption of amendment H—5029.

A non-record roll call was requested.

The ayes were 53, nays 37.

Amendment H—5029 was adopted.

McKean of Jones asked and received unanimous consent to withdraw amendment H—5034 filed by him on February 2, 1988.

Haverland of Polk asked and received unanimous consent that House File 2071 be deferred and that the bill retain its place on the calendar.

**House File 102**, a bill for an act relating to the prohibition of polygraph examinations as a condition of employment, and providing a penalty, with report of committee recommending amendment and passage was taken up for consideration.

Sherzan of Polk asked for unanimous consent to withdraw amendment H—5021 filed by the committee on labor and industrial relations as follows:

H—5021

- 1 Amend House File 102 as follows:
- 2 1. Page 1, by striking lines 1 through 5 and
- 3 inserting the following:
- 4 "Section 1. NEW SECTION. 730.7 POLYGRAPH
- 5 EXAMINATION PROHIBITED — EXCEPTIONS — REMEDIES —
- 6 PENALTIES.
- 7 1. As used in this section and sections 730.8 and
- 8 730.9, "polygraph examination" means".
- 9 2. Page 1, line 25, by inserting after the word
- 10 "officer" the following: ", to a person administering
- 11 a polygraph examination as part of a security
- 12 clearance required at a federally licensed nuclear
- 13 facility, or to an employer authorized to dispense
- 14 prescription drugs as defined in section 155A.3,
- 15 subsection 28, if the state or political subdivision,
- 16 person conducting the security clearance, or employer

17 authorized to dispense prescription drugs complies  
18 with the minimum procedures set forth in section 730.8  
19 and the person administering and interpreting the  
20 polygraph examination is a licensed polygraph examiner  
21 in compliance with section 730.9".

22 3. By striking page 1, line 35 through page 2,  
23 line 1, and inserting the following:

24 "5. If the labor commissioner finds, after notice  
25 and opportunity for a hearing pursuant to chapter 17A,  
26 that a person has violated this section, the labor  
27 commissioner may impose an administrative penalty of  
28 not more than five thousand dollars for each  
29 violation. The decision of the labor commissioner  
30 constitutes final agency action for purposes of  
31 judicial review."

32 4. Page 2, by inserting after line 1 the  
33 following:

34 "Sec. \_\_\_\_\_. NEW SECTION. 730.8 PROCEDURES TO  
35 PROTECT EXAMINEES.

36 1. A person described in section 730.7, subsection  
37 3, who seeks to administer a polygraph examination  
38 otherwise prohibited by section 730.7, subsection 2,  
39 shall comply with the following minimum procedures to  
40 protect examinees:

41 a. Prior to the beginning of a polygraph  
42 examination, each prospective examinee shall be  
43 provided with, and shall sign a receipt for, a  
44 notification on a form prescribed by the labor  
45 commissioner, which contains the following  
46 information:

47 (1) That the examinee may refuse to take a  
48 polygraph examination.

49 (2) That the examinee may refuse to answer any  
50 question.

#### Page 2

1 (3) That the examinee may terminate the  
2 examination at any time.

3 (4) That the examinee may make a written request  
4 to the examiner within thirty days after the  
5 examination that the results of the examination be  
6 furnished to the examinee. The examiner shall within  
7 thirty days after receipt of the request provide the  
8 examinee with a written copy of any opinions or  
9 conclusions rendered as a result of the examination.

10 (5) That the examinee may make a written request  
11 to the examiner that an audio recording be made of the  
12 examination and pretest interview. The examiner shall  
13 furnish the examinee a copy of the recording within  
14 thirty days after receipt of the request.

15 (6) That the examinee may file a complaint with

16 the labor commissioner if the examinee feels  
17 mistreated in connection with the polygraph  
18 examination. The employer shall include the name and  
19 business address of the labor commissioner and the  
20 polygraph examiner in the notification.

21 b. Each prospective examinee shall be shown a list  
22 of all questions to be asked, on a form prescribed by  
23 the labor commissioner. The questions shall be  
24 reviewed with the examinee prior to the commencement  
25 of the examination.

26 c. If the polygraph examiner is a law enforcement  
27 officer or other officer of the court, that fact shall  
28 be disclosed to the examinee prior to the commencement  
29 of the examination, and the examiner shall further  
30 inform the examinee that if the examinee chooses to  
31 proceed with the examination, under such  
32 circumstances, any illegal activity disclosed during  
33 the examination may be used against the examinee in  
34 court.

35 2. The labor commissioner shall adopt rules,  
36 prescribe forms, receive complaints, and conduct  
37 investigations as necessary to administer this  
38 section.

39 Sec. \_\_\_\_\_. NEW SECTION. 730.9 LICENSE REQUIRED  
40 FOR POLYGRAPH EXAMINERS — RULES — PENALTIES.

41 1. An employer or person acting on behalf of an  
42 employer shall not administer a polygraph examination  
43 to an employee or applicant for employment or  
44 interpret the results of such an examination without  
45 holding a valid license to do so issued by the labor  
46 commissioner as provided in this section.

47 2. A person is qualified to receive a license as a  
48 polygraph examiner if the person meets all of the  
49 following requirements:

50 a. Is at least eighteen years of age.

**Page 3**

1 b. Is a citizen of the United States.

2 c. Has not been convicted of a felony.

3 d. Has not been released or discharged with other  
4 than honorable conditions from any of the armed  
5 services of the United States or any other nation.

6 e. Has passed a test conducted by the labor  
7 commissioner to determine the person's competency as a  
8 polygraph examiner.

9 f. Has satisfactorily completed not less than six  
10 months of internship training approved by the labor  
11 commissioner.

12 g. Has met any other qualifications of education  
13 or training established by the labor commissioner,  
14 which qualifications shall be at least as stringent as

15 those recommended by the American polygraph  
16 association.

17 3. The labor commissioner may design or adopt, and  
18 thereafter administer, any test deemed appropriate to  
19 determine the competency of an applicant for a  
20 polygraph examiner license. The test shall be so  
21 designed as to ensure that the applicant is thoroughly  
22 familiar with the code of ethics of the American  
23 polygraph association and has been trained in  
24 accordance with association rules. The test shall  
25 include a rigorous examination of the applicant's  
26 knowledge of and familiarity with all aspects of  
27 operating polygraph equipment.

28 4. A polygraph examiner license shall be issued  
29 for a period of one year. It may be reissued from  
30 year to year.

31 5. The labor commissioner shall charge a fee of  
32 one hundred dollars for each issuance or reissuance of  
33 a polygraph examiner license. The fees shall be  
34 deposited in the general fund of the state.

35 6. The commissioner of labor shall adopt rules to  
36 govern the licensing of polygraph examiners and the  
37 administration and interpretation of polygraph  
38 examinations by licensed examiners. The rules shall  
39 include:

40 a. The type and amount of training or schooling  
41 required before a person may be licensed.

42 b. Standards of accuracy which shall be met by  
43 machines or other devices to be used in polygraph  
44 examinations.

45 c. The conditions under which a polygraph  
46 examination may be given.

47 7. If the labor commissioner finds, after notice  
48 and opportunity for a hearing pursuant to chapter 17A,  
49 that a person has administered or interpreted a  
50 polygraph examination in violation of subsection 1,

#### Page 4

1 the labor commissioner may impose an administrative  
2 penalty of not more than five thousand dollars for  
3 each violation. The decision of the labor  
4 commissioner constitutes final agency action for  
5 purposes of judicial review.

6 8. This section does not authorize any polygraph  
7 examination otherwise prohibited by law.

8 Sec. \_\_\_\_\_. REPEAL. Section 730.4, Code 1987, is  
9 repealed."

10 5. Title page, by striking line 2 and inserting  
11 the following: "condition of employment, providing  
12 exceptions, providing protective procedures, providing  
13 for the licensing of polygraph examiners, and  
14 providing administrative penalties."

Objection was raised.

The House stood at ease at 4:44 p.m. until the fall of the gavel.

The House resumed session and consideration of House File 102 and the committee amendment H—5021 at 5:34 p.m., Speaker Avenson in the chair.

Hermann of Scott offered the following amendment H—5038, to the committee amendment H—5021, filed by him and moved its adoption:

H—5038

- 1 Amend Amendment, H—5021, to House File 102, as
- 2 follows:
- 3 1. Page 1, line 10, by inserting before the
- 4 word "to" the following: "to an employer
- 5 involved in interstate transportation if the
- 6 employee could present a danger to the public."

Amendment H—5038 lost.

Sherzan of Polk asked and received unanimous consent to withdraw amendment H—5024, to the committee amendment H—5021, filed by him on January 26, 1988.

Sherzan of Polk moved the adoption of the committee amendment H—5021.

The committee amendment H—5021 lost.

Hermann of Scott offered amendment H—5030 filed by him and requested division as follows:

H—5030

- 1 Amend House File 102 as follows:

H—5030A

- 2 1. Page 1, line 13, by inserting after the word
- 3 "employment," the following: "knowingly".

H—5030B

- 4 2. Page 1, line 26, by inserting after the word
- 5 "employee" the words "who acted in good faith".

On motion by Hermann of Scott, amendment H—5030A was adopted.

On motion by Hermann of Scott, amendment H—5030B was adopted.

Bennett of Ida asked for unanimous consent to suspend Rule 31.8 for consideration of amendment H—5048.

Objection was raised.

Bennett of Ida moved that Rule 31.8, relating to the timely filing of amendments, be suspended for consideration of amendment H—5048 filed by him from the floor as follows:

H—5048

- 1 Amend House File 102 as follows:
- 2 1. Page 1, line 35, by striking the word "serious"
- 3 and inserting the word "simple".

Roll call was requested by Stromer of Hancock and Paulin of Plymouth.

On the question "Shall the rules be suspended to consider amendment H—5048?" (H.F. 102)

The ayes 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
Mullins	Paulin	Pellett	Petersen, D. F.
Plasier	Platt	Renken	Royer
Schneklath	Shoning	Siegrist	Stromer
Stueland	Swearingen	Tyrrell	Van Camp
Van Maanen			

The nays were, 55:

Arnould	Beatty	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	Norrsgard	Ollie
Osterberg	Parker	Pavich	Peters
Peterson, M. K.	Poncy	Renaud	Running
Schrader	Sherzan	Shoultz	Skow
Spear	Svoboda	Swartz	Tabor
Teaford	Wise	Mr. Speaker	

Absent or not voting, 4:

Adams

Bisignano

Miller

Rosenberg

The motion to suspend the rules lost.

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Adams of Hamilton on request of Dvorsky of Johnson; Rosenberg of Story on request of Jay of Appanoose, both for the remainder of the day.

Metcalf of Polk asked for unanimous consent to suspend Rule 31.8 for consideration of amendment H—5043.

Objection was raised.

Metcalf of Polk moved that Rule 31.8, relating to the timely filing of amendments, be suspended for consideration of amendment H—5043 filed by her from the floor as follows:

H—5043

- 1 Amend House File 102 as follows:
- 2 1. Page 1, line 25, by inserting after the word
- 3 "officer" the following: "or to an employer
- 4 administering a polygraph examination to an employee
- 5 who has access to controlled substances as defined in
- 6 section 204.101 but is not licensed to dispense the
- 7 controlled substances".

Roll call was requested by Stromer of Hancock and Carpenter of Polk.

On the question "Shall the rules be suspended to consider amendment H—5043?" (H.F. 102)

The ayes 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
Mullins	Paulin	Pellett	Petersen, D. F.
Plasier	Platt	Renken	Royer
Schneklath	Shoning	Siegrist	Stromer
Stueland	Swearingen	Tyrrell	Van Camp
Van Maanen			

The nays were, 54:

Arnould	Beatty	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.	Poncy	Renaud	Running
Schrader	Sherzan	Skow	Spear
Svoboda	Swartz	Tabor	Teaford
Wise	Mr. Speaker		

Absent or not voting, 5:

Adams	Bisignano	Miller	Rosenberg
Shoultz			

The motion to suspend the rules lost.

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

On the question "Shall the bill pass?" (H.F. 102)

The ayes were, 75:

Arnould	Beatty	Black	Blanshan
Brammer	Branstad	Buhr	Carpenter
Chapman	Clark	Cohoon	Connolly
Connors	Cooper	Corbett	De Groot
Diemer	Doderer	Dvorsky	Eddie
Fey	Fogarty	Fuller	Groninga
Gruhn	Halvorson, R. N.	Hammond	Hansen, S. D.
Hanson, D. R.	Harbor	Harper	Hatch
Haverland	Holveck	Jay	Jochum
Johnson	Knapp	Koenigs	Lageschulte
Lundby	May	McKinney	Muhlbauer
Mullins	Neuhauser	Norrgard	Ollie
Osterberg	Parker	Pavich	Peters
Peterson, M. K.	Plasier	Platt	Poncy
Renaud	Running	Schneklloth	Schrader
Sherzan	Shoning	Siegrist	Skow
Spear	Stromer	Stueland	Svoboda
Swartz	Swearingen	Tabor	Teaford
Van Camp	Wise	Mr. Speaker	



The nays were, 20:

Beaman	Bennett	Corey	Daggett
Garman	Halvorson, R. A.	Hermann	Hester
Hummel	Kremer	Maulsby	McKean
Metcalf	Paulin	Pellett	Petersen, D. F.
Renken	Royer	Tyrrell	Van Maanen

Absent or not voting, 5:

Adams	Bisignano	Miller	Rosenberg
Shoultz			

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

### MOTION TO RECONSIDER (House File 102)

I move to reconsider the vote by which House File 102 passed the House on February 3, 1988.

STROMER of Hancock

### BILL SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on February 3, 1988, he approved and transmitted to the Secretary of State the following bill:

Senate File 2031, a bill for an act relating to the reporting of results of the precinct caucuses, providing a penalty, 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 COMMERCE Professional Licensing and Regulation Division

The annual reports for the five licensing boards encompassed within the division pursuant to Section 258A.4(2), Code of Iowa.

### HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

#### **H.S.B. 673 Ways and Means**

Relating to the administration of the state's income, franchise, sales, services, use, fuel, and death taxes, providing penalties, and providing retroactive and effective dates.

#### **H.S.B. 674 Economic Development**

Establishing a community and rural development loan program to

assist communities in financing traditional and new infrastructure and housing for needy and elderly, authorizing the Iowa finance authority to issue bonds and notes for the program, and providing an appropriation from a revolving fund to be used for the program.

#### **H.S.B. 675 Energy and Environmental Protection**

Relating to and making appropriations of the petroleum overcharge funds.

#### **H.S.B. 676 Judiciary and Law Enforcement**

Relating to indemnification and the limitation of liability of directors and officers.

#### **H.S.B. 677 Judiciary and Law Enforcement**

Relating to the site of a probable cause hearing involving an alleged parole violation.

#### **H.S.B. 678 State Government**

To repeal a requirement that the state fire marshal maintain a filing system for fire hazard analyses.

#### **H.S.B. 679 Local Government**

Relating to the compilation and publication of delinquent personal property tax lists.

#### **H.S.B. 680 Local Government**

Providing minimum qualifications for the office of county sheriff.

### **SUBCOMMITTEE ASSIGNMENTS**

#### **House File 2089**

Agriculture: Fogarty, Chair; Branstad and Gruhn.

#### **House File 2090**

State Government: Running, Chair; Beatty and Garman.

#### **House File 2115**

Education: Teaford, Chair; Beaman, Connolly, Corey and Harper.

#### **House File 2148**

State Government: Blanshan, Chair; Buhr, Halvorson of Webster, Lundby and Van Camp.

## HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS

**House Study Bill 619**

Judiciary and Law Enforcement: Jay, Chair; Halvorson of Clayton, Hansen of Woodbury, Lageschulte and McKinney.

**House Study Bill 620**

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

**House Study Bill 651**

State Government: Running, Chair; Buhr, Halvorson of Webster, Hanson of Delaware and Van Camp.

**House Study Bill 652**

State Government: Lundby, Chair; Blanshan and Buhr.

**House Study Bill 658**

State Government: Knapp, Chair; Fuller and Garman.

## COMMITTEE RECOMMENDATIONS

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

JOSEPH O'HERN

Chief Clerk of the House

## COMMITTEE ON EDUCATION

**House File 2076**, a bill for an act including taxable property in certain school districts involved in dissolutions in the foundation property tax levy reduction provided on taxable property in certain school districts affected by a reorganization.

Fiscal Note is required.

Recommended **Do Pass** February 2, 1988.

**Committee Bill** (Formerly House Study Bill 545), a concurrent resolution directing the Department of Education to develop criteria for the establishment of an internship program.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 2, 1988.

## COMMITTEE ON STATE GOVERNMENT

**Senate Joint Resolution 1**, a joint resolution proposing amendments to the Constitution of the State of Iowa relating to the offices of the governor and lieutenant governor.

Fiscal Note is not required.

Recommended **Do Pass** February 2, 1988.

### RESOLUTIONS FILED

**HCR 108**, by Hammond and Mullins, a concurrent resolution relating to the designation of the vocational rehabilitation building as the Parker State Office Building in honor of Jessie M. Parker.

Referred to committee on **state government**.

**HCR 109**, by committee on education, a concurrent resolution directing the Department of Education to develop criteria for the establishment of an internship program.

Laid over under **Rule 25**.

### AMENDMENTS FILED

H-5044	H.F. 231	Shoning of Woodbury
H-5045	H.F. 2155	Corey of Louisa
H-5046	S.F. 2074	Doderer of Johnson
H-5047	H.F. 2076	Shoultz of Black Hawk
H-5049	H.F. 2071	Svoboda of Tama

On motion by Arnould of Scott, the House adjourned at 6:08 p.m., until 9:00 a.m., Thursday, February 4, 1988.

# JOURNAL OF THE HOUSE

Twenty-fifth Calendar Day — Sixteenth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Thursday, February 4, 1988

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

Prayer was offered by the Honorable Deo Koenigs, state representative from Mitchell County.

The Journal of Wednesday, February 3, 1988 was approved.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Bisignano of Polk on request of Wise of Lee; Rosenberg of Story on request of Hansen of Woodbury; Skow of Guthrie on request of Black of Jasper; Holveck of Polk on request of Hammond of Story, all until their arrival.

## INTRODUCTION OF BILLS

**House File 2176**, by Paulin, a bill for an act to increase the rate of the excise tax on motor fuel and special fuel and providing for the distribution of the revenues.

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

**House File 2177**, by Bisignano, a bill for an act relating to the application of the public employment relations Act to temporary public employees.

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

**House File 2178**, by Gruhn and De Groot, a bill for an act relating to the striking of prohibitions restricting certain cities from joining a chapter 28F entity for the purpose of financing electric power facilities, preventing a municipal power agency from furnishing power to a municipal utility not existing as of July 1, 1984, and preventing a city from joining a certain entity for financing electric power facilities without submission of the proposal to the voters.

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

**House File 2179**, by Black, a bill for an act extending civil service status to certain job classes funded by public grants or other temporary funds.

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

**House File 2180**, by Tyrrell, a bill for an act relating to requirements and restrictions applicable to certain employees of the general assembly, and providing a penalty.

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

**House File 2181**, by Gruhn, a bill for an act relating to the imposition by certain counties of local option hotel and motel taxes which apply to all incorporated and unincorporated areas of the county imposing the tax.

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

**House File 2182**, by Halvorson of Webster, a bill for an act to provide certain exemptions from a lien filed for the collection of individual income taxes.

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

**House File 2183**, by Mullins, a bill for an act relating to payment for supplies of uniform citations.

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

### SENATE MESSAGES CONSIDERED

**Senate File 348**, by Schwengels, Nystrom, Tieden, Gettings, Dieleman, Drake and Jensen, a bill for an act authorizing a state agency or a political subdivision of the state to contract to provide medical services.

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

**Senate File 2069**, by committee on education, a bill for an act relating to the organizational meeting of the state board of education.

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

**Senate File 2070**, by committee on transportation, a bill for an act relating to the application of certain transportation safety regulations.

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

**Senate File 2086**, by committee on agriculture, a bill for an act relating to the procurement of starch-based plastics and soybean-based inks by the department of general services, the state board of regents, the commission for the blind, and the state department of transportation.

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

**Senate File 2090**, by committee on state government, a bill for an act authorizing the provision of law enforcement administrative services by agreement between a county and a city and providing an effective date.

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

**Senate File 2091**, by committee on judiciary, a bill for an act relating to the offense of disorderly conduct and making a penalty applicable.

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

### RULES SUSPENDED

Arnould of Scott asked and received unanimous consent to suspend the rules and take up out of order Senate File 2037.

### CONSIDERATION OF BILLS Appropriations Calendar

**Senate File 2037**, a bill for an act relating to certain scholarship and grant programs administered by the college aid commission, including the requirements for receipt of a state scholarship and the repeal of the supplemental grant program, and providing appropriations and an effective date for the repeal, with report of committee recommending amendment and passage was taken up for consideration.

Connors of Polk in the chair at 9:22 a.m.

Poncy of Wapello asked and received unanimous consent to defer action on the committee amendment H—5032.

Poncy of Wapello offered the following amendment H—5035 filed by him and Wise of Lee and moved its adoption:

H—5035

- 1 Amend Senate File 2037 as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, by striking line 18 and inserting the
- 4 following: "1987, is amended to read as follows:
- 5 2. There is appropriated from the general fund of
- 6 the state to the commission for each fiscal year the
- 7 sum of ~~four~~ seven hundred fifty thousand dollars for
- 8 scholarships."
- 9 2. Page 1, by inserting after line 32 the
- 10 following:
- 11 "Sec. 100. Section 261.63, Code Supplement 1987,

- 12 is amended to read as follows:  
 13 261.63 APPROPRIATION.  
 14 Commencing July 1, ~~1987~~ 1988, there is appropriated  
 15 from the general fund of the state to the commission  
 16 for each fiscal year the sum of ~~eight~~ four hundred  
 17 fifty thousand dollars for supplemental grants."  
 18 3. Page 1, line 33, by inserting after the word  
 19 "repealed" the following: "effective July 1, 1989".  
 20 4. Page 1, line 34, by striking the words "is  
 21 repealed" and inserting the following: "as amended by  
 22 section 100 of this Act, is repealed effective July 1,  
 23 1989".  
 24 5. Page 2, by striking lines 2 through 6.

Amendment H—5035 was adopted.

Poncy of Wapello asked and received unanimous consent to withdraw amendment H—5032, previously deferred, filed by the committee on appropriations on February 1, 1988.

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

On the question "Shall the bill pass?" (S.F. 2037)

The ayes were, 89:

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



The nays were, 4:

Corbett	Halvorson, R. N.	Hammond	Norrgard
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Absent or not voting, 7:

Bisignano	Groninga	Holveck	Jay
Jochum	Rosenberg	Skow	

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

### IMMEDIATE MESSAGE (Senate File 2037)

Arnould of Scott asked and received unanimous consent that Senate File 2037 be immediately messaged to the Senate.

On motion by Arnould of Scott the House was recessed at 9:29 a.m., until 3:00 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 2123.

### CONSIDERATION OF BILLS Regular Calendar

**House File 2123**, a bill for an act relating to the inheritance laws by providing for the power of a surviving spouse's conservator to elect to take or refuse to take under a will or to elect to occupy the homestead, eliminating the time requirement when the share of a surviving spouse may be set off by referees when the spouse elects to take against the will, and providing for a share of an estate of a child born or adopted after execution of a testator's last will, was taken up for consideration.

Schneklloth of Scott offered the following amendment H—5041 filed by him:

H—5041

- 1 Amend House File 2123 as follows:
- 2 1. Page 1, by inserting before line 1 the
- 3 following:
- 4 "Section 1. Section 450.4, subsection 1, Code
- 5 1987, is amended by striking the subsection and
- 6 inserting in lieu thereof the following:

- 7 1. When the entire estate of the decedent, after  
 8 deducting the liabilities as defined in this chapter,  
 9 does not exceed the following amount:  
 10 a. For persons dying before July 1, 1989, ten  
 11 thousand dollars.  
 12 b. For persons dying on or after July 1, 1989, but  
 13 before July 1, 1990, one hundred thousand dollars.  
 14 c. For persons dying on or after July 1, 1990, but  
 15 before July 1, 1991, two hundred thousand dollars.  
 16 d. For persons dying on or after July 1, 1991, but  
 17 before July 1, 1992, three hundred thousand dollars.  
 18 e. For persons dying on or after July 1, 1992, but  
 19 before July 1, 1993, four hundred thousand dollars.  
 20 f. For persons dying on or after July 1, 1993, but  
 21 before July 1, 1994, five hundred thousand dollars.  
 22 g. For persons dying on or after July 1, 1994, six  
 23 hundred thousand dollars."  
 24 2. Title page, line 1, by inserting after the  
 25 word "by" the following: "exempting certain estates  
 26 from inheritance tax,".

McKinney of Dallas rose on a point of order that amendment H—5041 was not germane.

The Speaker ruled the point well taken and amendment H—5041 not germane.

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

On the question "Shall the bill pass?" (H.F. 2123)

The ayes were, 97:

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	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
Running	Schneklath	Schrader	Sherzan
Shoning	Shoultz	Siegrist	Skow
Spear	Stromer	Stueland	Svoboda
Swartz	Swearingen	Tabor	Teaford
Tyrrell	Van Camp	Van Maanen	Wise
Mr. Speaker			

The nays were, none.

Absent or not voting, 3:

Bisignano                      Fey                                      Ollie

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

### EXPLANATION OF VOTE

I was necessarily absent from the House chamber on Wednesday, February 3, 1988. Had I been present, I would have voted "aye" on House File 102.

ADAMS of Hamilton

### PRESENTATION OF VISITOR

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

### COMMUNICATION RECEIVED

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

#### HEALTH DATA COMMISSION

The Annual Report, pursuant to Chapter 145.6, Code of Iowa.

### HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

#### **H.S.B. 681    Judiciary and Law Enforcement**

Relating to the solemnization of marriage.

#### **H.S.B. 682    Human Resources**

Relating to the continued existence of the state and local foster care review boards.

**H.S.B. 683 State Government**

Relating to the establishment of a division on the status of blacks within the department of human rights.

**H.S.B. 684 Labor and Industrial Relations**

Relating to the determination of workers' compensation insurance rates.

**SUBCOMMITTEE ASSIGNMENTS****House File 2146**

Local Government: Spear, Chair; Norrgard and Petersen of Muscatine.

**House File 2151**

Ways and Means: Groninga, Chair; Renken and Tabor.

**House File 2152**

Local Government: Fuller, Chair; Cooper and Eddie.

**House File 2154**

Ways and Means: Parker, Chair; Fey and Lageschulte.

**House File 2158**

Natural Resources and Outdoor Recreation: Black, Chair; Diemer and Gruhn.

**House File 2161**

State Government: Renaud, Chair; Blanshan, Pavich, Renken and Van Camp.

**House File 2162**

State Government: Renaud, Chair; Blanshan, Pavich, Renken and Van Camp.

**House File 2173**

State Government: Running, Chair; Beatty and Garman.

**House File 2177**

Labor and Industrial Relations: Bisignano, Chair; Hester and Peters.

**Senate File 348**

State Government: Fuller, Chair; Pavich and Tyrrell.

**HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS****House Study Bill 575 (Reassigned)**

Natural Resources and Outdoor Recreation: Dvorsky, Chair; Black and Diemer.

**House Study Bill 634**

Local Government: Norrgard, Chair; Cooper and Petersen of Muscatine.

**House Study Bill 636**

Ways and Means: Tabor, Chair; Bennett and Parker.

**House Study Bill 638**

Transportation: Fey, Chair; Branstad and Neuhauser.

**House Study Bill 639**

Transportation: Renaud, Chair; Cooper and Maulsby.

**House Study Bill 640**

Transportation: Koenigs, Chair; Lageschulte and Muhlbauer.

**House Study Bill 641**

Transportation: Pavich, Chair; Fogarty and Harbor.

**House Study Bill 649**

Transportation: Connolly, Chair; De Groot and Fey.

**House Study Bill 650**

Transportation: Muhlbauer, Chair; Pavich and Royer.

**House Study Bill 657**

Transportation: Gruhn, Chair; De Groot, Muhlbauer, Pavich and Pellett.

**House Study Bill 663**

Economic Development: Connolly, Chair; Groninga and Lundby.

**House Study Bill 665**

State Government: Hammond, Chair; Connors, Halvorson of Webster, Hanson of Delaware and Shoning.

**House Study Bill 666**

State Government: Hammond, Chair; Connors, Halvorson of Webster, Hanson of Delaware and Shoning.

**House Study Bill 667**

State Government: Hammond, Chair; Connors, Halvorson of Webster, Hanson of Delaware and Shoning.

**House Study Bill 668**

State Government: Blanshan, Chair; Buhr and Lundby.

**House Study Bill 669**

Natural Resources and Outdoor Recreation: Dvorsky, Chair; Branstad and Schrader.

**House Study Bill 672**

Labor and Industrial Relations: Running, Chair; Bisignano and Metcalf.

**House Study Bill 673**

Ways and Means: Bisignano, Chair; Fey and Miller.

**House Study Bill 674**

Economic Development: Parker, Chair; Bennett, Dvorsky, Halvorson of Webster, Hanson of Delaware, Hummel and Wise.

**House Study Bill 678**

State Government: Knapp, Chair; Renaud and Shoning.

**House Study Bill 684**

Labor and Industrial Relations: Connors, Chair; Corey and Running.

**COMMITTEE RECOMMENDATIONS**

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

**JOSEPH O'HERN**

Chief Clerk of the House

**COMMITTEE ON ECONOMIC DEVELOPMENT**

**Committee Bill** (Formerly House Study Bill 607), relating to the lottery by striking the date for appointing the original commissioner of the lottery, permitting the purchase of pull-tab tickets from contractors not located in this state, modifying the rulemaking requirements of the lottery board, removing the requirement for serial numbering of pull-tab tickets, exempting pull-tab tickets from the stamping required by retailers, extending the time for submitting the annual report of the lottery, lowering the limit of the conflict of interest provisions to thirty-five dollars and incorporating the prohibitions of the gift law, authorizing the licensing of certain nonprofit organizations, modifying the hearing procedures for revocation and suspension of lottery licenses, permitting sales of tickets by members of certain nonprofit organizations, making penalties applicable, and providing an effective date.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 3, 1988.

**COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT**

**House File 2117**, a bill for an act allowing certain name changes in divorce and annulment decrees.

Fiscal Note is not required.

Recommended **Do Pass** February 3, 1988.

**COMMITTEE ON LOCAL GOVERNMENT**

**House File 2061**, a bill for an act to require members of examining boards and board of review to be residents of the assessor jurisdiction.

Fiscal Note is not required.

Recommended **Do Pass** February 3, 1988.

#### COMMITTEE ON NATURAL RESOURCES AND OUTDOOR RECREATION

**House File 2016**, a bill for an act relating to the law enforcement authority of the director and other designated employees of a county conservation board.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H—5050**, February 3, 1988.

**House File 2102**, a bill for an act to prohibit the taking of an albino deer and protected game, and providing penalties.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H—5051**, February 3, 1988.

**Committee Bill** (Formerly House Study Bill 635), exempting certain vessels from registration.

Fiscal Note is not required.

Recommended **Do Pass** February 3, 1988.

**Committee Bill** (Formerly House Study Bill 643), relating to commercial concessions operated on certain state-owned lands.

Fiscal Note is not required.

Recommended **Do Pass** February 3, 1988.

#### RESOLUTION FILED

**HCR 110**, by Swartz, a concurrent resolution urging the Department of Human Services to apply to the federal Medicaid program for a waiver to change the prescription drug reimbursement formula which applies to aged persons.

Referred to committee on **human resources**.

#### AMENDMENTS FILED

H—5050	H.F.	2016	Committee on Natural Resources and Outdoor Recreation
H—5051	H.F.	2102	Committee on Natural Resources and Outdoor Recreation
H—5052	S.F.	2074	Maulsby of Calhoun
H—5053	S.F.	2074	Schnekloth of Scott Carpenter of Polk
H—5054	H.F.	231	Petersen of Muscatine

H—5055                    S.F.    2074

Wise of Lee

Hanson of Delaware

Dvorsky of Johnson

Shoultz of Black Hawk

Osterberg of Linn

Johnson of Winneshiek

Peterson of Carroll

Rosenberg of Story

Groninga of Cerro Gordo

Carpenter of Polk

Clark of Cerro Gordo

Norrgard of Des Moines

Connolly of Dubuque

Adams of Hamilton

Doderer of Johnson

On motion by Arnould of Scott, the House adjourned at 3:28 p.m.  
until 9:00 a.m., Friday, February 5, 1988.



# JOURNAL OF THE HOUSE

Twenty-sixth Calendar Day — Seventeenth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Friday, February 5, 1988

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

Prayer was offered by the Honorable Don Platt, state representative from Muscatine County.

The Journal of Thursday, February 4, 1988 was approved.

## INTRODUCTION OF BILLS

**House File 2184**, by Harbor, a bill for an act disallowing a change of address from another precinct on election day and casting a ballot.

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

**House File 2185**, by Harbor, a bill for an act relating to reissuance of motor vehicle licenses.

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

**House File 2186**, by Connors, a bill for an act prohibiting rate-regulated public utilities from using automatic dialing-announcing device (ADAD) equipment to provide notice to customers of a pending disconnection of service, with civil penalties applicable.

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

**House File 2187**, by Osterberg, a bill for an act relating to the use of automatic dialing-announcing device (ADAD) equipment and providing a penalty.

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

**House File 2188**, by Black, a bill for an act relating to rules adopted by the department of inspections and appeals in setting minimum standards for health care facilities.

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

**House File 2189**, by Peterson of Carroll and Siegrist, a bill for an act relating to child abuse investigation reports made to subjects of reports by the department of human services.

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

**House File 2190**, by Halvorson of Clayton, a bill for an act to provide for whole grade sharing between a school district located in this state and a contiguous school district located in a contiguous state.

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

**House File 2191**, by committee on natural resources and outdoor recreation, a bill for an act relating to commercial concessions operated on certain state-owned lands.

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

**House File 2192**, by committee on natural resources and outdoor recreation, a bill for an act exempting certain vessels from registration.

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

### MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on February 4, 1988, adopted the following resolution in which the concurrence of the Senate was asked:

House Concurrent Resolution 104, a concurrent resolution relating to the establishment of a "sister state" relationship with the Republic of China (Taiwan) and a trade and investment office in Taiwan.

Also: That the Senate has on February 4, 1988, adopted the following resolution in which the concurrence of the House is asked:

Senate Concurrent Resolution 104, a concurrent resolution relating to the federal conservation reserve program.

JOHN F. DWYER, Secretary

The House stood at ease at 9:21 a.m., until the fall of the gavel.

The House resumed session at 9:47 a.m., Speaker Avenson in the chair.

The House stood at ease at 9:49 a.m., until the fall of the gavel.

The House resumed session at 11:41 a.m., Speaker Avenson in the chair.

### QUORUM CALL

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

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Mullins of Kossuth on request of Carpenter of Polk.

## RULES SUSPENDED

Arnould of Scott asked and received unanimous consent to suspend the rules and take up out of order Senate File 387 and House Files 2128 and 2129.

## CONSIDERATION OF BILLS

### Regular Calendar

**Senate File 387**, a bill for an act directing certain political subdivisions of the state to consider joint purchase of equipment, with report of committee recommending passage, was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 387)

The ayes were, 80:

Adams	Arnould	Beatty	Bennett
Bisignano	Blanshan	Brammer	Branstad
Buhr	Carpenter	Chapman	Clark
Cohon	Connors	Cooper	Diemer
Doderer	Dvorsky	Fey	Fogarty
Fuller	Garman	Groninga	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Harbor
Harper	Hatch	Haverland	Hermann
Hester	Holveck	Hummel	Jay
Jochum	Johnson	Knapp	Koenigs
Kremer	Lageschulte	Lundby	Maulsby
May	McKinney	Miller	Muhlbauer
Neuhauser	Norrgard	Ollie	Osterberg
Parker	Paulin	Pavich	Pellett
Peters	Petersen, D. F.	Peterson, M. K.	Poncy
Renaud	Rosenberg	Royer	Running
Schnekloth	Schrader	Sherzan	Shoning
Shoultz	Siegrist	Skow	Stromer
Stueland	Svoboda	Swartz	Swearingen
Tabor	Teaford	Van Camp	Mr. Speaker

The nays were, 16:

Beaman	Black	Corbett	Corey
Daggett	De Groot	Eddie	Hansen, S. D.
Hanson, D. R.	McKean	Metcalf	Plasier
Renken	Spear	Van Maanen	Wise

Absent or not voting, 4:

Connolly

Mullins

Platt

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 2193**, by committee on transportation, a bill for an act to increase the time period for which in-transit stickers are valid.

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

**House File 2194**, by committee on economic development, a bill for an act relating to the lottery by striking the date for appointing the original commissioner of the lottery, removing the requirement for serial numbering of pull-tab tickets, exempting pull-tab tickets from the stamping required by retailers, extending the time for submitting the annual report of the lottery, lowering the limit of the conflict of interest provisions to thirty-five dollars and incorporating the prohibitions of the gift law, authorizing the licensing of certain nonprofit organizations, modifying the hearing procedures for revocation and suspension of lottery licenses, permitting sales of tickets by members of certain nonprofit organizations, making penalties applicable, and providing an effective date.

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

### MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on February 5, 1988, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2037, a bill for an act relating to certain scholarship and grant programs administered by the college aid commission, including the requirements for receipt of a state scholarship and the repeal of the supplemental grant program, and providing appropriations and an effective date for the repeal.

JOHN F. DWYER, Secretary

### CONSIDERATION OF BILLS

#### Regular Calendar

**House File 2128**, a bill for an act relating to drugs, devices, and cosmetics, was taken up for consideration.

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

## On the question "Shall the bill pass?" (H.F. 2128)

The ayes were, 96:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Black	Blanshan
Brammer	Branstad	Buhr	Carpenter
Chapman	Clark	Cohoon	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.
Harper	Hatch	Haverland	Hermann
Hester	Holveck	Hummel	Jay
Jochum	Johnson	Knapp	Koenigs
Kremer	Lageschulte	Lundby	Maulsby
May	McKean	McKinney	Metcalf
Miller	Muhlbauer	Neuhausser	Norrsgard
Ollie	Osterberg	Parker	Paulin
Pavich	Pellett	Peters	Petersen, D. F.
Peterson, M. K.	Plasier	Platt	Poney
Renaud	Renken	Rosenberg	Royer
Running	Schnekloth	Schrader	Sherzan
Shoning	Shultz	Siegrist	Skow
Spear	Stromer	Stueland	Svoboda
Swartz	Swearingen	Taber	Teaford
Van Camp	Van Maanen	Wise	Mr. Speaker

The nays were, none.

Absent or not voting, 4:

Connolly	Harbor	Mullins	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 2129**, a bill for an act relating to brake requirements for certain trucks and truck tractors, was taken up for consideration.

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

## On the question "Shall the bill pass?" (H.F. 2129)

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	Diemer	Doderer
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	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	Swearingen	Tabor
Teaford	Van Camp	Van Maanen	Wise
Mr. Speaker			

The nays were, none.

Absent or not voting, 3:

Harbor                      Mullins                      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 12:03 p.m., until the fall of the gavel.

The House resumed session at 12:27 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 February 5, 1988, passed the following bill in which the concurrence of the Senate was asked:

House File 2082, a bill for an act relating to and making appropriations to the department of human services and to the Iowa finance authority for the remainder of the fiscal year ending June 30, 1988, allowing carryover of certain funds to the next fiscal year, and providing an effective date.

Also: That the Senate has on February 4, 1988, passed the following bill in which the concurrence of the House is asked:

Senate File 2094, a bill for an act relating to instructional requirements for human growth and development in grades kindergarten through twelve and providing an effective date.

JOHN F. DWYER, Secretary

## RULES SUSPENDED

Arnould of Scott asked and received unanimous consent to suspend the rules and take up out of order Senate File 2074.

## QUORUM CALL

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

## CONSIDERATION OF BILLS

## Ways and Means Calendar

**Senate File 2074**, a bill for an act relating to the extension of the applicability of House File 689, enacted during the Second Extraordinary Session of the Seventy-second General Assembly during 1987, updating references to the Internal Revenue Code, providing for retroactive applicability, and providing an effective date, with report of committee recommending amendment and passage, was taken up for consideration.

Doderer of Johnson offered the following amendment H—5033 filed by the committee on ways and means:

H—5033

- 1 Amend Senate File 2074 as amended, passed and
- 2 reprinted by the Senate as follows:
- 3 1. By striking everything after the enacting
- 4 clause and inserting the following:
- 5 "Section 1. Section 422.3, subsection 5, Code
- 6 1987, is amended by striking the subsection and
- 7 inserting in lieu thereof the following:
- 8 5. "Internal Revenue Code" means the Internal
- 9 Revenue Code of 1954, prior to the date of its
- 10 redesignation as the Internal Revenue Code of 1986 by
- 11 the Tax Reform Act of 1986, or means the Internal
- 12 Revenue Code of 1986 as amended to and including
- 13 January 1, 1988, whichever is applicable.
- 14 Sec. 2. Section 422.4, subsections 1, 4, 10, 11,
- 15 14, 17, and 18, Code Supplement 1987, are amended to
- 16 read as follows:
- 17 1. The words "taxable income" mean the net income
- 18 as defined in section 422.7 minus the deductions
- 19 allowed by section 422.9, in the case of individuals;
- 20 in the case of estates or trusts, the words "taxable
- 21 income" mean the taxable income (without a deduction
- 22 for personal exemption) as computed for federal income
- 23 tax purposes under the Internal Revenue Code of 1954,
- 24 but with the adjustments specified in section 422.7

25 plus the Iowa income tax deducted in computing said  
26 the federal taxable income and minus federal income  
27 taxes as provided in section 422.9.

28 4. The words "tax year" mean the calendar year, or  
29 the fiscal year ending during such calendar year, upon  
30 the basis of which the net income is computed under  
31 this division.

32 a. If a taxpayer has made the election provided by  
33 section 441, subsection "f", of the Internal Revenue  
34 Code of 1954, "tax year" means the annual period so  
35 elected, varying from fifty-two to fifty-three weeks.

36 b. If the effective date or the applicability of a  
37 provision of this division is expressed in terms of a  
38 tax year beginning, including, or ending with  
39 reference to a specified date which is the first or  
40 last day of a month, a tax year described in paragraph  
41 "a" of this subsection shall be treated as beginning  
42 with the first day of the calendar month beginning  
43 nearest to the first day of the tax year or as ending  
44 with the last day of the calendar month ending nearest  
45 to the last day of the tax year.

46 c. This subsection is effective for tax years  
47 ending on or after December 14, 1975.

48 10. The word "individual" means a natural person;  
49 and where if an individual is permitted to file as a  
50 corporation, under the provisions of the Internal

## Page 2

1 Revenue Code of 1954, such that fictional status shall  
2 is not be recognized for purposes of this chapter, and  
3 such the individual's taxable income shall be computed  
4 as required under the provisions of the Internal  
5 Revenue Code of 1954 relating to individuals not  
6 filing as a corporation, with the adjustments allowed  
7 by this chapter.

8 11. The term words "head of household" shall have  
9 has the same meaning as provided by the Internal  
10 Revenue Code of 1954.

11 14. The term word "wages" shall have has the same  
12 meaning as provided by the Internal Revenue Code of  
13 1954.

14 17. a. "Annual inflation factor" means an index,  
15 expressed as a percentage, determined by the  
16 department each year to reflect the purchasing power  
17 of the dollar as a result of inflation during the  
18 preceding calendar year. For the 1981 and subsequent  
19 calendar years, "annual inflation factor" means an  
20 index, expressed as a percentage, determined by the  
21 department by October 15 of the calendar year  
22 preceding the calendar year for which the factor is  
23 determined, to reflect which reflects the purchasing  
24 power of the dollar as a result of inflation during  
25 the fiscal year ending in the calendar year preceding



26 the calendar year for which the factor is determined.  
27 In determining the annual inflation factor, the  
28 department shall use the annual percent change, but  
29 not less than zero percent, in the implicit price  
30 deflator for the gross national product computed for  
31 the whole calendar year or for the second quarter of  
32 the calendar year, in the case of the annual inflation  
33 factor for the 1981 and subsequent calendar years, by  
34 the bureau of economic analysis of the United States  
35 department of commerce and shall add two-fourths for  
36 the 1980 and subsequent calendar years one-half of  
37 that percent change to one hundred percent. The  
38 annual inflation factor for the 1979 calendar year is  
39 one hundred two point three percent. The annual  
40 inflation factor and the cumulative inflation factor  
41 shall each be expressed as a percentage rounded to the  
42 nearest one-tenth of one percent. The annual  
43 inflation factor shall not be less than one hundred  
44 percent.

45 b. "Cumulative inflation factor" means the product  
46 of the annual inflation factor for the 1978 1988  
47 calendar year and all annual inflation factors for  
48 subsequent calendar years as determined pursuant to  
49 this subsection. The cumulative inflation factor  
50 applies to all tax years beginning on or after January

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1 1 of the calendar year for which the latest annual  
2 inflation factor has been determined.

3 c. The annual inflation factor for the 1978 1988  
4 calendar year is one hundred percent. Notwithstanding  
5 the computation of the annual inflation factor under  
6 paragraph "a", the annual inflation factor for the  
7 1987 calendar year is one hundred percent.

8 d. Notwithstanding the computation of the annual  
9 inflation factor under paragraph "a" of this  
10 subsection, the annual inflation factor is one hundred  
11 percent for any calendar year in which the unobligated  
12 state general fund balance on June 30 as certified by  
13 the director of revenue and finance by September 10 of  
14 the fiscal year beginning in that calendar year is  
15 less than sixty million dollars. However, for the  
16 1981 and subsequent calendar years, the annual  
17 inflation factor is one hundred percent for any  
18 calendar year if the unobligated state general fund  
19 balance on June 30 of the calendar year preceding the  
20 calendar year for which the factor is determined, as  
21 certified by the director of revenue and finance by  
22 October 10, is less than sixty million dollars.

23 18. For purposes of section 422.3, subsection 5,  
24 the Internal Revenue Code of 1954 shall be interpreted

25 to include the provisions of Pub. L. No. 98-4.

26 Sec. 3. Section 422.4, subsections 19 and 20, Code  
27 Supplement 1987, are amended to read as follows:

28 19. The definition of the Internal Revenue Code of  
29 1954 in section 422.3, subsection 5, shall be  
30 interpreted to include provisions of the Tax Reform  
31 Act of 1986, Pub. L. No. 99-514 which amended the  
32 Internal Revenue Code of 1954, and the Revenue Act of  
33 1987, Pub. L. No. 100-203, unless the context  
34 otherwise requires.

35 20. "Internal Revenue Code of 1986" means the  
36 Internal Revenue Code of 1954 as amended by the Tax  
37 Reform Act of 1986, Pub. L. No. 99-514 and the Revenue  
38 Act of 1987, Pub. L. No. 100-203.

39 Sec. 4. Section 422.4, subsections 19 and 20, Code  
40 Supplement 1987, are amended by striking the  
41 subsections.

42 Sec. 5. Section 422.5, subsection 1, Code  
43 Supplement 1987, is amended by striking the  
44 subsection.

45 Sec. 6. Section 422.5, subsection 1A, unnumbered  
46 paragraph 1, Code Supplement 1987, is amended to read  
47 as follows:

48 In lieu of subsection 1, a A tax is imposed upon  
49 every resident and nonresident of the state which tax  
50 shall be levied, collected, and paid annually upon and

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1 with respect to the entire taxable income as defined  
2 in this division at rates as follows:

3 Sec. 7. Section 422.5, subsection 1A, paragraph k,  
4 subparagraph (1), Code Supplement 1987, is amended to  
5 read as follows:

6 (1) Add items of tax preference included in  
7 federal alternative minimum taxable income under  
8 section 57, except subsections (a)(1), (a)(2), and  
9 (a)(5), of the Internal Revenue Code of 1986, make the  
10 adjustments included in federal alternative minimum  
11 taxable income under section 56, except subsections  
12 (a)(4), (b)(1)(C)(iii), and (d), of the Internal  
13 Revenue Code of 1986, and add losses as required by  
14 section 58 of the Internal Revenue Code of 1986. In  
15 the case of an estate or trust, the items of tax  
16 preference, adjustments, and losses shall be  
17 apportioned between the estate or trust and the  
18 beneficiaries in accordance with rules prescribed by  
19 the director.

20 Sec. 8. Section 422.5, subsection 2, unnumbered  
21 paragraph 2, Code Supplement 1987, is amended to read  
22 as follows:

23 However, for married persons filing jointly or

24 filing separately on a combined return, unmarried  
25 heads of household, and surviving spouses, references  
26 in this subsection and subsections 6 and 10 to five  
27 thousand dollars shall be interpreted to mean seven  
28 thousand five hundred dollars. In addition, if the  
29 married persons', filing jointly or filing separately  
30 on a combined return, unmarried head of household's,  
31 or surviving spouse's net income exceeds seven  
32 thousand five hundred dollars, the regular tax imposed  
33 under this division shall be the lesser of the maximum  
34 state individual income tax rate times the portion of  
35 the net income in excess of seven thousand five  
36 hundred dollars or the regular tax liability computed  
37 without regard to this sentence. Taxpayers electing  
38 to file separately shall compute the alternate tax  
39 described in this paragraph using the total net income  
40 of the husband and wife. However, the alternate tax  
41 described in this paragraph does not apply if one  
42 spouse elects to carry back or carry forward the loss  
43 as provided in section 422.9, subsection 3.

44 Sec. 9. Section 422.5, subsection 2, Code  
45 Supplement 1987, is amended by striking the subsection  
46 and inserting in lieu thereof the following:

47 2. However, the tax shall not be imposed on a  
48 resident or nonresident whose net income, as defined  
49 in section 422.7, is seven thousand five hundred  
50 dollars or less in the case of married persons filing

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1 jointly or filing separately on a combined return,  
2 unmarried heads of household, and surviving spouses or  
3 five thousand dollars or less in the case of all other  
4 persons; but in the event that the payment of tax  
5 under this division would reduce the net income to  
6 less than seven thousand five hundred dollars or five  
7 thousand dollars as applicable, then the tax shall be  
8 reduced to that amount which would result in allowing  
9 the taxpayer to retain a net income of seven thousand  
10 five hundred dollars or five thousand dollars as  
11 applicable. The preceding sentence does not apply to  
12 estates or trusts. For the purpose of this  
13 subsection, the entire net income, including any part  
14 of the net income not allocated to Iowa, shall be  
15 taken into account. If the combined net income of a  
16 husband and wife exceeds seven thousand five hundred  
17 dollars, neither of them shall receive the benefit of  
18 this subsection, and it is immaterial whether they  
19 file a joint return or separate returns. However, if  
20 a husband and wife file separate returns and have a  
21 combined net income of seven thousand five hundred  
22 dollars or less, neither spouse shall receive the

23 benefit of this paragraph, if one spouse has a net  
24 operating loss and elects to carry back or carry  
25 forward the loss as provided in section 422.9,  
26 subsection 3. A person who is claimed as a dependent  
27 by another person as defined in section 422.12 shall  
28 not receive the benefit of this subsection if the  
29 person claiming the dependent has net income exceeding  
30 seven thousand five hundred dollars or five thousand  
31 dollars as applicable or the person claiming the  
32 dependent and the person's spouse have combined net  
33 income exceeding seven thousand five hundred dollars  
34 or five thousand dollars as applicable.  
35 In addition, if the married persons', filing  
36 jointly or filing separately on a combined return,  
37 unmarried head of household's, or surviving spouse's  
38 net income exceeds seven thousand five hundred  
39 dollars, the regular tax imposed under this division  
40 shall be the lesser of the maximum state individual  
41 income tax rate times the portion of the net income in  
42 excess of seven thousand five hundred dollars or the  
43 regular tax liability computed without regard to this  
44 sentence. Taxpayers electing to file separately shall  
45 compute the alternate tax described in this paragraph  
46 using the total net income of the husband and wife.  
47 The alternate tax described in this paragraph does not  
48 apply if one spouse elects to carry back or carry  
49 forward the loss as provided in section 422.9,  
50 subsection 3.

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1 Sec. 10. Section 422.5, subsection 6, Code  
2 Supplement 1987, is amended to read as follows:  
3 6. A person who is disabled, is sixty-two years of  
4 age or older or is the surviving spouse of an  
5 individual or survivor having an insurable interest in  
6 an individual who would have qualified for the  
7 exemption under this paragraph for this tax year and  
8 receives one or more annuities from the United States  
9 civil service retirement and disability trust fund,  
10 and whose net income, as defined in section 422.7, is  
11 sufficient to require that the tax be imposed upon it  
12 under this section, may determine final taxable income  
13 for purposes of imposition of the tax by excluding the  
14 amount of annuities received from the United States  
15 civil service retirement and disability trust fund,  
16 which are not already excluded in determining net  
17 income, as defined in section 422.7, up to a maximum  
18 each tax year of five thousand five hundred six  
19 hundred twenty-seven dollars for a person who files a  
20 separate state income tax return and eight thousand  
21 one hundred eighty-four dollars total for a husband

22 and wife who file a joint state income tax return.  
23 However, a surviving spouse who is not disabled or  
24 sixty-two years of age or older can only exclude the  
25 amount of annuities received as a result of the death  
26 of the other spouse. The amount of the exemption  
27 shall be reduced by the amount of any social security  
28 benefits received. For the purpose of this section,  
29 the amount of annuities received from the United  
30 States civil service retirement and disability trust  
31 fund taxable under the Internal Revenue Code of 1954  
32 shall be included in net income for purposes of  
33 determining eligibility under the five thousand dollar  
34 or less exclusion.

35 Sec. 11. Section 422.5, subsections 6, 7, 8, and  
36 10, Code Supplement 1987, are amended to read as  
37 follows:

38 6. A person who is disabled, is sixty-two years of  
39 age or older or is the surviving spouse of an  
40 individual or survivor having an insurable interest in  
41 an individual who would have qualified for the  
42 exemption under this paragraph for this tax year and  
43 receives one or more annuities from the United States  
44 civil service retirement and disability trust fund,  
45 and whose net income, as defined in section 422.7, is  
46 sufficient to require that the tax be imposed upon it  
47 under this section, may determine final taxable income  
48 for purposes of imposition of the tax by excluding the  
49 amount of annuities received from the United States  
50 civil service retirement and disability trust fund,

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1 which are not already excluded in determining net  
2 income, as defined in section 422.7, up to a maximum  
3 each tax year of five thousand five hundred six  
4 hundred twenty-seven dollars for a person who files a  
5 separate state income tax return and eight thousand  
6 one hundred eighty-four dollars total for a husband  
7 and wife who file a joint state income tax return.  
8 However, a surviving spouse who is not disabled or  
9 sixty-two years of age or older can only exclude the  
10 amount of annuities received as a result of the death  
11 of the other spouse. The amount of the exemption  
12 shall be reduced by the amount of any social security  
13 benefits received. For the purpose of this section,  
14 the amount of annuities received from the United  
15 States civil service retirement and disability trust  
16 fund taxable under the Internal Revenue Code of 1954  
17 shall be included in net income for purposes of  
18 determining eligibility under the seven thousand five  
19 hundred dollar or less or five thousand dollar or less  
20 exclusion, as applicable.

21 7. Upon determination of the latest cumulative  
22 inflation factor, the director shall multiply each  
23 dollar amount set forth in subsection 1, paragraphs  
24 "a" through "m" and "i" of this section, and each  
25 dollar amount specified in this section as the maximum  
26 amount of annuities received which may be excluded in  
27 determining final taxable income, by this cumulative  
28 inflation factor, shall round off the resulting  
29 product to the nearest one dollar, and shall  
30 incorporate the result into the income tax forms and  
31 instructions for each tax year.

32 8. Income of an individual which is excluded from  
33 gross income under the Internal Revenue Code of 1954  
34 as a result of the provisions of the Hostage Relief  
35 Act of 1980, 94 stat. 1967, shall not be included as  
36 income in computing the tax imposed by this section.

37 10. In addition to the other taxes imposed by this  
38 section, a tax is imposed on the amount of a lump sum  
39 distribution for which the taxpayer has elected under  
40 section 402(e) of the Internal Revenue Code of 1954 to  
41 be separately taxed for federal income tax purposes  
42 for the tax year. The rate of tax is equal to twenty-  
43 five percent of the separate federal tax imposed on  
44 the amount of the lump sum distribution. A  
45 nonresident is liable for this tax only on that  
46 portion of the lump sum distribution allocable to  
47 Iowa. The total amount of the lump sum distribution  
48 subject to separate federal tax shall be included in  
49 net income for purposes of determining eligibility  
50 under the seven thousand five hundred dollar or less

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1 or five thousand dollar or less exclusion, as  
2 applicable.

3 Sec. 12. Section 422.6, unnumbered paragraph 2,  
4 Code 1987, is amended to read as follows:

5 The beneficiary of a trust who receives an  
6 accumulation distribution shall be allowed credit  
7 without interest for the Iowa income taxes paid by the  
8 trust attributable to ~~such~~ the accumulation  
9 distribution in a manner corresponding to the  
10 provisions for credit under the federal income tax  
11 relating to accumulation distributions as contained in  
12 the Internal Revenue Code of 1954. The trust shall is  
13 not be entitled to a refund of taxes paid on the  
14 distributions. The trust shall maintain detailed  
15 records to verify the computation of the tax.

16 Sec. 13. Section 422.7, unnumbered paragraph 1 and  
17 subsections 2, 6, 7, 8, 9, 11, 16A, 19, 21, 23, 24,  
18 and 27, Code Supplement 1987, are amended to read as  
19 follows:

20 The term "net income" means the adjusted gross  
21 income as properly computed for federal income tax  
22 purposes under the Internal Revenue Code of 1954, with  
23 the following adjustments:

24 2. Add interest and dividends from foreign  
25 securities and from securities of state and other  
26 political subdivisions exempt from federal income tax  
27 under the Internal Revenue Code of 1954.

28 6. Individual taxpayers and married taxpayers who  
29 file a joint federal income tax return and who elect  
30 to file a joint return, separate returns, or separate  
31 filing on a combined return for Iowa income tax  
32 purposes, may avail themselves of the disability  
33 income exclusion and shall compute the amount of the  
34 disability income exclusion subject to the limitations  
35 for joint federal income tax return filers provided by  
36 section 105(d) of the Internal Revenue Code of 1954.  
37 The disability income exclusion provided in section  
38 105(d) of the Internal Revenue Code of 1954, as  
39 amended up to and including December 31, 1982,  
40 continues to apply for state income tax purposes for  
41 tax years beginning on or after January 1, 1984.

42 7. Add to the taxable income of trusts, that  
43 portion of trust income excluded from federal taxable  
44 income under section 641(c) of the Internal Revenue  
45 Code of 1954.

46 8. Married taxpayers who file a joint federal  
47 income tax return and who elect to file separate  
48 returns or separate filing on a combined return for  
49 Iowa income tax purposes, may avail themselves of the  
50 expensing of business assets and capital loss

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1 provisions of sections 179(a) and 1211(b) respectively  
2 of the Internal Revenue Code of 1954 and shall compute  
3 the amount of expensing of business assets and capital  
4 loss subject to the limitations for joint federal  
5 income tax return filers provided by sections 179(b)  
6 and 1211(b) respectively of the Internal Revenue Code  
7 of 1954.

8 9. Subtract the amount of the jobs tax credit  
9 allowable for the tax year under section 51 of the  
10 Internal Revenue Code of 1954 to the extent that the  
11 credit increased federal adjusted gross income.

12 11. Subtract the amount of the alcohol fuel credit  
13 allowable for the tax year under section 40 of the  
14 Internal Revenue Code of 1954 to the extent that the  
15 credit increased federal adjusted gross income.

16 16A. Notwithstanding any other provision, add Add  
17 the amounts deducted and subtract the amounts included  
18 as income as a result of the treatment provided sale-

19 leaseback agreements under section 168(f)(8) of the  
20 Internal Revenue Code of 1954 for property placed in  
21 service by the transferee prior to January 1, 1986, to  
22 the extent that the amounts deducted and the amounts  
23 included in income are not otherwise deductible or  
24 included in income under the Internal Revenue Code of  
25 1954 as amended to and including December 31, 1985.  
26 Entitlement to depreciation on any property included  
27 in a sale-leaseback agreement which is placed in  
28 service by the transferee prior to January 1, 1986,  
29 shall be determined under the Internal Revenue Code of  
30 1954 as amended to and including December 31, 1985,  
31 excluding section 168(f)(8) in making the  
32 determination.

33 19. Married taxpayers, who file a joint federal  
34 income tax return and who elect to file separate  
35 returns or who elect separate filing on a combined  
36 return for state income tax purposes, shall include in  
37 net income any social security benefits or tier 1  
38 railroad retirement benefits received to the same  
39 extent as those benefits are taxable on the taxpayer's  
40 joint federal return for that year under section 86 of  
41 the Internal Revenue Code of 1954. The benefits  
42 included in net income must be allocated between the  
43 spouses in the ratio of the social security benefits  
44 or tier 1 railroad retirement benefits received by  
45 each spouse to the total of these benefits received by  
46 both spouses.

47 21. Add the four percent of the basic salary of a  
48 judge, who is a member of the judicial retirement  
49 system established in chapter 602, article 9, which is  
50 exempt from federal income tax under the Internal

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1 Revenue Code of 1954.

2 23. Add the amount of intangible drilling and  
3 development costs optionally deducted in the year paid  
4 or incurred as described in section 57(a)(2) of the  
5 Internal Revenue Code of 1954. This amount may be  
6 recovered through cost depletion or depreciation, as  
7 appropriate under rules prescribed by the director.

8 24. Add the percentage depletion amount determined  
9 with respect to an oil, gas, or geothermal well as  
10 described in section 57(a)(1) of the Internal Revenue  
11 Code of 1954.

12 27. Add interest and dividends from regulated  
13 investment companies exempt from federal income tax  
14 under the Internal Revenue Code of 1986 and subtract  
15 the loss on the sale or exchange of a share of a  
16 regulated investment company held for six months or  
17 less to the extent the loss was disallowed under



18 section 852(b)(4)(B) of the Internal Revenue Code of  
19 1986.

20 Sec. 14. Section 422.7, subsection 15, Code  
21 Supplement 1987, is amended by striking the subsection  
22 and inserting in lieu thereof the following:

23 15. Notwithstanding the method for computing the  
24 amount of travel expenses that may be deducted under  
25 section 162(h) of the Internal Revenue Code, for tax  
26 years beginning on or after January 1, 1987, a member  
27 of the general assembly whose place of residence  
28 within the legislative district is greater than fifty  
29 miles from the capitol building of the state may  
30 deduct the total amount per day determined under  
31 section 162(h)(1)(B) of the Internal Revenue Code and  
32 a member of the general assembly whose place of  
33 residence within the legislative district is fifty or  
34 fewer miles from the capitol building of the state may  
35 deduct fifty dollars per day. This subsection does  
36 not apply to a member of the general assembly who  
37 elects to itemize for state tax purposes the member's  
38 travel expenses.

39 Sec. 15. Section 422.7, subsections 5, 10, 12, 13,  
40 14, 16, 17, 20, 22, and 26, Code Supplement 1987, are  
41 amended by striking the subsections.

42 Sec. 16. Section 422.7, Code Supplement 1987, is  
43 amended by adding the following new subsection:

44 NEW SUBSECTION. Add the amount in excess of twelve  
45 thousand dollars of pensions or other retirement  
46 income received from any source which is not taxable  
47 under this division as a result of any other state  
48 law. Amounts received as social security benefits  
49 shall not be included in computing the amounts to be  
50 added under this subsection.

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1 Sec. 17. Section 422.8, subsection 2, Code 1987,  
2 is amended to read as follows:

3 2. Nonresident's net income allocated to Iowa is  
4 the net income, or portion thereof, which is derived  
5 from a business, trade, profession, or occupation  
6 carried on within this state or income from any  
7 property, trust, estate, or other source within Iowa.  
8 If any a business, trade, profession, or occupation is  
9 carried on partly within and partly without the state,  
10 only the portion of the net income which is fairly and  
11 equitably attributable to that part of the business,  
12 trade, profession, or occupation carried on within the  
13 state is allocated to Iowa for purposes of section  
14 422.5, subsection 1, paragraph "a" "j" and section  
15 422.13 and income from any property, trust, estate, or  
16 other source partly within and partly without the

17 state is allocated to Iowa in the same manner, except  
18 that annuities, interest on bank deposits and  
19 interest-bearing obligations, and dividends are  
20 allocated to Iowa only to the extent to which they are  
21 derived from a business, trade, profession, or  
22 occupation carried on within the state. However,  
23 income received by an individual who is a resident of  
24 another state is not allocated to Iowa if the income  
25 is subject to an income tax imposed by the state where  
26 the individual resides, and if the state of residence  
27 allows a similar exclusion for income received in that  
28 state by residents of Iowa. In order to implement the  
29 exclusions, the director shall designate by rule the  
30 states which allow a similar exclusion for income  
31 received by residents of Iowa, and may enter into  
32 agreements with other states to provide that similar  
33 exclusions will be allowed, and to provide suitable  
34 withholding requirements in each state.

35 Sec. 18. Section 422.9, subsection 1, Code  
36 Supplement 1987, is amended by striking the subsection  
37 and inserting in lieu thereof the following:

38 1. An optional standard deduction, after deduction  
39 of federal income tax, equal to one thousand two  
40 hundred thirty dollars for a married person who files  
41 separately or a single person or equal to three  
42 thousand thirty dollars for a husband and wife who  
43 file a joint return, a surviving spouse, or an  
44 unmarried head of household. The optional standard  
45 deduction shall not exceed the amount remaining after  
46 deduction of the federal income tax.

47 Sec. 19. Section 422.9, subsection 2, unnumbered  
48 paragraph 1, Code Supplement 1987, is amended to read  
49 as follows:

50 The total of contributions, interest, taxes,

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1 medical expense, nonbusiness losses, and miscellaneous  
2 expenses; and moving expenses; deductible for federal  
3 income tax purposes under the Internal Revenue Code of  
4 1954, with the following adjustments:

5 Sec. 20. Section 422.9, subsection 2, paragraph e,  
6 Code Supplement 1987, is amended by striking the  
7 paragraph.

8 Sec. 21. Section 422.9, subsection 3, unnumbered  
9 paragraph 1 and paragraph c, Code Supplement 1987, are  
10 amended to read as follows:

11 If, after applying all of the adjustments provided  
12 for in section 422.7, the allocation provisions of  
13 section 422.8, and the deductions allowable in this  
14 section subject to the modifications provided in  
15 section 172(d) of the Internal Revenue Code of 1954,

16 the taxable income results in a net operating loss,  
17 the net operating loss shall be deducted as follows:  
18 c. If the election under section 172(b)(3)(C) of  
19 the Internal Revenue Code of 1954 is made, the Iowa  
20 net operating loss shall be carried forward fifteen  
21 taxable years.

22 Sec. 22. Section 422.9, subsection 6, Code  
23 Supplement 1987, including four paragraphs, is amended  
24 by striking the subsection.

25 Sec. 23. Section 422.10, unnumbered paragraph 1,  
26 Code Supplement 1987, is amended to read as follows:

27 The taxes imposed under this division shall be  
28 reduced by a state tax credit for increasing research  
29 activities in this state. For individuals, the credit  
30 shall equal equals six and one-half percent of the  
31 state's apportioned share of the qualifying  
32 expenditures for increasing research activities. The  
33 state's apportioned share of the qualifying  
34 expenditures for increasing research activities is a  
35 percent equal to the ratio of qualified research  
36 expenditures in this state to total qualified research  
37 expenditures. For purposes of this section, an  
38 individual may claim a research credit for qualifying  
39 research expenditures incurred by a partnership,  
40 subchapter S corporation, and estate or trust electing  
41 to have the income taxed directly to the individual.  
42 The amount claimed by the individual shall be based  
43 upon the pro rata share of the individual's earnings  
44 of a partnership, subchapter S corporation, or estate  
45 or trust. For purposes of this section, "qualifying  
46 expenditures for increasing research activities" means  
47 the qualifying expenditures as defined for the federal  
48 credit for increasing research activities which would  
49 be allowable under section 30 41 of the Internal  
50 Revenue Code of 1954, in effect on January 1, 1985, or

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1 which would be allowable under section 41 of the  
2 Internal Revenue Code of 1986.

3 Sec. 24. Section 422.12, subsection 1, paragraph  
4 c, Code Supplement 1987, is amended to read as  
5 follows:

6 c. For each dependent, an additional ten dollars.  
7 As used in this section, the term "dependent" shall  
8 have has the same meaning as provided by the Internal  
9 Revenue Code of 1954.

10 Sec. 25. Section 422.12, subsection 2, unnumbered  
11 paragraph 1, Code Supplement 1987, is amended to read  
12 as follows:

13 A child and dependent care credit equal to forty-  
14 five percent of the federal child and dependent care

15 credit provided in section 21 of the Internal Revenue  
16 Code of 1954.

17 Sec. 26. Section 422.13, subsection 1, paragraph  
18 a, Code Supplement 1987, is amended to read as  
19 follows:

20 a. The individual is required to file a federal  
21 income tax return under the Internal Revenue Code of  
22 1954.

23 Sec. 27. Section 422.16, subsection 1, unnumbered  
24 paragraph 1, Code Supplement 1987, is amended to read  
25 as follows:

26 Every withholding agent and every employer as  
27 defined in this chapter and further defined in the  
28 Internal Revenue Code of 1954, with respect to income  
29 tax collected at source, making payment of wages to a  
30 nonresident employee working in Iowa, or to a resident  
31 employee, shall deduct and withhold from the wages an  
32 amount which will approximate the employee's annual  
33 tax liability on a calendar year basis, calculated on  
34 the basis of tables to be prepared by the department  
35 and schedules or percentage rates, based on the wages,  
36 to be prescribed by the department. Every employee or  
37 other person shall declare to the employer or  
38 withholding agent the number of the employee's or  
39 other person's personal exemptions and dependency  
40 exemptions or credits to be used in applying the  
41 tables and schedules or percentage rates. However, no  
42 greater number of personal or dependency exemptions or  
43 credits may be declared by the employee or other  
44 person than the number to which the employee or other  
45 person is entitled except as allowed under section  
46 3402(m)(1) of the Internal Revenue Code of 1954. The  
47 claiming of exemptions or credits in excess of  
48 entitlement is a serious misdemeanor.

49 Sec. 28. Section 422.16, subsection 11, paragraphs  
50 a and d, Code Supplement 1987, are amended to read as

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1 follows:

2 a. Every person or married couple filing a return  
3 shall make estimated tax payments if the person's or  
4 couple's Iowa income tax attributable to income other  
5 than wages subject to withholding can reasonably be  
6 expected to amount to fifty dollars or more for the  
7 taxable year, except that, in the cases of farmers and  
8 fishers fishermen, the exceptions provided in the  
9 Internal Revenue Code of 1954 with respect to making  
10 estimated payments apply. The estimated tax shall be  
11 paid in quarterly installments. The first installment  
12 shall be paid on or before the last day of the fourth  
13 month of the taxpayer's tax year for which the

14 estimated payments apply. The other installments  
15 shall be paid on or before June 30, September 30, and  
16 January 31. However, at the election of the person or  
17 married couple, any installment of the estimated tax  
18 may be paid prior to the date prescribed for its  
19 payment. If a person or married couple filing a  
20 return has reason to believe that the person's or  
21 couple's Iowa income tax may increase or decrease,  
22 either for purposes of meeting the requirement to make  
23 estimated tax payments or for the purpose of  
24 increasing or decreasing estimated tax payments, the  
25 person or married couple shall increase or decrease  
26 any subsequent estimated tax payments accordingly.

27 d. Any amount of estimated tax paid is a credit  
28 against the amount of tax found payable on a final,  
29 completed return, as provided in subsection 9,  
30 relating to the credit for the tax withheld against  
31 the tax found payable on a return properly and  
32 correctly prepared under sections 422.5 through  
33 422.25, and any overpayment of one dollar or more  
34 shall be refunded to the taxpayer and the return  
35 constitutes a claim for refund for this purpose.  
36 Amounts less than one dollar shall not be refunded.  
37 The method provided by the Internal Revenue Code of  
38 1954 for determining what is applicable to the  
39 addition to tax for underpayment of the tax payable  
40 applies to persons required to make payments of  
41 estimated tax under this section except the amount to  
42 be added to the tax for underpayment of estimated tax  
43 is an amount determined at the rate in effect under  
44 section 421.7. This addition to tax specified for  
45 underpayment of the tax payable is not subject to  
46 waiver provisions relating to reasonable cause, except  
47 as provided in the Internal Revenue Code of 1954.  
48 Underpayment of estimated tax shall be determined in  
49 the same manner as provided under the Internal Revenue  
50 Code of 1954 and the exceptions in the Internal

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1 Revenue Code of 1954 also apply.  
2 Sec. 29. Section 422.20, subsection 2, Code  
3 Supplement 1987, is amended to read as follows:  
4 2. It shall be is unlawful for any an officer,  
5 employee, or agent, or former officer, employee, or  
6 agent of the state to disclose to any person, except  
7 as authorized in subsection 1 of this section, any  
8 federal tax return or return information as defined in  
9 section 6103(b) of the Internal Revenue Code of 1954.  
10 It ~~shall further~~ be is unlawful for any a person to  
11 whom any federal tax return or return information, as  
12 defined in section 6103(b) of the Internal Revenue

13 Code of 1954, is disclosed in a manner unauthorized by  
14 subsection 1 of this section to thereafter print or  
15 publish in any manner not provided by law any such  
16 return or return information. Any A person committing  
17 an offense against the foregoing violating this  
18 provision shall be is guilty of a serious misdemeanor.

19 Sec. 30. Section 422.21, unnumbered paragraphs 4,  
20 5, and 6, Code Supplement 1987, are amended to read as  
21 follows:

22 The director shall determine for the ~~1979~~ 1989 and  
23 each subsequent calendar years year the annual and  
24 cumulative inflation factors for ~~those~~ each calendar  
25 years year to be applied to tax years beginning on or  
26 after January 1 of that calendar year. The director  
27 shall compute the new dollar amounts as specified  
28 therein to be adjusted in section 422.5 by the latest  
29 cumulative inflation factor and round off the result  
30 to the nearest one dollar. The annual and cumulative  
31 inflation factors determined by the director are not  
32 rules as defined in section 17A.2, subsection 7.

33 The department shall provide on income tax forms or  
34 in the instruction booklets in a manner that will be  
35 noticeable to the taxpayers a statement to the extent  
36 that, even though the taxpayer may not have any  
37 federal or state income tax liability, the taxpayer  
38 may be eligible for the federal earned income tax  
39 credit. The statement shall also contain notice of  
40 where the taxpayer may check on the taxpayer's  
41 eligibility for this credit.

42 The department shall prepare and make available a  
43 special return for filing a tax refund claim resulting  
44 from the net capital gain deduction authorized in  
45 section 422.9, subsection 6. The special returns  
46 shall be designed so that the department will be able  
47 to compile data that identifies the source and type of  
48 the capital gains and losses and the geographical  
49 location of the transactions involving the capital  
50 gains and losses. By January 15, 1989, the department

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1 shall make available to the general assembly the data  
2 compiled from the special returns filed during the  
3 previous calendar year.

4 Sec. 31. Section 422.25, subsection 1, unnumbered  
5 paragraph 1, Code 1987, is amended to read as follows:

6 Within three years after the return is filed or  
7 within three years after the return became due,  
8 including any extensions of time for filing, whichever  
9 time is the later, the department shall examine it and  
10 determine the correct amount of tax, and the amount  
11 determined by the department is the tax. However, if

12 the taxpayer omits from income an amount which will,  
13 under the Internal Revenue Code of 1954, extend the  
14 statute of limitations for assessment of federal tax  
15 to six years under the federal law, the period for  
16 examination and determination is six years. In  
17 addition to the applicable period of limitation for  
18 examination and determination, the department may make  
19 an examination and determination at any time within  
20 six months from the date of receipt by the department  
21 of written notice from the taxpayer of the final  
22 disposition of any matter between the taxpayer and the  
23 internal revenue service with respect to the  
24 particular tax year. In order to begin the running of  
25 the ~~six months'~~ six-month period, the notice shall be  
26 in writing in any form sufficient to inform the  
27 department of the final disposition with respect to  
28 that year, and a copy of the federal document showing  
29 the final disposition or final federal adjustments  
30 shall be attached to the notice.

31 Sec. 32. Section 422.32, subsection 1, Code  
32 Supplement 1987, is amended to read as follows:

33 1. The word "corporation" includes joint stock  
34 companies, and associations organized for pecuniary  
35 profit, ~~except limited partnerships organized under~~  
36 chapter 545 and publicly traded partnerships taxed as  
37 corporations under the Internal Revenue Code.

38 Sec. 33. Section 422.32, subsection 11, Code  
39 Supplement 1987, is amended to read as follows:

40 11. "Internal Revenue Code" means the Internal  
41 Revenue Code of 1954, prior to the date of its  
42 redesignation as the Internal Revenue Code of 1986 by  
43 the Tax Reform Act of 1986, or means the Internal  
44 Revenue Code of 1986 as amended to and including  
45 January 1, 1987 1988, whichever is applicable.

46 Sec. 34. Section 422.32, subsection 11, Code  
47 Supplement 1987, is amended by striking the  
48 subsection.

49 Sec. 35. Section 422.33, Code Supplement 1987, is  
50 amended by adding the following new subsection:

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1 NEW SUBSECTION. 1A. There is imposed upon each  
2 corporation exempt from the general business tax on  
3 corporations by section 422.34, subsections 2 through  
4 6, a tax at the rates in subsection 1 upon the state's  
5 apportioned share computed in accordance with  
6 subsections 2 and 3 of the unrelated business income  
7 computed in accordance with the Internal Revenue Code  
8 and with the adjustments set forth in section 422.35.

9 Sec. 36. Section 422.72, subsection 2, Code  
10 Supplement 1987, is amended to read as follows:

11 2. Federal tax returns, copies of returns, and  
12 return information as defined in section 6103(b) of  
13 the Internal Revenue Code of 1954, which are required  
14 to be filed with the department for the enforcement of  
15 the income tax laws of this state, shall be deemed and  
16 held as confidential by the department and subject to  
17 the disclosure limitations in subsection 1 of this  
18 section.

19 Sec. 37. Section 450.1, unnumbered paragraph 2,  
20 Code 1987, is amended to read as follows:

21 For purposes of this chapter, unless the context  
22 otherwise requires, "personal representative" means an  
23 executor, administrator, or trustee as each is defined  
24 in section 633.3 and "Internal Revenue Code" means the  
25 same as defined in section 422.3.

26 Sec. 38. Section 450.3, subsections 2 and 7, Code  
27 1987, are amended to read as follows:

28 2. By deed, grant, sale, gift or transfer made  
29 within three years of the death of the grantor or  
30 donor, which is not a bona fide sale for an adequate  
31 and full consideration in money or money's worth and  
32 which is in excess of the annual gift tax exclusion  
33 allowable for each donee under section 2503,  
34 subsections b and e of the Internal Revenue Code of  
35 1954 as defined in section 422.3. If both spouses  
36 consent, a gift made by one spouse to a person who is  
37 not the other spouse is considered, for the purposes  
38 of this subsection, as made one half by each spouse  
39 under the same terms and conditions provided for in  
40 section 2513 of the Internal Revenue Code of 1954 as  
41 defined in section 422.3.

42 7. Which qualifies as a qualified terminable  
43 interest property as defined in section 2056(b)(7)(B)  
44 of the Internal Revenue Code of 1954 as defined in  
45 section 422.3, shall, if an election is made, be  
46 treated and considered as passing in fee, or its  
47 equivalent, to the surviving spouse in the estate of  
48 the donor-grantor. Property on which the election is  
49 made shall be included in the gross estate of the  
50 surviving spouse and shall be deemed to have passed in

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1 fee from the surviving spouse to the persons  
2 succeeding to the remainder interest, unless the  
3 property was sold, distributed, or otherwise disposed  
4 of prior to the death of the surviving spouse. A  
5 sale, disposition, or disposal of the property prior  
6 to the death of the surviving spouse shall void the  
7 election, and shall subject the property disposed of,  
8 less amounts received or retained by the surviving  
9 spouse, to tax in the donor-grantor's estate in the



10 same manner as if the tax had been deferred under  
11 sections 450.44 through 450.49.

12 Sec. 39. Section 450.37, subsection 1, paragraph  
13 b, Code 1987, is amended to read as follows:

14 b. The alternate value of the property, if the  
15 personal representative so elects, that has been  
16 established for federal estate tax purposes under  
17 section 2032 of the Internal Revenue Code of 1954 as  
18 defined in section 422.3. The election shall be  
19 exercised on the return by the personal representative  
20 or other person signing the return, within the time  
21 prescribed by law for filing the return or before the  
22 expiration of any extension of time granted for filing  
23 the return.

24 Sec. 40. Section 450A.1, subsection 5, Code  
25 Supplement 1987, is amended to read as follows:

26 5. "Internal Revenue Code" means the same as the  
27 term is defined in section 422.3 422.32.

28 Sec. 41. Section 450B.1, Code 1987, is amended to  
29 read as follows:

30 450B.1 DEFINITIONS.

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

33 1. "Internal Revenue Code of 1954" means the same  
34 as defined in section 422.3.

35 2. "Taxpayer" means a qualified heir liable for  
36 the inheritance tax imposed under chapter 450 on  
37 qualified real property.

38 3. "Qualified real property", "qualified use",  
39 "cessation of qualified use", and "qualified heir"  
40 mean the same as defined in section 2032A of the  
41 Internal Revenue Code of 1954.

42 4. For purposes of subsection 1, the Internal  
43 Revenue Code of 1954 shall be interpreted to include  
44 the provisions of Pub. L. No. 98-4.

45 Sec. 42. Section 450B.2, Code 1987, is amended to  
46 read as follows:

47 450B.2 ALTERNATE ELECTION OF VALUE FOR QUALIFIED  
48 USE.

49 Notwithstanding section 450.37, the value of  
50 qualified real property for the purpose of the tax

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1 imposed under chapter 450 may, at the election of the  
2 taxpayer, be its value for the use under which it  
3 qualifies as prescribed by section 2032A of the  
4 Internal Revenue Code of 1954. A taxpayer may make an  
5 election under this section only if all of the  
6 following conditions are met:

7 1. An election for federal estate tax purposes was  
8 made with regard to the qualified real property under

9 section 2032A of the Internal Revenue Code of 1954.

10 2. All persons who signed the agreement referred  
11 to in section 2032A(d)(2) of the Internal Revenue Code  
12 of 1954 make the election under this section and sign  
13 an agreement with the department of revenue and  
14 finance consenting to the application of section  
15 450B.3 with respect to the qualified real property.

16 3. The total decrease in the value of the  
17 qualified real property as a result of the election  
18 under this section does not exceed the dollar  
19 limitation specified in section 2032A(a)(2) of the  
20 Internal Revenue Code of 1954.

21 The election under this section shall be made by  
22 the taxpayer in the manner as the director of revenue  
23 and finance may prescribe by rule. The value for the  
24 qualified use under this section shall be the value as  
25 determined and accepted for federal estate tax  
26 purposes.

27 The definitions and special rules specified in  
28 section 2032A(e) of the Internal Revenue Code of 1954  
29 shall apply with respect to qualified real property  
30 for which an election was made under this section  
31 except that rules shall be prescribed by the director  
32 of revenue and finance in lieu of the regulations  
33 promulgated by the secretary of treasury.

34 The director shall prescribe regulations setting  
35 forth the application of this chapter in the case of  
36 an interest in a partnership, corporation, or trust  
37 which, with respect to the decedent, is an interest in  
38 a closely held business within the meaning of section  
39 6166(b)(1) of the Internal Revenue Code of 1954. Such  
40 regulations shall conform as nearly as possible with  
41 the regulations promulgated by the United States  
42 secretary of treasury in respect to such interests.

43 Sec. 43. Section 450B.3, Code 1987, is amended to  
44 read as follows:

45 450B.3 ADDITIONAL INHERITANCE TAX APPLICABLE.

46 There is imposed upon the qualified heir an  
47 additional inheritance tax if, within ten years after  
48 the decedent's death and before the death of the  
49 qualified heir, the qualified heir disposes of, other  
50 than to a member of the family, any interest in

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1 qualified real property for which an election under  
2 section 450B.2 was made or ceases to use for the  
3 qualified use the qualified real property for which an  
4 election under section 450B.2 was made as prescribed  
5 in section 2032A(c) of the Internal Revenue Code of  
6 1954. The additional inheritance tax shall be the  
7 amount computed under section 450B.5 and shall be due

8 six months after the date of the disposition or  
9 cessation of qualified use referred to in this  
10 section. The amount of the additional inheritance tax  
11 shall accrue interest at the rate of ten percent per  
12 year from nine months after the decedent's death to  
13 the due date of the tax. The tax shall be paid to the  
14 department of revenue and finance and shall be  
15 deposited into the general fund of the state. Taxes  
16 not paid within the time prescribed in this section  
17 shall draw interest at the rate of ten percent per  
18 annum until paid. There shall not be an additional  
19 inheritance tax if the disposition or cessation occurs  
20 ten years or more after the decedent's death.

21 Sec. 44. Section 451.1, subsection 8, Code 1987,  
22 is amended to read as follows:

23 8. "Internal Revenue Code of 1954" means the same  
24 as defined in section 422.3.

25 Sec. 45. Section 451.2, unnumbered paragraph 1,  
26 Code 1987, is amended to read as follows:

27 An amount equal to the federal estate tax credit  
28 for state death taxes as allowed in the Internal  
29 Revenue Code of 1954 is hereby imposed upon every  
30 transfer of the net estate of every decedent, being a  
31 resident of, or owning property in this state, as  
32 herein provided.

33 Sec. 46. Section 451.3, Code 1987, is amended to  
34 read as follows:

35 451.3 GROSS AND NET ESTATE.

36 The gross estate shall be the same as finally  
37 determined for federal estate tax and the net estate  
38 shall be the gross estate less deductions as permitted  
39 by federal law, in arriving at the net taxable federal  
40 estate, all determined as provided in the Internal  
41 Revenue Code of 1954.

42 Sec. 47. 1987 Iowa Acts, Second Extraordinary  
43 Session, chapter 1, section 13, is amended to read as  
44 follows:

45 SEC. 13. Section 422.4, subsection 17, section  
46 422.5, subsection 7, section 422.7, subsections 10,  
47 12, 14, 15, 22, and 26, section 422.9, subsection 2,  
48 paragraph "e", and section 422.21, unnumbered  
49 paragraph 4, do not apply.

50 Sec. 48. 1987 Iowa Acts, Second Extraordinary

#### Page 21

1 Session, chapter 1, section 16, is amended to read as  
2 follows:

3 SEC. 16. Sections 1 through 10, 13, and 14 of this  
4 Act are retroactive to January 1, 1987 for tax years  
5 beginning in the 1987 calendar year only on or after  
6 that date.

7    Sec. 49. 1987 Iowa Acts, Second Extraordinary  
8 Session, chapter 1, sections 13 and 14, are repealed.

9    Sec. 50. For purposes of tax years beginning in  
10 the 1988 calendar year, references in section 422.9,  
11 subsection 6, unnumbered paragraph 4 and section  
12 422.21, unnumbered paragraph 6, to the year 1987,  
13 1988, or 1989, shall mean the year 1988, 1989, or  
14 1990, respectively.

15    Sec. 51. The Code editor shall renumber sections  
16 422.5, subsection 1A, as section 422.5, subsection 1.  
17 References in the Iowa Code to section 422.5,  
18 subsection 1, shall mean section 422.5, subsection 1A,  
19 as renumbered. The Code editor may renumber other  
20 subsections as a result of this Act.

21    Sec. 52. Sections 3, 8, 10, 14, 32, 33, 47, and 48  
22 of this Act are retroactive to January 1, 1987, for  
23 tax years beginning on or after that date.

24    Sec. 53. Sections 1, 2, 4, 5, 6, 7, 9, 11, 12, 13,  
25 15 through 21, 23 through 29, 31, 34, 35, 36, 49, and  
26 51 of this Act are retroactive to January 1, 1988, for  
27 tax years beginning on or after that date.

28    Sec. 54. Sections 22 and 30 of this Act are  
29 effective January 1, 1989, for tax years beginning on  
30 or after that date.

31    Sec. 55. Sections 37, 38, 39, and 41 through 46 of  
32 this Act are effective January 1, 1988, for estates of  
33 persons dying on or after that date.

34    Sec. 56. Section 40 of this Act is retroactive to  
35 October 22, 1986, for generation skipping transfers  
36 which are eligible for the credit for state taxes  
37 under section 2604 of the Internal Revenue Code and  
38 are made after October 22, 1986, subject to the  
39 special rules of section 1433(b) of Pub. L. No. 99-  
40 514.

41    Sec. 57. Sections 3, 8, 33, 40, and 47 of this Act  
42 are repealed January 1, 1988, for tax years beginning  
43 on or after that date or for estates of persons dying  
44 on or after that date.

45    Sec. 58. This Act, being deemed of immediate  
46 importance, takes effect upon enactment."

47    2. Title page, line 5, by inserting after the  
48 word "applicability," the following: "taxing  
49 unrelated business income of certain nonprofit  
50 organizations, repealing capital gains refund

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1 provisions, limiting the amount of state tax exempt  
2 pensions, striking obsolete provisions,".

The House stood at ease at 12:53 p.m., until the fall of the gavel.

The House resumed session and consideration of the committee amendment H—5033 to Senate File 2074 at 2:20 p.m., Speaker Avenson in the chair.

The House stood at ease at 2:21 p.m., until the fall of the gavel.

The House resumed session and consideration of the committee amendment H—5033 to Senate File 2074 at 2:38 p.m., Speaker Avenson in the chair.

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Eddie of Buena Vista on request of Stueland of Clinton; Swearingen of Keokuk on request of Carpenter of Polk, both for the remainder of the day.

Hummel of Benton offered the following amendment H—5058, to the committee amendment H—5033, filed from the floor by Hummel, Van Maanen and Tyrrell:

H—5058

- 1 Amend the Committee amendment, H—5033, to Senate
- 2 File 2074, as amended, passed, and reprinted by the
- 3 Senate, as follows:
- 4 1. Page 2, by striking lines 29 through 36 and
- 5 inserting the following: "not less than zero percent,
- 6 in the implicit price deflator for the gross national
- 7 product consumer price index computed for the whole
- 8 calendar year or for the second quarter of the
- 9 calendar year, in the case of the annual inflation
- 10 factor for the 1981 and subsequent calendar years, by
- 11 the bureau of economic analysis of the United States
- 12 department of commerce by the bureau of labor
- 13 statistics of the United States department of labor,
- 14 all urban consumers, or its successor, and shall add
- 15 two-fourths for the 1980 and subsequent calendar years
- 16 of".
- 17 2. Page 3, by striking lines 8 through 22 and in-
- 18 serting the following:
- 19 "d. Notwithstanding the computation of the annual
- 20 inflation factor under paragraph "a" of this
- 21 subsection, the annual inflation factor is one hundred
- 22 percent for any calendar year in which the unobligated
- 23 state general fund balance on June 30 as certified by
- 24 the director of revenue and finance by September 10 of
- 25 the fiscal year beginning in that calendar year is
- 26 less than sixty million dollars. However, for the
- 27 1981 and subsequent calendar years, the annual

28 inflation factor is one hundred percent for any  
29 calendar year if the unobligated state general fund  
30 balance on June 30 of the calendar year preceeding the  
31 calendar year for which the factor is determined, as  
32 certified by the director of revenue and finance by  
33 October 10, is less than sixty million dollars."

Hummel of Benton asked and received unanimous consent to defer action on amendment H—5058.

Doderer of Johnson offered amendment H—5061, to the committee amendment H—5033, filed by her and Arnould of Scott from the floor. Division of the amendment was requested as follows:

H—5061

- 1 Amend the Committee amendment, H—5033, to Senate
- 2 File 2074, as amended, passed and reprinted by the
- 3 Senate, as follows:

H—5061A

- 4 1. Page 2, by striking lines 37 through 39 and
- 5 inserting the following: "that percent change to one
- 6 hundred percent. The annual inflation factor for the
- 7 1979 calendar year is one hundred two point three
- 8 percent. The annual".
- 9 2. Page 2, line 46, by striking the figures:
- 10 "1978 1988" and inserting the following: "1978".
- 11 3. Page 3, by striking lines 3 through 7 and
- 12 inserting the following:
- 13 "c. The annual inflation factor for the 1978
- 14 calendar year is one hundred percent. Notwithstanding
- 15 the computation of the annual inflation factor under
- 16 paragraph "a", the annual inflation ~~factor~~ factors for
- 17 the 1987 and 1988 calendar year is years are one
- 18 hundred percent."
- 19 4. Page 3, line 42, by striking the word and
- 20 figure "subsection 1" and inserting the following:
- 21 "subsection 1A".
- 22 5. By striking page 3, line 45, through page 4,
- 23 line 19.
- 24 6. Page 6, line 35, by striking the figure "7,".
- 25 7. Page 7, by striking lines 21 through 31.

H—5061B

- 26 8. Page 10, by inserting after line 50 the
- 27 following:
- 28 "Sec. 100. Section 422.7, Code Supplement 1987, is
- 29 amended by adding the following new subsection:
- 30 NEW SUBSECTION. Subtract sixty percent of the net
- 31 capital gain as computed in section 1202 of the
- 32 Internal Revenue Code in effect for tax years
- 33 beginning in the 1986 calendar year."

H—5061A

- 34 9. Page 11, by striking lines 1 through 34.  
35 10. Page 15, line 22, by striking the figures  
36 "1979 1989" and inserting the following: "1979".  
37 11. Page 21, by striking lines 15 through 20.  
38 12. Page 21, line 24, by striking the figure  
39 "5,".  
40 13. Page 21, line 25, by striking the figure  
41 "49,".

H—5061C

- 42 14. Page 21, line 28, by inserting after the word  
43 "Sections" the following: "5, 49, 100,".

H—5061A

- 44 15. Page 21, line 41, by striking the word and  
45 figures "40, and 47" and inserting the following:  
46 "and 40".  
47 16. Page 21, by inserting after line 44 the  
48 following:  
49 "Sec. \_\_\_\_\_. Section 47 of this Act is repealed  
50 January 1, 1989, for tax years beginning on or after

Page 2

- 1 that date."

H—5061C

- 2 17. Page 22, line 1, by inserting after the word  
3 "provisions" the following: "and rate structure,  
4 allowing a capital gains deduction".

De Groot of Lyon rose on a point of order and invoked Joint Rule 17, requiring a fiscal note, on amendment H—5061A.

The Speaker ruled the point not well taken and a fiscal note not in order.

Groninga of Cerro Gordo in the chair at 3:37 p.m.

Speaker Avenson in the chair at 4:05 p.m.

Doderer of Johnson asked and received unanimous consent to withdraw amendment H—5061A.

Maulsby of Calhoun offered the following amendment H—5052, to the committee amendment H—5033, filed by him and moved its adoption:

H—5052

- 1 Amend the Committee amendment, H—5033 to Senate
- 2 File 2074, as amended, passed, and reprinted by the
- 3 Senate, as follows:
- 4 1. Page 4, by striking lines 4 through 19 and
- 5 inserting the following: "Code Supplement 1987, is
- 6 amended by striking the paragraph."
- 7 2. Page 11, by inserting after line 34 the
- 8 following:
- 9 "Sec. 17A. Section 422.8, subsection 4, Code 1987,
- 10 is amended by striking the subsection."
- 11 3. Page 21, line 24, by inserting after the
- 12 figure "13," the following: "17A,".
- 13 4. Page 21, line 50, by inserting after the word
- 14 "organizations," the following: "repealing the
- 15 individual alternative minimum tax,".

Roll call was requested by Stromer of Hancock and Maulsby of Calhoun.

On the question "Shall amendment H—5052, to the committee amendment H—5033, be adopted?" (S.F. 2074)

The ayes were, 37:

Beaman	Branstad	Carpenter	Clark
Corbett	Corey	Daggett	De Groot
Diemer	Garman	Halvorson, R. A.	Hanson, D. R.
Harbor	Hermann	Hester	Hummel
Lageschulte	Lundby	Maulsby	McKean
Metcalf	Miller	Paulin	Pellett
Petersen, D. F.	Plasier	Platt	Renken
Royer	Schnekloth	Shoning	Siegrist
Stromer	Stueland	Tyrrell	Van Camp
Van Maanen			

The nays were, 52:

Adams	Arnould	Beatty	Bisignano
Blanshan	Brammer	Buhr	Cohoon
Connolly	Connors	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
Norrgard	Ollie	Parker	Pavich
Peters	Peterson, M. K.	Renaud	Rosenberg
Running	Schrader	Sherzan	Shoultz
Skow	Spear	Svoboda	Swartz
Tabor	Teaford	Wise	Mr. Speaker



Absent or not voting, 11:

Bennett	Black	Chapman	Cooper
Eddie	Holveck	Kremer	Mullins
Osterberg	Poncy	Swearingen	

Amendment H—5052 lost.

Van Camp of Scott offered the following amendment H—5060, to the committee amendment H—5033, filed by him from the floor and moved its adoption:

H—5060

- 1 Amend the Committee amendment H—5033 to Senate File
- 2 2074, as amended, passed and reprinted by the Senate,
- 3 as follows:
- 4 1. Page 4, line 50, by inserting after the words
- 5 "case of" the following: "single persons fifty-five
- 6 years of age or older,".
- 7 2. Page 5, line 35, by inserting after the words
- 8 "if the" the following: "single fifty-five year or
- 9 older person's,".

A non-record roll call was requested.

The ayes were 32, nays 47.

Amendment H—5060 lost.

Carpenter of Polk offered the following amendment H—5056, to the committee amendment H—5033, filed by Osterberg of Linn and Carpenter of Polk from the floor and moved its adoption:

H—5056

- 1 Amend the Committee amendment, H—5033, to Senate
- 2 File 2074, as amended, passed, and reprinted by the
- 3 Senate, as follows:
- 4 1. Page 5, line 15, by inserting after the word
- 5 "account." the following: "For purposes of this
- 6 subsection, net income includes all amounts of pen-
- 7 sions or other retirement income received from any
- 8 source which is not taxable under this division as a
- 9 result of any other state law."

Amendment H—5056 was adopted.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Holveck of Polk, until his return, on request of Hammond of Story; Bennett of Ida on request of Stromer of Hancock; Poncy of Wapello, Chapman of Linn and Osterberg of Linn on request of Arnould of Scott, all for the remainder of the day.

Sherzan of Polk offered the following amendment H—5063, to the committee amendment H—5033, filed from the floor by Sherzan, Beaman, Poncy, Running, Renaud, Skow, Van Camp, Fuller and Beatty and moved its adoption:

H—5063

- 1 Amend the Committee amendment, H—5033, to Senate
- 2 File 2074, as amended, passed, and reprinted by the
- 3 Senate, as follows:
- 4 1. Page 10, by striking lines 42 through 50.
- 5 2. Page 22, lines 1 and 2, by striking the words
- 6 "limiting the amount of state tax exempt pensions,".

Roll call was requested by Renaud of Polk and Sherzan of Polk.

On the question "Shall amendment H—5063, to the committee amendment H—5033, be adopted?" (S.F. 2074)

The ayes were, 46:

Arnould	Beaman	Beatty	Bisignano
Black	Blanshan	Branstad	Connolly
Connors	Cooper	Corbett	Daggett
Dvorsky	Fogarty	Fuller	Groninga
Halvorson, R. A.	Hansen, S. D.	Harbor	Haverland
Jay	Knapp	Lundby	McKean
McKinney	Muhlbauer	Ollie	Parker
Pavich	Peters	Petersen, D. F.	Platt
Renaud	Running	Sherzan	Shoning
Shoultz	Siegrist	Skow	Spear
Stromer	Svoboda	Swartz	Tyrrell
Van Camp	Mr. Speaker		

The nays were, 41:

Adams	Brammer	Buhr	Carpenter
Cohoon	De Groot	Diemer	Doderer
Fey	Garman	Gruhn	Halvorson, R. N.
Hammond	Hanson, D. R.	Harper	Hatch
Hermann	Hester	Hummel	Jochum
Johnson	Koenigs	Kremer	Lageschulte
Maulsby	May	Metcalf	Miller
Neuhauser	Norrgard	Paulin	Pellett
Peterson, M. K.	Plasier	Renken	Rosenberg
Schnekloth	Stueland	Tabor	Teaford
Van Maanen			

Absent or not voting, 13:

Bennett	Chapman	Clark	Corey
Eddie	Holveck	Mullins	Osterberg
Poncy	Royer	Schrader	Swearingen
Wise			

Amendment H—5063 was adopted.

The House resumed consideration of amendment H—5061B, to the committee amendment H—5033.

Doderer of Johnson asked and received unanimous consent to withdraw amendment H—5061B.

Halvorson of Clayton offered the following amendment H—5042, to the committee amendment H—5033, filed by him and Harbor of Mills and moved its adoption:

H—5042

1 Amend the Committee amendment H—5033 to Senate File  
2 2074, as amended, passed, and reprinted by the Senate,  
3 as follows:

4 1. Page 10, by inserting after line 50 the  
5 following:

6 "Sec. 100. Section 422.7, Code Supplement 1987, is  
7 amended by adding the following new subsection:  
8 NEW SUBSECTION. Subtract sixty percent of the net  
9 capital gain as computed in section 1202 of the  
10 Internal Revenue Code in effect for tax years  
11 beginning in the 1986 calendar year."

12 2. Page 21, line 25, by striking the word and  
13 figures: "21, 23 through 29" and inserting the  
14 following: "29,100".

15 3. Page 21, by striking line 28 and inserting the  
16 following:

17 "Sec. \_\_\_\_\_. Section 30 of this Act is".

18 4. Page 22, line 1, by inserting before the word  
19 "limiting" the following: "allowing a capital gains  
20 deduction,".

Roll call was requested by Stromer of Hancock and Maulsby of Calhoun.

Rule 75 was invoked.

On the question "Shall amendment H—5042, to the committee amendment H—5033, be adopted?" (S.F. 2074)

The ayes were, 40:

Beaman	Black	Branstad	Carpenter
Clark	Corbett	Corey	Daggett
De Groot	Diemer	Fogarty	Garman
Halvorson, R. A.	Hanson, D. R.	Harbor	Hermann
Hester	Hummel	Kremer	Lageschulte
Lundby	Maulsby	McKean	Metcalf
Miller	Paulin	Pellett	Petersen, D. F.
Platt	Renken	Royer	Schneklath
Shoning	Siegrist	Skow	Stromer
Stueland	Tyrrell	Van Camp	Van Maanen

The nays were, 53:

Adams	Arnould	Beatty	Bisignano
Blanshan	Brammer	Buhr	Cohoon
Connolly	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
Neuhauser	Norrgard	Ollie	Parker
Pavich	Peters	Peterson, M. K.	Plasier
Renaud	Rosenberg	Running	Schrader
Sherzan	Shoultz	Spear	Svoboda
Swartz	Tabor	Teaford	Wise
Mr. Speaker			

Absent or not voting, 7:

Bennett	Chapman	Eddie	Mullins
Osterberg	Poncy	Swearingen	

Amendment H—5042 lost.

Schnekloth of Scott asked and received unanimous consent to withdraw amendment H—5053, to the committee amendment H—5033, filed by him and Carpenter of Polk on February 4, 1988.

Carpenter of Polk offered the following amendment H—5059; to the committee amendment H—5033, filed from the floor by her and Schnekloth of Scott and moved its adoption:

H—5059

- 1 Amend the Committee amendment H—5033 to Senate File
- 2 2074, as amended, passed, and reprinted by the Senate,
- 3 as follows:
- 4 1. Page 10, by inserting after line 50 the
- 5 following:
- 6 "Sec. 160. Section 422.7, Code Supplement 1987, is
- 7 amended by adding the following new subsection:
- 8 **NEW SUBSECTION.** Subtract sixty percent of the net
- 9 capital gain as computed in section 1202 of the
- 10 Internal Revenue Code in effect for tax years
- 11 beginning in the 1986 calendar year. For purposes of
- 12 determining the amount to be subtracted, the net
- 13 capital gain shall not exceed seventeen thousand five
- 14 hundred dollars. Married taxpayers who elect separate
- 15 filing on a combined return for state tax purposes are
- 16 treated as one taxpayer and the amount of net capital
- 17 gain to be used to determine the total amount to be
- 18 subtracted by them shall not exceed seventeen thousand
- 19 five hundred dollars in the aggregate. Married

20 taxpayers who file jointly or separately on a combined  
 21 return shall prorate the seventeen thousand five  
 22 hundred dollar limitation between them based on the  
 23 ratio of each spouse's net capital gain to the total  
 24 net capital gain of both spouses. In the case of  
 25 married taxpayers filing separate returns, the amount  
 26 of net capital gain to be used to determine the amount  
 27 to be subtracted by each spouse shall not exceed eight  
 28 thousand seven hundred and fifty dollars. Any income  
 29 or loss resulting from the forfeiture, transfer, or  
 30 sale or exchange described in section 422.7,  
 31 subsection 25, shall not be used in computing net  
 32 capital gain for purposes of this subsection."

33 2. Page 21, line 25, by striking the word and  
 34 figures: "21, 23 through 29" and inserting the  
 35 following: "29,160".

36 3. Page 21, by striking line 28 and inserting the  
 37 following:

38 "Sec. \_\_\_\_\_. Section 30 of this Act is".

39 4. Page 22, line 1, by inserting before the word  
 40 "limiting" the following: "allowing a capital gains  
 41 deduction,".

Roll call was requested by Carpenter of Polk and Paulin of Plymouth.

On the question "Shall amendment H—5059, to the committee amendment H—5033, be adopted?" (S.F. 2074)

The ayes were, 43:

Beaman	Black	Branstad	Carpenter
Clark	Cooper	Corbett	Corey
Daggett	De Groot	Diemer	Fogarty
Garman	Halvorson, R. A.	Hanson, D. R.	Harbor
Hermann	Hester	Hummel	Kremer
Lageschulte	Lundby	Maulsby	McKean
Metcalf	Miller	Muhlbauer	Paulin
Pellett	Petersen, D. F.	Plasier	Platt
Renken	Royer	Schneklloth	Shoning
Siegrist	Skow	Stromer	Stueland
Tyrrell	Van Camp	Van Maanen	

The nays were, 50:

Adams	Arnould	Beatty	Bisignano
Blanshan	Brammer	Buhr	Cohoon
Connolly	Connors	Doderer	Dvorsky
Fey	Fuller	Groninga	Gruhn
Halvorson, R. N.	Hammond	Hansen, S. D.	Harper
Hatch	Haverland	Holveck	Jay
Jochum	Johnson	Knapp	Koenigs

May	McKinney	Neuhauser	Norrgard
Ollie	Parker	Pavich	Peters
Peterson, M. K.	Renaud	Rosenberg	Running
Schrader	Sherzan	Shoultz	Spear
Svoboda	Swartz	Tabor	Teaford
Wise	Mr. Speaker		

Absent or not voting, 7:

Bennett	Chapman	Eddie	Mullins
Osterberg	Poncy	Swearingen	

Amendment H—5059 lost.

Stromer of Hancock offered the following amendment H—5062 to the committee amendment H—5033, filed from the floor by Stromer, Mullins, Branstad, Carpenter, Schnekloth, Beaman, Maulsby, McKean, Bennett and Petersen of Muscatine and moved its adoption:

H—5062

- 1 Amend the Committee amendment, H—5033, to Senate
- 2 File 2074, as amended, passed, and reprinted by the
- 3 Senate, as follows:
- 4 1. Page 10, by inserting after line 50 the
- 5 following:
- 6 "Sec. 140. Section 422.7, Code Supplement 1987, is
- 7 amended by adding the following new subsection:
- 8 NEW SUBSECTION. In the case of self-employed
- 9 individuals, subtract the amount paid for insurance
- 10 which constitutes medical care for the taxpayer, the
- 11 taxpayer's spouse, and dependents which is not
- 12 deductible under section 162(m) of the Internal
- 13 Revenue Code. The amount deducted under this
- 14 subsection is not allowable to the taxpayer as an
- 15 itemized deduction under section 422.9, subsection 2."
- 16 2. Page 21, line 24, by inserting after the
- 17 figure "13," the following: "140,".
- 18 3. Page 21, line 50, by inserting after the word
- 19 "organizations," the following: "allowing self-
- 20 employeds to deduct certain medical care insurance,".

Roll call was requested by Stromer of Hancock and Maulsby of Calhoun.

Rule 75 was invoked.

On the question "Shall amendment H—5062, to the committee amendment H—5033, be adopted?" (S.F. 2074)

The ayes were, 44:

Beaman	Black	Branstad	Carpenter
Clark	Cooper	Corbett	Corey

Daggett	De Groot	Diemer	Fuller
Garman	Gruhn	Halvorson, R. A.	Hammond
Hanson, D. R.	Harbor	Hermann	Hester
Hummel	Kremer	Lageschulte	Lundby
Maulsby	McKean	Metcalf	Miller
Muhlbauer	Paulin	Pellett	Petersen, D. F.
Plasier	Platt	Renken	Royer
Schnekloth	Shoning	Siegrist	Stromer
Stueland	Tyrrell	Van Camp	Van Maanen

The nays were, 49:

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

Absent or not voting, 7:

Bennett	Chapman	Eddie	Mullins
Osterberg	Poncy	Swearingen	

Amendment H—5062 lost.

Doderer of Johnson offered the following amendment H—5046, to the committee amendment H—5033, filed by her and moved its adoption:

H—5046

- 1 Amend the Committee amendment, H—5033, to Senate
- 2 File 2074, as amended, passed, and reprinted by the
- 3 Senate, as follows:
- 4 1. Page 11, line 1, by striking the word and
- 5 figure "subsection 2" and inserting the following:
- 6 "subsections 2 and 4".
- 7 2. Page 11, line 2, by striking the word "is" and
- 8 inserting the following: "are".
- 9 3. Page 11, by inserting after line 34 the
- 10 following:
- 11 "4. The amount of minimum tax paid to another
- 12 state or foreign country by a resident taxpayer of
- 13 this state from preference items derived from sources
- 14 outside of Iowa shall be allowed as a credit against
- 15 the tax computed under this division except that the

16 credit shall not exceed what the amount of state  
17 alternative minimum tax would have been on the same  
18 preference items which were taxed by the other state  
19 or foreign country. The limitation on this credit  
20 shall be computed according to the following formula:  
21 The total of preference items earned outside of Iowa  
22 and taxed by another state or foreign country shall be  
23 divided by the total of preference items of the  
24 resident taxpayer of Iowa. In computing this  
25 quotient, those items excludable under section 422.5,  
26 subsection 1, paragraph "e" "k", subparagraph (1)  
27 shall not be used in computing the preference items.  
28 This quotient multiplied times the net state  
29 alternative minimum tax as determined in section  
30 422.5, subsection 1, paragraph "e" "k" on the total of  
31 preference items as if entirely earned in Iowa shall  
32 be the maximum tax credit against the Iowa alternative  
33 minimum tax. However, the maximum tax credit will not  
34 be allowed to the extent that the minimum tax imposed  
35 by the other state or foreign country is less than the  
36 maximum tax credit computed above."

Amendment H—5046 was adopted.

Rosenberg of Story asked and received unanimous consent to withdraw amendment H—5055, to the committee amendment H—5033, filed by Rosenberg, et al., on February 4, 1988.

Doderer of Johnson offered the following amendment H—5065, to the committee amendment H—5033, filed by her from the floor:

H—5065

1 Amend the Committee amendment, H—5033, to Senate  
2 File 2074, as amended, passed, and reprinted by the  
3 Senate, as follows:  
4 1. Page 16, by inserting after line 48 the  
5 following:  
6 "Sec. 200. Section 422.33, subsection 4, paragraph  
7 a, Code Supplement 1987, is amended to read as  
8 follows:  
9 a. Add items of tax preference included in federal  
10 alternative minimum taxable income under section 57,  
11 except subsections (a)(1) and (a)(5), of the Internal  
12 Revenue Code, make the adjustments included in federal  
13 alternative minimum taxable income under section 56,  
14 except subsections (a)(4) and (d), of the Internal  
15 Revenue Code, and add losses as required by section 58  
16 of the Internal Revenue Code. In making the  
17 adjustment under section 56(c)(1) of the Internal  
18 Revenue Code, interest and dividends from federal  
19 securities and interest and dividends from state and



20 other political subdivisions, and from regulated  
 21 investment companies exempt from federal income tax  
 22 under the Internal Revenue Code net of amortization of  
 23 any discount or premium shall be subtracted."

24 2. Page 21, line 24, by inserting after the  
 25 figure "13," the following: "200,".

Doderer of Johnson asked and received unanimous consent to defer action on amendment H—5065.

The House resumed consideration of amendment H—5061C, to the committee amendment H—5033.

Doderer of Johnson asked and received unanimous consent to withdraw amendment H—5061C (found on page 270 of the House Journal).

The House resumed consideration of amendment H—5058, to the committee amendment H—5033, previously deferred.

Hummel of Benton moved the adoption of amendment H—5058, to the committee amendment H—5033.

Roll call was requested by Stromer of Hancock and Hummel of Benton.

On the question "Shall amendment H—5058, to the committee amendment H—5033, be adopted?" (S.F. 2074)

The ayes were, 35:

Beaman	Branstad	Clark	Corbett
Corey	Daggett	De Groot	Diemer
Garman	Hanson, D. R.	Harbor	Hermann
Hester	Hummel	Kremer	Lageschulte
Maulsby	McKean	Metcalf	Miller
Paulin	Pellett	Petersen, D. F.	Plasier
Platt	Renken	Royer	Schneklath
Shoning	Siegrist	Stromer	Stueland
Tyrrell	Van Camp	Van Maanen	

The nays were, 51:

Adams	Arnould	Beatty	Bisignano
Black	Blanshan	Brammer	Buhr
Cohoon	Connolly	Connors	Cooper
Doderer	Dvorsky	Fey	Fogarty
Fuller	Groninga	Gruhn	Hammond
Hansen, S. D.	Harper	Hatch	Haverland
Holveck	Jay	Jochum	Johnson
Knapp	Koenigs	May	McKinney
Muhlbauer	Neuhauser	Norrgard	Ollie
Pavich	Peters	Peterson, M. K.	Renaud

Rosenberg	Running	Schrader	Sherzan
Shoultz	Skow	Spear	Tabor
Teaford	Wise	Mr. Speaker	

Absent or not voting, 14:

Bennett	Carpenter	Chapman	Eddie
Halvorson, R. A.	Halvorson, R. N.	Lundby	Mullins
Osterberg	Parker	Poncy	Svoboda
Swartz	Swearingen		

Amendment H—5058 lost.

Doderer of Johnson offered the following amendment H—5066, to the committee amendment H—5033, filed by her from the floor:

H—5066

- 1 Amend the Committee amendment H—5033 to Senate File
- 2 2074, as amended, passed and reprinted by the Senate,
- 3 as follows:
- 4 1. Page 10, by inserting after line 50 the
- 5 following:
- 6 "Sec. 180. Section 422.7, Code Supplement 1987, is
- 7 amended by adding the following new subsection:
- 8 NEW SUBSECTION. Subtract, to the extent included,
- 9 the amount of public and private pensions or other
- 10 retirement income received unless the combined net
- 11 income plus all pensions and other retirement income
- 12 of the taxpayer and the taxpayer's spouse exceeds
- 13 sixteen thousand four hundred fifty dollars. The
- 14 sixteen thousand four hundred fifty dollar amount
- 15 shall be indexed for inflation by multiplying the
- 16 amount by the latest cumulative inflation factor as
- 17 determined under section 422.4, subsection 17."
- 18 2. Page 21, line 24, by inserting after the
- 19 figure "13," the following: "180,".

Doderer of Johnson asked and received unanimous consent to defer action on amendment H—5066.

The House resumed consideration of amendment H—5065, to the committee amendment H—5033, previously deferred.

Doderer of Johnson asked and received unanimous consent to withdraw amendment H—5065.

Hummel of Benton offered the following amendment H—5067, to the committee amendment H—5033, filed by him and Doderer of Johnson from the floor and moved its adoption:

H—5067

1 Amend the Committee amendment H—5033 to Senate File  
2 2074, as amended, passed and reprinted by the Senate,  
3 as follows:

4 1. Page 10, by inserting after line 50 the  
5 following:

6 "Sec. 200. Section 422.7, Code Supplement 1987, is  
7 amended by adding the following new subsection:

8 NEW SUBSECTION. Subtract twelve thousand dollars,  
9 if the taxpayer is sixty-five years of age or older.  
10 The amount to be subtracted under this subsection  
11 shall be reduced by the amount of state of Iowa  
12 pensions or other state of Iowa retirement income  
13 received which is not taxable under this division as a  
14 result of any other state tax law."

15 2. Page 21, line 24, by inserting after the  
16 figure "13," the following: "200,".

Roll call was requested by Doderer of Johnson and Hummel of Benton.

On the question "Shall amendment H—5067, to the committee amendment H—5033, be adopted?" (S.F. 2074)

The ayes were, 49:

Adams	Branstad	Buhr	Carpenter
Clark	Corbett	Corey	De Groot
Diemer	Doderer	Fey	Garman
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Harbor	Hermann	Hester	Holveck
Hummel	Jochum	Johnson	Koenigs
Kremer	Lageschulte	Lundby	Maulsby
May	McKean	Metcalf	Miller
Neuhauser	Paulin	Pellett	Petersen, D. F.
Peterson, M. K.	Plasier	Platt	Renken
Rosenberg	Royer	Schneklath	Shoning
Spear	Stromer	Stueland	Tyrrell
Van Maanen			

The nays were, 40:

Arnould	Beaman	Beatty	Bisignano
Black	Blanshan	Brammer	Cohoon
Connolly	Connors	Cooper	Daggett
Dvorsky	Fogarty	Fuller	Groninga
Hansen, S. D.	Harper	Haverland	Jay
Knapp	McKinney	Muhlbauer	Norrgard
Ollie	Parker	Pavich	Peters
Renaud	Schrader	Shoultz	Siegrist
Skow	Svoboda	Swartz	Tabor
Teaford	Van Camp	Wise	Mr. Speaker

Absent or not voting, 11:

Bennett	Chapman	Eddie	Hanson, D. R.
Hatch	Mullins	Osterberg	Poncy
Running	Sherzan	Swearingen	

Amendment H—5067 was adopted.

The House resumed consideration of amendment H—5066, to the committee amendment H—5033, previously deferred, found on page 281 of the House Journal.

Doderer of Johnson asked and received unanimous consent to withdraw amendment H—5066.

The House stood at ease at 5:30 p.m., until the fall of the gavel.

The House resumed session and consideration of the committee amendment H—5033, to Senate File 2074, at 5:54 p.m., Speaker Avenson in the chair.

Skow of Guthrie offered the following amendment H—5068, to the committee amendment H—5033, filed by him and Fogarty of Palo Alto from the floor:

H—5068

- 1 Amend the Committee amendment, H—5033, to Senate
- 2 File 2074, as amended, passed, and reprinted by the
- 3 Senate, as follows:
- 4 1. Page 12, by striking lines 22 through 24.
- 5 2. Page 21, line 50, by striking the words
- 6 "repealing capital gains refund".
- 7 3. Page 22, line 1, by striking the word
- 8 "provisions,".

The House stood at ease at 5:56 p.m., until the fall of the gavel.

The House resumed session and consideration of amendment H—5068, to the committee amendment H—5033, to Senate File 2074 at 6:44 p.m., Speaker Avenson in the chair.

Skow of Guthrie asked and received unanimous consent to defer action on amendment H—5068.

Jochum of Dubuque moved to reconsider the vote by which amendment H—5067, found on page 282 of the House Journal, was adopted by the House on February 5, 1988.

A non-record roll call was requested.

The ayes were 51, nays 31.

The motion prevailed and the House reconsidered amendment H—5067.

Hummel of Benton moved the adoption of amendment H—5067.

Roll call was requested by Stromer of Hancock and Petersen of Muscatine.

On the question "Shall amendment H—5067, to the committee amendment H—5033, be adopted?" (S.F. 2074)

The ayes were, 34:

Branstad	Carpenter	Clark	Corbett
Corey	De Groot	Diemer	Garman
Halvorson, R. A.	Halvorson, R. N.	Harbor	Hermann
Hester	Hummel	Kremer	Lageschulte
Lundby	Maulsby	McKean	Metcalf
Miller	Paulin	Petersen, D. F.	Plasier
Platt	Renken	Royer	Schneklloth
Shoning	Stromer	Stueland	Tyrrell
Van Camp	Van Maanen		

The nays were, 57:

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

Absent or not voting, 9:

Bennett	Chapman	Eddie	Hanson, D. R.
Mullins	Osterberg	Pellett	Poncy
Swearingen			

Amendment H—5067 lost.

The House resumed consideration of amendment H—5068, to the committee amendment H—5033, previously deferred.

Skow of Guthrie asked for unanimous consent to withdraw amendment H—5068.

Objection was raised.

The House stood at ease at 6:52 p.m., until the fall of the gavel.

The House resumed session and consideration of amendment H—5068, to the committee amendment H—5033, to Senate File 2074, at 7:27 p.m., Speaker Avenson in the chair.

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Tyrrell of Iowa on request of De Groot of Lyon, for the remainder of the day.

Stromer of Hancock asked and received unanimous consent to withdraw his objection to the withdrawal of amendment H—5068 and amendment H—5068 was withdrawn.

Halvorson of Clayton offered the following amendment H—5069, to the committee amendment H—5033, filed from the floor by Halvorson of Clayton, Harbor, Daggett, Tyrrell, Beaman, Miller, Shoning, Branstad, Hester, Maulsby, Van Maanen, Stueland, Garman, Metcalf, McKean, Lundby, Schnekloth, Kremer, Corbett, Hermann, Renken, Plasier and Paulin and moved its adoption:

H—5069

- 1 Amend the Committee amendment, H—5033, to Senate
- 2 File 2074, as amended, passed, and reprinted by the
- 3 Senate, as follows:
- 4 1. Page 12, by striking lines 22 through 24.
- 5 2. Page 21, line 50, by striking the words
- 6 "repealing capital gains refund".
- 7 3. Page 22, line 1, by striking the word
- 8 "provisions,".

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

Rule 75 was invoked.

On the question "Shall amendment H—5069, to the committee amendment H—5033, be adopted?" (S.F. 2074)

The ayes were, 38:

Beaman	Black	Branstad	Carpenter
Clark	Corbett	Corey	Daggett
De Groot	Diemer	Garman	Halvorson, R. A.
Harbor	Hermann	Hester	Hummel
Kremer	Lageschulte	Lundby	Maulsby
McKean	Metcalf	Miller	Paulin
Petersen, D. F.	Plasier	Platt	Renken

Royer	Schnekloth	Schrader	Shoning
Siegrist	Skow	Stromer	Stueland
Van Camp	Van Maanen		

The nays were, 52:

Adams	Arnould	Beatty	Bisignano
Blanshan	Brammer	Buhr	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
Parker	Pavich	Peters	Peterson, M. K.
Renaud	Rosenberg	Running	Sherzan
Shoultz	Spear	Svoboda	Swartz
Tabor	Teaford	Wise	Mr. Speaker

Absent or not voting, 10:

Bennett	Chapman	Eddie	Hanson, D. R.
Mullins	Osterberg	Pellett	Poncy
Swearingen	Tyrrell		

Amendment H—5069 lost.

On motion by Doderer of Johnson, the committee amendment H—5033, as amended, 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. 2074)

The ayes were, 82:

Adams	Arnould	Beaman	Beatty
Bisignano	Black	Blanshan	Brammer
Branstad	Buhr	Carpenter	Clark
Cohoon	Connolly	Connors	Cooper
Corbett	Corey	Daggett	De Groot
Doderer	Dvorsky	Fey	Fogarty
Fuller	Garman	Groninga	Gruhn
Halvorson, R. A.	Hammond	Hansen, S. D.	Harbor
Harper	Hatch	Haverland	Hermann
Hester	Hummel	Jay	Jochum
Koenigs	Kremer	Lageschulte	Lundby
Maulsby	May	McKean	Metcalf
Miller	Muhlbauer	Neuhauser	Norrgard
Ollie	Parker	Paulin	Pavich
Peters	Petersen, D. F.	Peterson, M. K.	Plasier

Platt	Renaud	Renken	Rosenberg
Royer	Schnekloth	Schrader	Sherzan
Shoning	Shoultz	Siegrist	Spear
Stromer	Stueland	Svoboda	Swartz
Tabor	Teaford	Van Camp	Van Maanen
Wise	Mr. Speaker		

The nays were, 8:

Diemer	Halvorson, R. N.	Holveck	Johnson
Knapp	McKinney	Running	Skow

Absent or not voting, 10:

Bennett	Chapman	Eddie	Hanson, D. R.
Mullins	Osterberg	Pellett	Poncy
Swearingen	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 (Senate File 2074)

I move to reconsider the vote by which Senate File 2074 passed the House on February 5, 1988.

KREMER of Buchanan

### EXPLANATIONS OF VOTE

I was necessarily absent from the House chamber on February 3, 1988. Had I been present, I would have voted "aye" on House File 102.

ROSENBERG of Story

I was necessarily absent from the House chamber on February 4, 1988. Had I been present, I would have voted "aye" on Senate File 2037.

ROSENBERG of Story

I was necessarily absent from the House chamber on Wednesday, February 3, 1988 and Thursday, February 4, 1988. Had I been present, I would have voted "aye" on House Files 102, 2123 and Senate File 2037.

BISIGNANO of Polk

I inadvertently pushed the wrong button. My vote on amendment H—5063, to Senate File 2074, should have been "aye."

GARMAN of Story



**BILL SIGNED BY THE GOVERNOR**

A communication was received from the Governor announcing that on February 5, 1988, he approved and transmitted to the Secretary of State the following bill:

Senate File 455, an act relating to physical therapy by providing that physical therapy evaluation and treatment may be rendered without a prescription or referral and specifying limitations on the practice of physical therapy.

**COMMUNICATIONS RECEIVED**

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

**DEPARTMENT OF MANAGEMENT**

The 1988 Criminal and Juvenile Justice Plan, pursuant to Chapter 80C.4, Code of Iowa.

**DEPARTMENT OF PUBLIC HEALTH**

The report for Fiscal Year 1987 regarding public health nursing services, pursuant to Chapter 135.77, Code of Iowa.

**TREASURER OF STATE**

The Annual Report on the Linked Deposit Program for Horticulture and Alternative Crops, pursuant to Chapter 12.38, Code of Iowa.

**HOUSE STUDY BILL COMMITTEE ASSIGNMENTS****H.S.B. 685 Small Business and Commerce**

Relating to savings and loan associations.

**H.S.B. 686 Small Business and Commerce**

Relating to commercial paper by modifying the definition of "sum certain".

**H.S.B. 687 Human Resources**

Relating to the election of a board of trustees of a public hospital.

**SUBCOMMITTEE ASSIGNMENTS****House File 2157**

Education: Haverland, Chair; Black and Miller.

**House File 2172**

Judiciary and Law Enforcement: Jay, Chair; Halvorson of Clayton, Hansen of Woodbury, Lageschulte and McKinney.

**Senate File 2046**

Education: Harper, Chair; Haverland and Hester.

**Senate File 2062**

Judiciary and Law Enforcement: Peterson of Carroll, Chair; Clark and Haverland.

**Senate File 2063**

Judiciary and Law Enforcement: Chapman, Chair; Hansen of Woodbury and Harbor.

**Senate File 2064**

Judiciary and Law Enforcement: Plasier, Chair; Knapp and Paulin.

**Senate File 2069**

Education: Siegrist, Chair; Cohoon and Wise.

**HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS****House Study Bill 648**

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

**House Study Bill 664**

Judiciary and Law Enforcement: Rosenberg, Chair; Hansen of Woodbury, Kremer, Paulin, Peterson of Carroll, Plasier and Sherzan.

**House Study Bill 671**

Education: Wise, Chair; Adams and Hester.

**House Study Bill 676**

Judiciary and Law Enforcement: Jay, Chair; Halvorson of Clayton, Hansen of Woodbury, Lageschulte and McKinney.

**House Study Bill 677**

Judiciary and Law Enforcement: Rosenberg, Chair; Hansen of Woodbury, Kremer, Paulin, Peterson of Carroll, Plasier and Sherzan.

**COMMITTEE RECOMMENDATIONS**

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

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

**COMMITTEE ON EDUCATION**

**House File 2046**, a bill for an act relating to student membership on the state board of regents.

Fiscal Note is not required.

Committee Action: **Failed to Pass** February 4, 1988.

## COMMITTEE ON TRANSPORTATION

**House File 2048**, a bill for an act allowing personalized vehicle registration plates to contain up to seven characters.

Fiscal Note is required.

Committee Action: **Failed to Pass** February 4, 1988.

**Committee Bill** (Formerly House Study Bill 602), to increase the time period for which in-transit stickers are valid.

Fiscal Note is not required.

Recommended **Do Pass** February 4, 1988.

## RESOLUTION FILED

**SCR 104**, by committee on agriculture, a concurrent resolution relating to the federal conservation reserve program.

Referred to committee on **agriculture**.

## AMENDMENT FILED

H—5064

H.F. 231

Van Camp of Scott  
Hansen of Woodbury  
Schnekloth of Scott

On motion by Arnould of Scott, the House adjourned at 7:42 p.m., until 1:00 p.m., Tuesday, February 9, 1988.

# JOURNAL OF THE HOUSE

Thirtieth Calendar Day — Eighteenth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Tuesday, February 9, 1988

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

Prayer was offered by the Reverend Ron Bryan, pastor of the Friends Church, Le Grand.

The Journal of Friday, February 5, 1988 was approved.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Swearingin of Keokuk, for February 9 and February 10, 1988 until his arrival, and Hanson of Delaware on request of Stromer of Hancock.

## INTRODUCTION OF BILLS

**House File 2195**, by Schrader, a bill for an act relating to the sale and use of packaging products, providing sales and use tax incentives for the use of degradable or biodegradable packaging products, subjecting violators to a penalty, and providing an effective date.

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

**House File 2196**, by Van Maanen, a bill for an act relating to voter registration, requiring that registration forms include a box which may be checked to indicate that the applicant is not affiliated with a political party, and providing properly related matters.

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

**House File 2197**, by Corey and Schneklath, a bill for an act to require the enactment by the general assembly of certain standards for accreditation of school districts that were adopted as rules by the state board of education.

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

**House File 2198**, by Hatch, Hammond, Rosenberg, Running and Teaford, a bill for an act to establish a tuition policy at institutions of higher education under the control of the state board of regents.

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

**House File 2199**, by Svoboda, a bill for an act relating to the starting date for public school during each school year.

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

**House File 2200**, by Rosenberg, Harper and Hatch, a bill for an act to classify certain nonresident graduate students as Iowa residents for admission, fee, and tuition purposes at the institutions of higher education under the control of the state board of regents.

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

**House File 2201**, by Connors, Bisignano and Sherzan, a bill for an act relating to juvenile delinquency and certain sexual abuse offenses involving juveniles by defining runaway as a delinquent act, by requiring certain placements in shelter care or detention, by requiring the filing of certain complaints and petitions, by treating complaints as public records, by authorizing a requirement of posting bond prior to release, by authorizing the participation of victims in proceedings, by requiring dispositions to be served consecutively, by requiring work assignments or restitution in certain cases, by requiring confinement beyond the age of eighteen, by authorizing the fingerprinting and photographing of certain children, by maintaining open records for a longer period of time before sealing, and by modifying the offense of sexual abuse in the third degree.

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

**House File 2202**, by Harbor, Poncy, Cooper, Tyrrell, Beaman, Van Camp, Pavich, Royer, Renken, Stromer, Branstad, Daggett, Hummel, Running, Platt, Fogarty, Shoning and Koenigs, a bill for an act relating to the filing of a claim for the military service tax exemption by individuals in active service.

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

**House File 2203**, by Fey, a bill for an act relating to the dispensing of prescription drugs under group health insurance policies and group health maintenance organization plans.

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

**House File 2204**, by Peterson of Carroll, a bill for an act relating to dissolution of marriage and related proceedings by providing for a pilot program of mandatory mediation of contested issues of child custody and visitation.

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

## SENATE MESSAGE CONSIDERED

**Senate File 2094**, by committee on education, a bill for an act relating to instructional requirements for human growth and development in grades kindergarten through twelve and providing an effective date.

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

PRESENTATION OF IOWA'S  
JUNIOR MISS FOR 1988

Doderer of Johnson presented to the House Barbara Jean Poepsel, Iowa's Junior Miss for 1988 from Iowa City, Iowa.

Barbara Jean, the daughter of Harvey and Mary Ann Poepsel, attends Regina High School where she is involved in many activities, among them school plays and musicals; has won several awards, including the 1987 Regina High School Mathematics Award, the 1987 Engineering Honors Workshop from Iowa State University and was a National Merit Semi-finalist.

The House rose and expressed its welcome.

## HOUSE FILE 2127 DEFERRED

Arnould of Scott asked and received unanimous consent that House File 2127 be deferred and that the bill retain its place on the calendar.

CONSIDERATION OF BILLS  
Regular Calendar

**House File 2054**, a bill for an act relating to name changes upon marriage, with report of committee recommending amendment and passage was taken up for consideration.

Spear of Lee offered the following amendment H—5036 filed by the committee on human resources and moved its adoption:

H—5036

- 1 Amend House File 2054 as follows:
- 2 1. Page 1, by striking lines 13 through 15 and
- 3 inserting the following: "other spouse, which change
- 4 of surname may include adding the person's previous
- 5 surname as a new middle name and either keeping or
- 6 dropping the person's previous middle name or names,
- 7 or to a hyphenated".

The committee amendment H—5036 was adopted.

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

On the question "Shall the bill pass?" (H.F. 2054)

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.
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	Petersen, D. F.
Peterson, M. K.	Plasier	Platt	Poncy
Renaud	Renken	Rosenberg	Royer
Running	Schnekloth	Schrader	Sherzan
Shoning	Shoultz	Siegrist	Skow
Spear	Stromer	Stueland	Svoboda
Swartz	Teaford	Tyrrell	Van Camp
Van Maanen	Wise	Mr. Speaker	

The nays were, none.

Absent or not voting, 5:

Hanson, D. R.	Harbor	Muhlbauer	Swearingen
Tabor			

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 1:34 p.m., until the fall of the gavel.

The House resumed session at 3:19 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 February 4, 1988, 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 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 February 4, 1988, passed the following bill in which the concurrence of the House is asked:

Senate File 2008, a bill for an act relating to information required to be delivered to a warehouse operator upon the termination of a receivership over an agricultural products warehouse.

Also: That the Senate has on February 4, 1988, passed the following bill in which the concurrence of the House is asked:

Senate File 2114, a bill for an act relating to the fee and reporting requirements for certain animal health pesticides.

JOHN F. DWYER, Secretary

### EXPLANATIONS OF VOTE

I was necessarily absent from the House chamber on February 5, 1988. Had I been present, I would have voted "aye" on Senate File 2074.

EDDIE of Buena Vista

I was necessarily absent from the House chamber on Thursday, February 4, 1988. Had I been present, I would have voted "aye" on House File 2123.

OLLIE of Clinton

I was necessarily absent from the House chamber on February 5, 1988. Had I been present, I would have voted "aye" on Senate File 2074.

OSTERBERG of Linn

### COMMUNICATIONS RECEIVED

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

#### DEPARTMENT OF PERSONNEL

The Annual Report, pursuant to Chapter 7E.3(4), Code of Iowa.

#### IOWA PUBLIC TELEVISION

The progress report on the educational telecommunications project, pursuant to Chapter 303.79(5), Code Supplement 1987.



**CERTIFICATES OF RECOGNITION**

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

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

- |        |  |
|--------|--|
| 1988-6 | W.W. and Jessie Molsberry, Sigourney — Celebrating their 70th wedding anniversary.   |
| 1988-7 | Burdette (Bud) Given, Cedar Rapids — Twenty-one years of service to the labor movement and to the members of Machinists Local 831. |
| 1988-8 | Iowa Driver Education Golden Anniversary Committee — The golden anniversary of driver education in the public schools of Iowa.     |

**HOUSE STUDY BILL COMMITTEE ASSIGNMENTS****H.S.B. 600 (Revised) Natural Resources and Outdoor Recreation**

Relating to, appropriating, and transferring moneys to the state department of transportation to fund the statewide trails development plan and to acquire parts of trails.

**H.S.B. 688 Transportation**

Relating to certain speeding violations of ten miles per hour or less over the legal speed limit and providing an effective date.

**H.S.B. 689 Labor and Industrial Relations**

Making changes in the state's labor laws relating to occupational safety and health, safety inspection of amusement rides, and elevator safety, and providing injunctive relief under certain of those laws.

**H.S.B. 690 Small Business and Commerce**

Relating to the construction of cable systems and telegraph and telephone lines in the state.

**H.S.B. 691 Small Business and Commerce**

Relating to the labeling, advertising, adulteration, misbranding, and dispensing of drugs, devices, and cosmetics, providing penalties, and providing properly related matters.

**AMENDMENT FILED****H—5070****H.F. 231****Eddie of Buena Vista**

On motion by Arnould of Scott, the House adjourned at 3:20 p.m., until 9:00 a.m., Wednesday, February 10, 1988.

# JOURNAL OF THE HOUSE

Thirty-first Calendar Day — Nineteenth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Wednesday, February 10, 1988

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

Prayer was offered by the Honorable Janet Adams, state representative from Hamilton County.

The Journal of Tuesday, February 9, 1988 was approved.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Brammer of Linn, until his arrival, on request of Fey of Scott.

## INTRODUCTION OF BILLS

**House File 2205**, by Rosenberg, Harper and Hatch, a bill for an act relating to dependent care leave and dependent care assistance plans for public employees, and appropriating moneys.

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

**House File 2206**, by Rosenberg, Doderer, Hatch and Harper, a bill for an act relating to the provision of child day care to children of state employees.

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

**House File 2207**, by Rosenberg, Harper, Hatch and Doderer, a bill for an act requiring certain commercial and industrial building developments, pursuant to established state building code requirements, to provide space for child day care or to contribute to the child day care development fund established and administered by the department of economic development, and establishing effective dates.

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

**House File 2208**, by Swartz, a bill for an act relating to the offering of prekindergarten programs by school districts.

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

**PASSED ON FILE  
(Senate File 2069)**

The Speaker announced that Senate File 2069, previously referred to the committee on education, was passed on file.

**BILL ENROLLED, SIGNED AND SENT TO GOVERNOR**

The Chief Clerk of the House submitted the following report:

Mr. Speaker: The Chief Clerk of the House respectfully reports that the following bill has been examined and found correctly enrolled, signed by the Speaker of the House and the President of the Senate, and presented to the Governor for his approval on this 10th day of February, 1988: House File 2082.

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

Report adopted.

**COMMUNICATIONS RECEIVED**

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

**DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP**

A report on a program for handling used pesticide containers, pursuant to Chapter 225, Section 227, Acts of the Seventy-second General Assembly, 1987 Session.

**DEPARTMENT OF HUMAN SERVICES**

A report on a new reimbursement system for nursing homes under the Iowa Medicaid program, pursuant to Chapter 234.2, Acts of the Seventy-second General Assembly, 1987 Session.

**STATE FAIR BOARD**

The Iowa State Fair Relocation Study, pursuant to Chapter 233, Section 235, Acts of the Seventy-second General Assembly, 1987 Session.

**HOUSE STUDY BILL COMMITTEE ASSIGNMENTS**

**H.S.B. 692 Small Business and Commerce**

Relating to the regulation of the state's insurance industry and the administration of the insurance division of the department of commerce.

**H.S.B. 693 Small Business and Commerce**

Relating to nontraditional insurance arrangements by prohibiting the incorporation or reincorporation of a benevolent association, providing for the regulation of risk retention groups and purchasing groups, increasing surplus requirements for reciprocal insurers and repeal-

ing an exemption to the applicability of state law to certain reciprocal insurance contracts, and providing penalties.

#### **H.S.B. 694 Energy and Environmental Protection**

Relating to the implementation of energy conservation measures and class "A" energy audits.

#### **H.S.B. 695 Energy and Environmental Protection**

To establish the Iowa emergency response commission within the department of public defense and to provide for the enforcement of certain statutory provisions relating to the release or escape of extremely hazardous substances.

#### **H.S.B. 696 Ways and Means**

Relating to the calculation and recalculation of the state percent of growth for purposes of the school foundation program and providing an effective date.

#### **H.S.B. 697 Ways and Means**

Relating to administrative procedures to challenge the identification, classification, and exemption of property for taxation purposes.

#### **H.S.B. 698 State Government**

Allowing certain elections to be conducted by mail ballots, making penalties applicable, and providing for the prospective repeal of the Act.

#### **H.S.B. 699 State Government**

Relating to the registration of voters in state offices.

#### **H.S.B. 700 State Government**

Relating to the state registrar of voters.

#### **H.S.B. 701 State Government**

Relating to elections and election procedures and providing an effective date.

#### **H.S.B. 702 State Government**

Relating to closed meetings and records by governmental bodies on issues relating to economic development plans.

#### **H.S.B. 703 State Government**

Relating to incentives to encourage certain state and local govern-

ment employees to retire from employment by providing for monetary or insurance payment incentives, and providing an effective date.

#### **H.S.B. 704 State Government**

Relating to leaves of absence from regular employment to serve in public office.

#### **H.S.B. 705 Energy and Environmental Protection**

Relating to the groundwater protection Act and providing for the use of certain fees.

#### **H.S.B. 706 Natural Resources and Outdoor Recreation**

Relating to trespass upon the right-of-way of a public road or highway.

#### **H.S.B. 707 Natural Resources and Outdoor Recreation**

Relating to the reporting of accidents involving vessels and subjecting violators to a penalty.

#### **H.S.B. 708 Natural Resources and Outdoor Recreation**

Relating to the use of vessels for hunting blinds on the public waters of this state and subjecting violators to an existing penalty.

### **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>Class of Appoint- ment</u>	<u>Eff. Date</u>
Administrative Secretary to Leader	Robert J. Fleming	21-1 to 21-2	P-FT	01/22/88
Supply Clerk	Joanne Wengert	15-1 to 15-2	S-O	01/22/88
Legislative Secretary	Barbara Bennett	17-1 to 17-2	S-O	01/22/88
Legislative Secretary	Wanda J. Cavins	15-1 to 15-2	S-O	01/22/88
Legislative Committee Secretary	Carolyn Gaukel	17-1 + 2 to 17-2 + 2	S-O	01/22/88

<u>Position</u>	<u>Name</u>	<u>Grade and Step</u>	<u>Class of Appointment</u>	<u>Eff. Date</u>
Legislative Secretary	Doris E. Guess	17-1 to 17-2	S-O	01/22/88
Legislative Secretary	Brenda S. Jensen	17-1 to 17-1 + 2	S-O	02/05/88
Legislative Committee Secretary	Maureen A. Kennedy	17-1 + 2 to 17-2 + 2	S-O	01/22/88
Legislative Secretary	Janice L. Knapp	16-1 to 16-2	S-O	01/22/88
Legislative Committee Secretary	Betty J. LaCava	18-1 + 2 to 18-2 + 2	S-O	01/22/88
Legislative Secretary	Mary Belle Lawless	16-1 + 2 to 16-2 + 2	S-O	01/22/88
Legislative Committee Secretary	Shirley L. Marty	17-1 + 2 to 17-2 + 2	S-O	01/22/88
Legislative Secretary	Julie Kay Pierce	15-1 to 15-2	S-O	01/22/88
Legislative Secretary	Karen D. Waltz	16-1 + 2 to 16-2 + 2	S-O	01/22/88
Legislative Committee Secretary	Alisa K. Battern	17-1 + 2 to 17-2 + 2	S-O	03/04/88
Legislative Secretary	Edith L. Berlovich	15-1 + 2 to 15-2 + 2	S-O	03/04/88
Legislative Secretary	Grace R. Branstad	16-1 to 16-2	S-O	03/04/88
Legislative Committee Secretary	Mary C. Braun	17-1 + 2 to 17-2 + 2	S-O	03/04/88
Legislative Secretary	Kay Iverson	15-1 to 15-2	S-O	03/04/88
Legislative Secretary	Shirley A. Kent	15-1 to 15-2	S-O	03/04/88
Legislative Secretary	Steven G. Klesner	16-1 to 16-2	S-O	03/04/88
Legislative Secretary	Jon Krieg	16-1 to 16-2	S-O	03/04/88
Legislative Committee Secretary	Dolores R. Matson	17-1 + 2 to 17-2 + 2	S-O	03/04/88
Legislative Secretary	Twyla L. Miller	17-1 + 2 to 17-2 + 2	S-O	03/04/88
Legislative Secretary	Cathryn W. Norrgard	15-1 to 15-2	S-O	03/04/88
Legislative Secretary	Randy L. Parker	15-1 to 15-2	S-O	03/04/88

<u>Position</u>	<u>Name</u>	<u>Grade and Step</u>	<u>Class of Appointment</u>	<u>Eff. Date</u>
Legislative Secretary	Christine M. Sand	17-1 to 17-2	S-O	03/04/88
Legislative Secretary	Amanda E. Wishman	16-1 to 16-2	S-O	03/04/88
Legislative Committee Secretary	Jean I. Goudy	16-2 to 17-2	S-O	01/22/88
Legislative Committee Secretary	David Hannon	16-1 to 17-1	S-O	01/22/88
Legislative Committee Secretary	Juliet R. Heck	16-1 to 17-1	S-O	01/22/88
Legislative Committee Secretary	Jean Nelson	16-1 to 17-1	S-O	01/22/88
Legislative Committee Secretary	Christine Sand	16-1 to 17-1	S-O	01/22/88

The following is a resignation from the officers and employees of the House:

Legislative Research Analyst II	David T. Werning	01/29/88
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CHAPMAN of Linn, Chair

### RESOLUTION FILED

**HR 101**, by Avenson, Arnould and Stromer, a resolution expressing sympathy to Donald Gettings over the death of his wife Beverley.

Laid over under **Rule 25**.

### AMENDMENTS FILED

H—5071	S.J.R.	1	Halvorson of Webster
H—5072	S.J.R.	1	Halvorson of Webster
H—5073	H.F.	2076	Corbett of Linn
			Lundby of Linn
H—5074	H.F.	2194	Schrader of Marion
H—5075	H.F.	2194	Van Camp of Scott

On motion by Groninga of Cerro Gordo, the House adjourned at 9:12 a.m., until 9:00 a.m., Thursday, February 11, 1988.

# JOURNAL OF THE HOUSE

Thirty-second Calendar Day — Twentieth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Thursday, February 11, 1988

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

Prayer was offered by the Honorable Wayne Bennett, state representative from Ida County.

The Journal of Wednesday, February 10, 1988 was approved.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Doderer of Johnson, for February 11 and 12, 1988, on request of Pavich of Pottawattamie; Hanson of Delaware, until his return, on request of Plasier of Sioux.

## INTRODUCTION OF BILLS

**House Joint Resolution 2002**, by Clark, a joint resolution proposing an amendment to the Constitution of the State of Iowa removing the privilege of legislators from arrest during or while traveling to or from a legislative session.

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

**House File 2209**, by Adams, a bill for an act relating to the method for computing the extraordinary property tax credit for elderly or disabled persons and providing for the Act's applicability.

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

**House File 2210**, by Schnekloth, a bill for an act relating to the county compensation board, by providing for its membership, by providing for the adoption of a biennial compensation schedule, and by requiring that the actions taken by the board be recorded.

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

**House File 2211**, by Halvorson of Webster, a bill for an act relating to political campaigns, providing partial public financing of political campaigns, appropriating funds, providing penalties, and providing effective dates.

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

**House File 2212**, by Pavich, a bill for an act to regulate out-of-state



telephone solicitors who sell or attempt to sell merchandise to persons in Iowa and providing a penalty.

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

**House File 2213**, by Van Camp, a bill for an act providing for the private distribution and wholesale sale of liquor to licensed retailers.

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

**House File 2214**, by Harbor, a bill for an act to permit the holder of a school license to operate a motor vehicle between the school of enrollment and a site approved by the school of enrollment for participation in certain extracurricular activities.

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

**House File 2215**, by Svoboda, a bill for an act relating to the imposition of a tourism promotion tax on certain gross receipts subject to the sales tax and providing for the appropriation of the revenues to the department of economic development for promoting tourism in the state.

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

**House File 2216**, by Halvorson of Clayton, a bill for an act relating to medical malpractice actions and the establishment of a medical review panel.

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

**House File 2217**, by Daggett, Beaman and Harbor, a bill for an act to establish a tuition assistance program for members of the Iowa national guard to be administered by the military division of the department of public defense.

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

**House File 2218**, by Svoboda, a bill for an act relating to an inventors assistance program, establishing a revolving fund for use in the program, and exempting from state income taxes certain income earned as a result of the program.

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

**House File 2219**, by Spear, a bill for an act relating to the establishment of a state board to administer the legal representation of indigent persons in criminal cases by appointed attorneys, indigent defenders, and the appellate defender's office.

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

**House File 2220**, by Schnekloth, a bill for an act to repeal the alternative minimum tax on individuals, corporations, and financial institutions and making the Act retroactive.

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

**House File 2221**, by Peters, Blanshan, Wise, Fuller, Sherzan, Norrgard, Hansen of Woodbury, Renaud, Poncy, Platt, Osterberg, Running, Bisignano and Connors, a bill for an act relating to state purchasing by defining bidder competence and providing a penalty.

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

**House File 2222**, by Holveck, a bill for an act relating to uninsured and underinsured automobile insurance by regulating automobile insurance rates in certain circumstances.

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

**House File 2223**, by Corey, a bill for an act relating to the offering of instruction in foreign languages in elementary and secondary schools.

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

**House File 2224**, by Fey, a bill for an act requiring certain motor trucks to be equipped with reverse signal alarms, making penalties applicable, and providing an effective date.

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

**House File 2225**, by Fey, a bill for an act relating to the share of a spouse electing to take against the will of the decedent.

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

**House File 2226**, by Gruhn, a bill for an act relating to the calculation of budget enrollment of a reorganized school district.

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

**House File 2227**, by Tyrrell, a bill for an act to allocate certain fines and forfeitures collected to the road use tax fund.

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

**House File 2228**, by Connors, a bill for an act relating to vacancies in civil service promotional grades.

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

### SENATE MESSAGES CONSIDERED

**Senate File 2008**, by Boswell, a bill for an act relating to information required to be delivered to a warehouse operator upon the termination of a receivership over an agricultural products warehouse.

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

**Senate File 2114**, by committee on agriculture, a bill for an act relating to the fee and reporting requirements for certain animal health pesticides.

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

### ADOPTION OF HOUSE RESOLUTION 101

Arnould of Scott asked and received unanimous consent for the immediate consideration of House Resolution 101 as follows, and moved its adoption:

- 1 HOUSE RESOLUTION 101
- 2 By Avenson, Arnould and Stromer
- 3
- 4 *Whereas*, the membership of the House of
- 5 Representatives of the Seventy-second General Assembly
- 6 has learned with great sorrow of the passing of
- 7 Beverley Gettings, wife of Senator and former
- 8 Representative Donald E. Gettings of Ottumwa, Iowa,
- 9 *Now Therefore*,
- 10 *Be It Resolved*, That the members of the House of
- 11 Representatives hereby wish to express to Senator
- 12 Gettings and the Gettings' family their personal
- 13 sympathy in the loss of their beloved Beverley.
- 14 *Be It Further Resolved*, That a copy of this
- 15 Resolution be forwarded to Senator Gettings and
- 16 members of the family.

The motion prevailed and the resolution was adopted.

### COMMUNICATIONS RECEIVED

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

**DEPARTMENT OF NATURAL RESOURCES**

A plan for the delineation of flood plain and floodway boundaries for selected stream reaches in the various river basins of the state, pursuant to Chapter 455B.262, Code of Iowa.

A feasibility report on the financial ramifications of limiting the types of waste accepted at a hazardous waste facility, pursuant to Chapter 180.6(10), Acts of the Seventy-second General Assembly, 1987 Session.

**DEPARTMENT OF REVENUE AND FINANCE**

A report of the Iowa corporation income and franchise tax returns filed in 1986.

**HOUSE STUDY BILL COMMITTEE ASSIGNMENTS****H.S.B. 709 Small Business and Commerce**

Relating to credit unions by amending the power to sell, participate in, or discount, or purchase the obligations of certain credit union members; by amending the authorization to appoint credit and auditing committees; and by permitting the superintendent to prescribe by rule the period of preservation of records or files for credit unions.

**H.S.B. 710 Judiciary and Law Enforcement**

Relating to violations of the requirement to use certain safety equipment in motor vehicles.

**H.S.B. 711 Judiciary and Law Enforcement**

Relating to the liability of an insurance carrier to an insured or third-party claimant as a result of engaging in an unfair insurance business practice.

**H.S.B. 712 Judiciary and Law Enforcement**

Relating to the duties of the board of parole.

**H.S.B. 713 Judiciary and Law Enforcement**

Relating to the application of time spent by a prisoner on parole or work release to the prisoner's sentence.

**H.S.B. 714 Judiciary and Law Enforcement**

Relating to the revocation of a limitation on the authority of the board of parole to grant parole to a felon with a prior forcible felony conviction.

**H.S.B. 715 Judiciary and Law Enforcement**

Relating to schedule I and schedule III controlled substances.

**H.S.B. 716 Judiciary and Law Enforcement**

Relating to the disposition of an alleged parole violator following a probable cause revocation hearing.

**H.S.B. 717 Judiciary and Law Enforcement**

Increasing and establishing certain court filing fees.

**H.S.B. 718 Human Resources**

Relating to licensing and personnel requirements for health care facilities and providing a penalty.

**H.S.B. 719 Human Resources**

Relating to the recovery of amounts paid by the department of human services on behalf of injured persons for medical assistance.

**H.S.B. 720 Transportation**

Relating to transportation funding by increasing the rate of excise taxes on motor fuel and special fuel, providing appropriations from the road use tax fund, increasing certain vehicle registration fees, creating excise taxes on aviation gasoline and special fuel used in aircraft, relating to the registration of aircraft, revising provisions of the railroad assistance program, making a standing appropriation to the railroad assistance fund, providing for a study of road use tax fund distribution, and making an appropriation for the study, and providing effective dates.

**H.S.B. 721 Labor and Industrial Relations**

Relating to the registration of construction contractors; providing for administration of the system of registration by the secretary of state; requiring display of the registration number; requiring as a condition of registration that the contractor be insured for general liability, be in compliance with workers' compensation laws, and possess an account number for purposes of unemployment compensation; prohibiting the award of state contracts to nonregistered contractors; providing for investigations and enforcement by the labor commissioner; providing for administrative penalties; providing for the formation of a coordinating group; and providing other properly related matters.

**H.S.B. 722 Local Government**

To provide that property tax exemptions allowed for urban revitalization areas apply only to city property tax levies.

**H.S.B. 723 Local Government**

Relating to the publication of proceedings of cities.

**H.S.B. 724 Local Government**

Relating to the statute of limitations as applied to certain persons in an action for damages.

**H.S.B. 725 Small Business and Commerce**

Relating to credit unions by amending the power to sell, participate in, or discount, or purchase the obligations of certain credit union members; by amending the authorization to appoint credit and auditing committees; and by permitting the superintendent to prescribe by rule the period of preservation of records or files for credit unions.

**H.S.B. 726 Small Business and Commerce**

Providing for the recovery from a borrower of certain expenses incurred by a lender in connection with a mortgage loan.

**H.S.B. 727 Small Business and Commerce**

Providing for the acknowledgment of delivery of certain debt documents.

**H.S.B. 728 Local Government**

Relating to certain ambiguities and inconsistencies of the Code as they relate to city government.

**H.S.B. 729 State Government**

Relating to contributions promoting political ideas by certain nonprofit corporations.

**H.S.B. 730 State Government**

Relating to the duties of the appeals and fair hearings division of the department of inspections and appeals.

**H.S.B. 731 Agriculture**

Relating to the control of certain parasitic infestations common to bees by the state apiarist and the collection of an importation fee.

**H.S.B. 732 Small Business and Commerce**

Relating to preneed funeral services and merchandise, by exempting agreements subject to insurance regulation from separate preneed funeral regulation.

**H.S.B. 733 Small Business and Commerce**

Relating to claims against public corporations for nonpayment of moneys due on public improvements.

**H.S.B. 734 Small Business and Commerce**

Limiting the time in which the prior owner of agricultural land may exercise the right of first refusal to purchase agricultural land held by a state bank.

**H.S.B. 735 Ways and Means**

Relating to the imposition and collection of the state sales, services, and use taxes by out-of-state retailers.

**H.S.B. 736 Economic Development**

Relating to additional criteria, standards, guidelines, and requirements under state grant, loan, or other assistance programs.

**SUBCOMMITTEE ASSIGNMENTS****House File 2142**

Human Resources: Hammond, Chair; Harper, Hermann, Hester, Mullins, Norrgard and Teaford.

**House File 2149**

Human Resources: Fey, Chair; Adams, Bisignano, Clark and Plasier.

**House File 2170**

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

**House File 2171**

Human Resources: Harper, Chair; Connors, Hester, Peters and Swearingen.

**House File 2179**

Local Government: Black, Chair; Beatty and Renken.

**House File 2205**

State Government: Peterson of Carroll, Chair; Beatty, Garman, Hanson of Delaware and Knapp.

**House File 2206**

State Government: Peterson of Carroll, Chair; Beatty, Garman, Hanson of Delaware and Knapp.

**House File 2207**

State Government: Peterson of Carroll, Chair; Beatty, Garman, Hanson of Delaware and Knapp.

**House File 2211**

State Government: Halvorson of Webster, Chair; Buhr, Hanson of Delaware, Running and Van Camp.

**House File 2213**

State Government: Renaud, Chair; Blanshan, Pavich, Renken and Van Camp.

**House File 2221**

State Government: Running, Chair; Renaud and Van Camp.

**Senate File 2090**

Local Government: Eddie, Chair; Cooper and Platt.

**HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS****House Study Bill 644**

Human Resources: Hammond, Chair; Harper, Hermann, Hester, Mullins, Norrgard and Teaford.

**House Study Bill 645**

Human Resources: Harper, Chair; Connors, Hester, Peters and Swearingen.

**House Study Bill 646**

Human Resources: Hammond, Chair; Harper, Hermann, Hester, Mullins, Norrgard and Teaford.

**House Study Bill 647**

Human Resources: Hammond, Chair; Harper, Hermann, Hester, Mullins, Norrgard and Teaford.

**House Study Bill 655**

Human Resources: Hammond, Chair; Harper, Hermann, Hester, Mullins, Norrgard and Teaford.

**House Study Bill 659**

Human Resources: Harper, Chair; Connors, Hester, Peters and Swearingen.

**House Study Bill 660**

Human Resources: Harper, Chair; Connors, Hester, Peters and Swearingen.

**House Study Bill 661**

Human Resources: Harper, Chair; Connors, Hester, Peters and Swearingen.

**House Study Bill 680**

Local Government: Connors, Chair; Black and Platt.

**House Study Bill 682**

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



**House Study Bill 698**

State Government: Running, Chair; Buhr, Halvorson of Webster, Hanson of Delaware and Van Camp.

**House Study Bill 699**

State Government: Running, Chair; Buhr, Halvorson of Webster, Hanson of Delaware and Van Camp.

**House Study Bill 700**

State Government: Running, Chair; Buhr, Halvorson of Webster, Hanson of Delaware and Van Camp.

**House Study Bill 701**

State Government: Running, Chair; Buhr, Halvorson of Webster, Hanson of Delaware and Van Camp.

**House Study Bill 702**

State Government: Blanshan, Chair; Buhr and Lundby.

**House Study Bill 703**

State Government: Blanshan, Chair; Carpenter, Connors, Hammond and Hanson of Delaware.

**House Study Bill 704**

State Government: Peterson of Carroll, Chair; Beatty, Garman, Hanson of Delaware and Knapp.

**COMMITTEE RECOMMENDATIONS**

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

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

**COMMITTEE ON HUMAN RESOURCES**

**Committee Bill** (Formerly House Study Bill 555), relating to the issuance of citations and the detention of juveniles, and providing penalties.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 10, 1988.

**COMMITTEE ON LOCAL GOVERNMENT**

**Committee Bill** (Formerly House File 2146), relating to in-service education requirements for members of local planning and zoning commissions and boards of adjustment, providing for the payment of costs related to in-service education programs, and providing other properly related matters.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 10, 1988.

**COMMITTEE ON NATURAL RESOURCES AND OUTDOOR RECREATION**

**House File 2158**, a bill for an act to limit operation of motor vehicles in streambeds and providing a penalty.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H—5076** February 10, 1988.

**Committee Bill** (Formerly House Study Bill 669), authorizing a corporate income tax deduction for allowing recreational uses of easements and rights-of-way.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 10, 1988.

**AMENDMENTS FILED**

H—5076	H.F. 2158	Committee on Natural Resources and Outdoor Recreation
H—5077	H.F. 2155	Swartz of Marshall
H—5078	H.F. 2016	Black of Jasper

On motion by Arnould of Scott, the House adjourned at 9:22 a.m., until 9:00 a.m., Friday, February 12, 1988.

# JOURNAL OF THE HOUSE

Thirty-third Calendar Day — Twenty-first Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Friday, February 12, 1988

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

Prayer was offered by the Honorable Bill Royer, state representative from Page County.

The Journal of Thursday, February 11, 1988 was approved.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Sherzan of Polk, on request of Harper of Black Hawk; Wise of Lee, until his arrival, on request of Cohoon of Des Moines.

## INTRODUCTION OF BILLS

**House File 2229**, by Tyrrell, a bill for an act relating to child visitation by requiring the child support recovery unit of the department of human services to assist in enforcement of visitation rights.

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

**House File 2230**, by Mullins, a bill for an act relating to the deduction for the purchase of medical and health insurance in computing state individual income tax and making the Act retroactive.

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

**House File 2231**, by Clark, a bill for an act relating to insurance coverage and registration requirements for motor vehicles in this state and providing penalties and effective dates.

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

**House File 2232**, by Tyrrell, a bill for an act to require the budgeting of the administrative costs of the state department of transportation and the department of public safety from the general fund of the state beginning July 1, 1989, and for each succeeding fiscal year.

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

**House File 2233**, by Spear, a bill for an act relating to work programs for inmates of state correctional institutions.

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

**House File 2234**, by Hummel, a bill for an act relating to payment of attorney's fees by agreement in consumer credit transaction agreements within certain limits.

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

**House File 2235**, by committee on natural resources and outdoor recreation, a bill for an act authorizing an income tax deduction to individuals and corporations for allowing recreational uses of easements and rights-of-way.

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

On motion by Arnould of Scott, the House was recessed at 9:31 a.m., until 1:00 p.m.

#### AFTERNOON SESSION

The House reconvened, Speaker Avenson in the chair.

#### INTRODUCTION OF BILLS

**House File 2236**, by committee on agriculture, a bill for an act relating to the issuance of grain bargaining permits to licensed grain dealers.

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

**House File 2237**, by committee on state government, a bill for an act providing that the records of the purchase of alcoholic liquor from the alcoholic beverages division by individual class "E" liquor control licensees are confidential and providing an effective date.

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

**House File 2238**, by committee on local government, a bill for an act relating to in-service education programs for members of local planning and zoning commissions and boards of adjustment, providing for the payment of costs related to in-service education programs, permitting appointing authorities to provide for annual participation in such programs and to provide for removal from office for failure to successfully complete the programs, and providing other properly related matters.

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

**House File 2239**, by committee on energy and environmental protection, a bill for an act relating to underground storage tanks, establishing certain fees, providing penalties, and providing an effective date.

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

### RULE 34 SUSPENDED

Arnould of Scott asked and received unanimous consent to suspend Rule 34 to place the following bills on the addendum to the weekly debate calendar for the week of February 15, 1988: House Files 2236, 2237, 2238, 2239 and Senate File 370.

### HOUSE 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 Files 2153, 2155 and 2071.

### CONSIDERATION OF BILLS

#### Regular Calendar

**House File 2127**, a bill for an act relating to the acceptance of checks and share drafts by prohibiting certain forms of identification as a condition of acceptance of a check or share draft, and providing penalties, (deferred February 9, 1988) was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 2127)

The ayes were, 88:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Black	Blanshan
Brammer	Branstad	Buhr	Carpenter
Chapman	Clark	Cohoon	Connolly
Connors	Cooper	Corbett	Corey
Daggett	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	Jochum
Johnson	Knapp	Koenigs	Lageschulte
Maulsby	May	McKinney	Miller
Muhlbauer	Mullins	Neuhauser	Norrgard
Ollie	Osterberg	Parker	Paulin

Pavich	Pellett	Peters	Peterson, M. K.
Platt	Poncy	Renaud	Renken
Rosenberg	Royer	Running	Schnekloth
Schrader	Shoning	Shultz	Siegrist
Skow	Spear	Stromer	Stueland
Svoboda	Swartz	Swearingen	Tabor
Tyrrell	Van Camp	Wise	Mr. Speaker

The nays were, 9:

De Groot	Jay	Kremer	Lundby
McKean	Metcalf	Petersen, D. F.	Plasier
Van Maanen			

Absent or not voting, 3:

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

### SENATE AMENDMENT CONSIDERED

Gruhn of Dickinson called up for consideration **House File 2011**, a bill for an act relating to the ownership of certain vessels by requiring the purchaser of a registered vessel to obtain a certificate of title, by providing for the perfection of a security interest, and by providing an effective date, amended by the Senate, and moved that the House concur in the following Senate amendment H—5031:

H—5031

- 1 Amend House File 2011, as passed by the House, as
- 2 follows:
- 3 1. Page 1, by inserting before line 1 the
- 4 following:
- 5 "Section 1. Section 106.2, subsection 29, Code
- 6 Supplement 1987, is amended to read as follows:
- 7 29. "Vessel" means every description of
- 8 watercraft, other than a seaplane, used or capable of
- 9 being used as a means of transportation on water or
- 10 ice. Ice boats are watercraft. The term includes the
- 11 vessel's motor, spars, sails, and accessories."
- 12 2. Page 1, by inserting after line 12 the
- 13 following:
- 14 "Sec. \_\_\_\_\_. Section 106.79, Code Supplement 1987,
- 15 is amended to read as follows:
- 16 106.79 OBTAINING MANUFACTURER'S OR IMPORTER'S
- 17 CERTIFICATE OF ORIGIN.
- 18 A manufacturer or dealer shall not transfer
- 19 ownership of a new vessel required to be titled
- 20 without supplying the transferee with the
- 21 manufacturer's or importer's certificate of origin

22 signed by the manufacturer's or importer's authorized  
 23 agent. The certificate shall contain information the  
 24 department requires. The department may adopt rules  
 25 providing for the issuance of a certificate of origin  
 26 for a vessel by the department upon good cause shown  
 27 by the owner."

28 3. By renumbering sections.

29 4. Amend the title page, line 1, by inserting  
 30 after the word "vessels" the following: "by defining  
 31 vessel, by requiring a certificate of origin for  
 32 certain vessels,".

The motion prevailed and the House concurred in the Senate amendment H—5031.

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. 2011)

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	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	Norrsgard	Ollie	Osterberg
Parker	Paulin	Pavich	Pellett
Peters	Petersen, D. F.	Peterson, M. K.	Plasier
Platt	Poncy	Renaud	Renken
Rosenberg	Royer	Running	Schneklath
Schrader	Shoning	Shoultz	Siegrist
Skow	Spear	Stromer	Stueland
Svoboda	Swartz	Swearingen	Tabor
Teaford	Tyrrell	Van Camp	Van Maanen
Mr. Speaker			

The nays were, none.

Absent or not voting, 3:

Doderer

Sherzan

Wise

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

### Regular Calendar

**House File 2102**, a bill for an act to prohibit the taking of an albino deer and protected game, and providing penalties, with report of committee recommending amendment and passage was taken up for consideration.

Koenigs of Mitchell offered the following amendment H—5051 filed by the committee on natural resources and outdoor recreation and moved its adoption:

H—5051

- 1 Amend House File 2102 as follows:
- 2 1. Page 1, line 1, by striking the word "ALBINO"
- 3 and inserting the following: "WHITE".
- 4 2. Page 1, line 3, by striking the words "an
- 5 albino" and inserting the following: "a white".
- 6 3. Title page, line 1, by striking the words "an
- 7 albino" and inserting the following: "a white".

The committee amendment H—5051 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?" (H.F. 2102)

The ayes were, 84:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Black	Blanshan
Brammer	Branstad	Buhr	Carpenter
Chapman	Clark	Cohoon	Connolly
Connors	Cooper	Daggett	De Groot
Diemer	Dvorsky	Fey	Fogarty
Fuller	Groninga	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Harbor
Harper	Hatch	Haverland	Hermann
Holveck	Hummel	Jochum	Johnson
Koenigs	Lageschulte	Lundby	Maulsby
May	McKean	McKinney	Muhlbauer
Mullins	Neuhauser	Norrgard	Ollie
Osterberg	Parker	Pavich	Pellett
Peters	Petersen, D. F.	Peterson, M. K.	Platt



Poncy	Renaud	Rosenberg	Royer
Running	Schnekloth	Schrader	Shoning
Shoultz	Siegrist	Skow	Spear
Stromer	Stueland	Svoboda	Swartz
Swearingen	Tabor	Teaford	Tyrrell
Van Camp	Van Maanen	Wise	Mr. Speaker

The nays were, 13:

Corbett	Corey	Eddie	Garman
Hanson, D. R.	Hester	Jay	Kremer
Metcalf	Miller	Paulin	Plasier
Renken			

Absent or not voting, 3:

Doderer	Knapp	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.

### HOUSE FILE 2156 DEFERRED

Arnould of Scott asked and received unanimous consent that House File 2156 be deferred and that the bill retain its place on the calendar.

**House File 2166**, a bill for an act relating to a disclaimer of interest by a beneficiary also acting as a fiduciary, 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?" (H.F. 2166)

The ayes were, 97:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Black	Blanshan
Brammer	Branstad	Buhr	Carpenter
Chapman	Clark	Cphoon	Connolly
Connors	Cooper	Corbett	Corey
Daggett	De Groot	Diemer	Dvorsky
Eddie	Fey	Fogarty	Fuller
Garman	Groninga	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hammond	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
Poney	Renaud	Renken	Rosenberg
Royer	Running	Schnekloth	Schrader
Shoning	Shoultz	Siegrist	Skow
Spear	Stromer	Stueland	Svoboda
Swartz	Swearingen	Tabor	Teaford
Tyrrell	Van Camp	Van Maanen	Wise
Mr. Speaker			

The nays were, none.

Absent or not voting, 3:

Doderer	Hansen, S. D.	Sherzan
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**House File 2175**, a bill for an act authorizing the natural resource commission to establish a schedule of fees for permit and conditional permit applications and for costs of administering permits and conditional permits, was taken up for consideration.

Tabor of Jackson in the chair at 1:56 p.m.

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

On the question "Shall the bill pass?" (H.F. 2175)

The ayes were, 64:

Adams	Arnould	Avenson	Beatty
Bisignano	Black	Blanshan	Brammer
Branstad	Chapman	Cohoon	Connolly
Connors	Cooper	Diemer	Dvorsky
Fey	Fogarty	Fuller	Groninga
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Hansen, S. D.	Hanson, D. R.	Harper	Hatch
Haverland	Holveck	Jay	Jochum
Johnson	Knapp	Koenigs	Kremer
Lageschulte	May	McKinney	Metcalf
Miller	Muhlbauer	Mullins	Neuhauser
Norrgard	Ollie	Osterberg	Pavich
Peters	Peterson, M. K.	Poney	Renaud
Rosenberg	Schrader	Shoning	Shoultz
Skow	Spear	Stueland	Svoboda
Swartz	Teaford	Wise	Mr. Speaker
			(Tabor)

The nays were, 33:

Beaman	Bennett	Buhr	Carpenter
Clark	Corbett	Corey	Daggett
De Groot	Eddie	Garman	Harbor
Hermann	Hester	Hummel	Lundby
Maulsby	McKean	Paulin	Pellett
Petersen, D. F.	Plasier	Platt	Renken
Royer	Running	Schnekloth	Siegrist
Stromer	Swearingen	Tyrrell	Van Camp
Van Maanen			

Absent or not voting, 3:

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

**House File 2061**, a bill for an act to require members of examining boards and board of review to be residents of the assessor jurisdiction, with report of committee recommending passage was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 2061)

The ayes were, 95:

Adams	Arnould	Avenson	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Branstad	Buhr
Carpenter	Chapman	Clark	Cphoon
Connolly	Connors	Cooper	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	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

Shoning	Shoultz	Siegrist	Skow
Spear	Stueland	Svoboda	Swartz
Swearingen	Teaford	Tyrrell	Van Camp
Van Maanen	Wise	Mr. Speaker (Tabor)	

The nays were, 2:

Corbett                      Stromer

Absent or not voting, 3:

Doderer                      Hummel                      Sherzan

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

**House File 2016**, a bill for an act relating to the law enforcement authority of the director and other designated employees of a county conservation board, with report of committee recommending amendment and passage was taken up for consideration.

Fuller of Hardin offered the following amendment H—5050 filed by the committee on natural resources and outdoor recreation and moved its adoption:

H—5050

- 1 Amend House File 2016 as follows:
- 2 1. Page 1, by striking lines 22 and 23 and
- 3 inserting the following: "designated as police
- 4 officers may enforce the provisions of chapters 106,
- 5 109, 110, 111, and 321G".
- 6 2. Page 1, line 24, by inserting after the word
- 7 "board" the following: "within the county".

The committee amendment H—5050 was adopted.

Fuller of Hardin asked and received unanimous consent to withdraw amendment H—5027 filed by him on January 28, 1988.

Black of Jasper offered the following amendment H—5078 filed by him and moved its adoption:

H—5078

- 1 Amend House File 2016 as follows:
- 2 1. Page 1, by inserting after line 24 the follow-
- 3 ing:
- 4 "Sec. 2. NEW SECTION. 111A.11 COUNTY
- 5 CONSERVATION BOARDS CREATED.
- 6 Notwithstanding the referendum specified in section
- 7 111A.2, the board of supervisors of any county in
- 8 which a county conservation board has not been

9 established as of January 1, 1989, shall create a  
 10 county conservation board to become effective July 1,  
 11 1989. The membership of a county conservation board  
 12 created pursuant to this section, shall be appointed  
 13 during the month of January 1989, for the purposes of  
 14 organizing, planning, and budgeting for the fiscal  
 15 year beginning July 1, 1989. A county conservation  
 16 board created as provided in this section shall become  
 17 fully operational as of July 1, 1989."

18 2. Title page, by striking line 1 and inserting  
 19 the following: "An Act relating to county  
 20 conservation boards by providing for the creation of a  
 21 county conservation board in certain counties and by  
 22 specifying the law enforcement authority of the  
 23 director".

24 3. Title page, line 2, by inserting after the  
 25 word "board" the following: ", and by providing  
 26 effective dates".

A non-record roll call was requested.

The ayes were 45, nays 30.

Amendment H—5078 was adopted.

Speaker Avenson in the chair at 2:16 p.m.

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

On the question "Shall the bill pass?" (H.F. 2016)

The ayes were, 85:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Black	Blanshan
Brammer	Buhr	Carpenter	Chapman
Clark	Cphoon	Connolly	Connors
Cooper	Corey	Daggett	De Groot
Diemer	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	Holveck	Jochum
Johnson	Knapp	Koenigs	Kremer
Lageschulte	Lundby	May	McKean
McKinney	Miller	Muhlbauer	Mullins
Neuhauser	Norrgard	Ollie	Osterberg
Parker	Paulin	Pavich	Pellett
Peters	Peterson, M. K.	Plasier	Poncy
Renaud	Rosenberg	Running	Schnekloth
Schrader	Shoning	Shultz	Siegrist

Skow	Spear	Stromer	Stueland
Svoboda	Swartz	Swearingen	Tabor
Teaford	Tyrrell	Van Camp	Wise
Mr. Speaker			

The nays were, 13:

Branstad	Corbett	Garman	Hester
Hummel	Jay	Maulsby	Metcalf
Petersen, D. F.	Platt	Renken	Royer
Van Maanen			

Absent or not voting, 2:

Doderer	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.

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

De Groot of Lyon, for the remainder of the day, on request of Schneklath of Scott.

**House File 2192**, a bill for an act exempting certain vessels from registration, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 2192)

The ayes were, 94:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Black	Blanshan
Brammer	Branstad	Buhr	Carpenter
Chapman	Clark	Cohoon	Connolly
Connors	Cooper	Corey	Daggett
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	Osterberg	Parker	Paulin
Pavich	Pellett	Peters	Petersen, D. F.
Peterson, M. K.	Plasier	Platt	Poncy
Renaud	Renken	Rosenberg	Royer

Running	Schnekloth	Schrader	Shoning
Shoultz	Siegrist	Skow	Spear
Stueland	Svoboda	Swartz	Swearingen
Tabor	Teaford	Tyrrell	Van Camp
Van Maanen	Mr. Speaker		

The nays were, 2:

Corbett                      Stromer

Absent or not voting, 4:

De Groot                  Doderer                      Sherzan                      Wise

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

**House File 2193**, a bill for an act to increase the time period for which in-transit stickers are valid, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 2193)

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	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
Norrsgard	Ollie	Osterberg	Parker
Paulin	Pavich	Pellett	Peters
Peterson, M. K.	Plasier	Platt	Poncy
Renaud	Renken	Rosenberg	Royer
Running	Schnekloth	Schrader	Shoning
Siegrist	Skow	Spear	Stromer
Stueland	Svoboda	Swartz	Swearingen
Tabor	Teaford	Tyrrell	Van Camp
Van Maanen	Mr. Speaker		

The nays were, 1:

Petersen, D. F.

Absent or not voting, 5:

De Groot

Doderer

Sherzan

Shoultz

Wise

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

**MOTION TO RECONSIDER LOST**  
(Senate File 2074)

Kremer of Buchanan called up for consideration the motion to reconsider Senate File 2074, filed on February 5, 1988, and moved to reconsider the vote by which Senate File 2074, a bill for an act relating to the extension of the applicability of House File 689, enacted during the Second Extraordinary Session of the Seventy-second General Assembly during 1987, updating references to the Internal Revenue Code, providing for retroactive applicability, and providing an effective date, passed the House and was placed on its last reading on February 5, 1988.

A non-record roll call was requested.

The ayes were 35, nays 57.

The motion to reconsider lost.

**SPONSORS ADDED**  
(Amendment H—5077 to House File 2155)

The following requested to be added as sponsors of amendment H—5077 to House File 2155:

ROSENBERG of Story  
CORBETT of Linn  
CONNORS of Polk

PLATT of Muscatine  
NEUHAUSER of Johnson  
METCALF of Polk

(House File 2197)

Garman of Story requested to be added as a sponsor of House File 2197.

**COMMUNICATION RECEIVED**

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

**DEPARTMENT OF PUBLIC HEALTH**

The Annual Report, pursuant to Chapter 135.11(18), Code of Iowa.



**HOUSE STUDY BILL COMMITTEE ASSIGNMENT****H.S.B. 737 State Government**

Relating to retentions from payments to contractors on contracts for the construction of public improvements.

**SUBCOMMITTEE ASSIGNMENTS****House File 2159**

Transportation: Cohoon, Chair; Branstad and Pavich.

**House File 2163**

Transportation: Cooper, Chair; Koenigs and Lageschulte.

**House File 2176**

Transportation: Cooper, Chair; Branstad and Jay.

**House File 2178**

Energy and Environmental Protection: Dvorsky, Chair; Adams, Fuller, Lundby and Mullins.

**House File 2185**

Transportation: Cooper, Chair; Harbor and Muhlbauer.

**House File 2190**

Education: Corbett, Chair; Ollie and Shoultz.

**House File 2195**

Energy and Environmental Protection: Schrader, Chair; May, Mullins, Petersen of Muscatine and Svoboda.

**House File 2197**

Education: Tabor, Chair; Plasier, Schrader, Siegrist and Wise.

**House File 2198**

Education: Teaford, Chair; Beaman, Connolly, Corey and Harper.

**House File 2199**

Education: Cohoon, Chair; Adams, Hester, Lageschulte and Spear.

**House File 2200**

Education: Teaford, Chair; Beaman, Connolly, Corey and Harper.

**House File 2208**

Education: Connolly, Chair; Haverland, Lageschulte, Siegrist and Swartz.

**Senate File 323**

Education: Ollie, Chair; Daggett, Haverland, McKean and Shoultz.

**Senate File 2008**

Agriculture: Koenigs, Chair; Eddie, Kremer, Muhlbauer and Skow.

**Senate File 2061**

Agriculture: Svoboda, Chair; May and Eddie.

**Senate File 2070**

Transportation: Muhlbauer, Chair; Gruhn and Platt.

**Senate File 2086**

Agriculture: McKinney, Chair; Branstad, De Groot, Gruhn and Osterberg.

**Senate Concurrent Resolution 104**

Agriculture: May, Chair; Koenigs and Petersen of Muscatine.

**HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS**

**House Study Bill 600 (Revised)**

Natural Resources and Outdoor Recreation: Knapp, Chair; Branstad and Diemer.

**House Study Bill 654**

Agriculture: May, Chair; Cooper and Kremer.

**House Study Bill 670**

Energy and Environmental Protection: Osterberg, Chair; Johnson and Petersen of Muscatine.

**House Study Bill 675**

Energy and Environmental Protection: Schrader, Chair; Garman, Holveck, Mullins and Rosenberg.

**House Study Bill 688**

Transportation: Fogarty, Chair; Connolly and Platt.

**House Study Bill 694**

Energy and Environmental Protection: Johnson, Chair; Adams, Dvorsky, Lundby and Mullins.

**House Study Bill 695**

Energy and Environmental Protection: Svoboda, Chair; Fuller and Swearingen.

**House Study Bill 705**

Energy and Environmental Protection: Johnson, Chair; McKean, Mullins, Osterberg, Paulin, Schrader and Svoboda.

**House Study Bill 706**

Natural Resources and Outdoor Recreation: Johnson, Chair; Fogarty, Fuller, Platt and Tyrrell.

**House Study Bill 707**

Natural Resources and Outdoor Recreation: Schrader, Chair; Gruhn and Tyrrell.

**House Study Bill 708**

Natural Resources and Outdoor Recreation: Platt, Chair; Black and Poncy.

**COMMITTEE RECOMMENDATIONS**

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

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

**COMMITTEE ON AGRICULTURE**

**Committee Bill** (Formerly House Study Bill 614), relating to the issuance of grain bargaining permits to licensed grain dealers.

Fiscal Note is not required.

Recommended **Do Pass** February 11, 1988.

**COMMITTEE ON EDUCATION**

**Senate File 2036**, a bill for an act relating to moneys available to the first in the nation in education foundation.

Fiscal Note is not required.

Recommended **Do Pass** February 11, 1988.

**Senate File 2094**, a bill for an act relating to instructional requirements for human growth and development in grades kindergarten through twelve and providing an effective date.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H—5079** February 11, 1988.

**COMMITTEE ON ENERGY AND ENVIRONMENTAL PROTECTION**

**Committee Bill** (Formerly House Study Bill 509), relating to underground storage tanks, establishing certain fees, and providing penalties.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 11, 1988.

**COMMITTEE ON STATE GOVERNMENT**

**Senate File 370**, a bill for an act relating to museums, providing for the disposition of loaned or undocumented property in the possession of a museum, notice, reclamation of loaned or undocumented property and statutes of limitations for actions

against museums; prescribing museum obligations; prescribing lender and claimant obligations to museums; and providing for the retroactive applicability of certain sections of the Act.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H-5080** February 11, 1988.

**Committee Bill** (Formerly House Study Bill 629), providing that the records of the purchase of alcoholic liquor from the alcoholic beverages division by individual class "E" liquor control licensees are confidential.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 11, 1988.

#### AMENDMENTS FILED

H-5079	S.F.	2094	Committee on Education
H-5080	S.F.	370	Committee on State Government
H-5081	S.F.	2094	Spear of Lee
H-5082	S.F.	2094	Beaman of Clarke
H-5083	H.F.	2156	Gruhn of Dickinson
H-5084	H.F.	2158	Jay of Appanoose
			Rosenberg of Story
H-5085	H.F.	2156	Renaud of Polk
H-5086	H.F.	2153	Hummel of Benton

On motion by Arnould of Scott, the House adjourned at 2:40 p.m. until 10:00 a.m., Monday, February 15, 1988.

# JOURNAL OF THE HOUSE

Thirty-sixth Calendar Day — Twenty-second Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Monday, February 15, 1988

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

Prayer was offered by the Honorable Mary Neuhauser, state representative from Johnson County.

The Journal of Friday, February 12, 1988 was approved.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Brammer of Linn on request of Svoboda of Tama; Cohoon of Des Moines, until his arrival, on request of Dvorsky of Johnson; Carpenter of Polk, for February 15 and 16, 1988, on request of Stromer of Hancock; Hanson of Delaware, until his arrival, on request of Stromer of Hancock; Mullins of Kossuth, until her arrival, on request of Hummel of Benton; Fey of Scott, until his arrival, on request of Dvorsky of Johnson; Jay of Appanoose, until his arrival, on request of Shultz of Black Hawk.

## INTRODUCTION OF BILLS

**House File 2240**, by Connors, Renaud, Clark, Harbor, Poney, Mullins, Sherzan, Adams and Hatch, a bill for an act to establish and fund a transportation subsidization program for certain physically handicapped persons, including increasing certain fees to fund the program.

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

**House File 2241**, by Corey, a bill for an act relating to medical malpractice insurance by classifying physicians and surgeons, providing for insurance rates, and requiring certain reports to be made.

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

**House File 2242**, by Paulin and Clark, a bill for an act relating to the date for submission to the general assembly of the report concerning the used motor oil collection pilot project.

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

## QUORUM CALL

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

### REFERRED TO COMMITTEE ON WAYS AND MEANS (House File 2155)

Arnould of Scott asked and received unanimous consent that House File 2155, presently on the **regular calendar**, be referred to the committee on **ways and means**.

### CONSIDERATION OF BILLS Regular Calendar

**House File 2153**, a bill for an act expanding the time in which the utilities board may grant or refuse an application for rehearing in a contested case, (deferred February 12, 1988) was taken up for consideration.

Hummel of Benton offered the following amendment H—5086 filed by him. Division was requested as follows:

H—5086

- 1 Amend House File 2153 as follows:

H—5086A

- 2 1. Page 1, line 7, by striking the words "the
- 3 issuance" and inserting the following: "the date of
- 4 the issuance".

H—5086B

- 5 2. Page 1, line 20, by striking the words
- 6 "proceeding contested case" and inserting the
- 7 following: "proceeding".

On motion by Hummel of Benton, amendment H—5086A was adopted.

Hummel of Benton moved the adoption of amendment H—5086B.

A non-record roll call was requested.

The ayes were 39, nays 48.

Amendment H—5086B lost.

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?" (H.F. 2153)

The ayes were, 64:

Adams	Arnould	Bisignano	Black
Blanshan	Buhr	Chapman	Clark
Cohoon	Connolly	Connors	Cooper
Corbett	Corey	Diemer	Doderer
Dvorsky	Fogarty	Fuller	Groninga
Gruhn	Halvorson, R. N.	Hammond	Hansen, S. D.
Harper	Hatch	Haverland	Holveck
Johnson	Knapp	Koenigs	Lageschulte
Lundby	May	McKean	McKinney
Muhlbauer	Mullins	Neuhauser	Norrgard
Ollie	Paulin	Pavich	Peters
Petersen, D. F.	Peterson, M. K.	Platt	Poncy
Renaud	Rosenberg	Running	Schrader
Sherzan	Shoultz	Siegrist	Skow
Spear	Svoboda	Swartz	Tabor
Teaford	Van Camp	Wise	Mr. Speaker

The nays were, 26:

Beaman	Bennett	Branstad	Daggett
De Groot	Eddie	Garman	Halvorson, R. A.
Harbor	Hermann	Hester	Hummel
Kremer	Maulsby	Metcalf	Miller
Pellett	Plasier	Renken	Royer
Schnekloth	Shoning	Stueland	Swearingen
Tyrrell	Van Maanen		

Absent or not voting, 10:

Beatty	Brammer	Carpenter	Fey
Hanson, D. R.	Jay	Jochum	Osterberg
Parker	Stromer		

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

**House File 2156**, a bill for an act relating to the registration of aircraft, and making penalties applicable, (deferred February 12, 1988) was taken up for consideration.

Gruhn of Dickinson offered the following amendment H—5083 filed by her and moved its adoption:

H—5083

- 1 Amend House File 2156 as follows:
- 2 1. Page 1, lines 10 and 11, by striking the words
- 3 "hangered, serviced, maintained.".

Amendment H—5083 was adopted.

Renaud of Polk offered the following amendment H—5085 filed by him and moved its adoption:

H—5085

- 1 Amend House File 2156 as follows:
- 2 1. Page 2, by inserting after line 22 the
- 3 following:
- 4 "NEW SUBSECTION. 9. The registration fee for a
- 5 helicopter used exclusively as an air ambulance is one
- 6 thousand dollars."

Amendment H—5085 was adopted.

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

On the question "Shall the bill pass?" (H.F. 2156)

The ayes were, 92:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Black	Blanshan
Branstad	Buhr	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.	Harbor	Harper	Hatch
Haverland	Hermann	Hester	Holveck
Hummel	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	Schnekloth	Schrader	Sherzan
Shoning	Shoultz	Siegrist	Skow
Spear	Stromer	Stueland	Svoboda
Swartz	Swearingen	Tabor	Tyrrell
Van Camp	Van Maanen	Wise	Mr. Speaker

The nays were, 1:

Jay

Absent or not voting, 7:

Brammer	Carpenter	Fey	Hanson, D. R.
Jochum	Parker	Teaford	



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

### RULES SUSPENDED

Arnould of Scott asked and received unanimous consent to suspend the rules and take up out of order House File 2194.

**House File 2194**, a bill for an act relating to the lottery by striking the date for appointing the original commissioner of the lottery, removing the requirement for serial numbering of pull-tab tickets, exempting pull-tab tickets from the stamping required by retailers, extending the time for submitting the annual report of the lottery, lowering the limit of the conflict of interest provisions to thirty-five dollars and incorporating the prohibitions of the gift law, authorizing the licensing of certain nonprofit organizations, modifying the hearing procedures for revocation and suspension of lottery licenses, permitting sales of tickets by members of certain nonprofit organizations, making penalties applicable, and providing an effective date, was taken up for consideration.

Van Camp of Scott offered the following amendment H—5075 filed by him and moved its adoption:

H—5075

1 Amend House File 2194 as follows:

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

4 "Sec. \_\_\_\_\_. Section 99E.10, subsection 1,  
5 unnumbered paragraph 1, Code Supplement 1987, is  
6 amended to read as follows:

7 Upon receipt of any revenue, the commissioner shall  
8 deposit the moneys in the lottery fund created  
9 pursuant to section 99E.20 with the exception of the  
10 revenue to be deposited in the prescription drug  
11 program fund pursuant to subsection 4. As nearly as  
12 is practicable, at least fifty percent of the  
13 projected annual revenue, after deduction of the  
14 amount of the sales tax, accruing from the sale of  
15 tickets or shares is appropriated for payment of  
16 prizes to the holders of winning tickets. After the  
17 payment of prizes, all of the following shall be  
18 deducted from lottery revenue prior to disbursement:

19 Sec. \_\_\_\_\_. Section 99E.10, Code Supplement 1987, is  
20 amended by adding the following new subsection:

21 **NEW SUBSECTION. 4.** The commissioner shall deposit  
22 one hundred percent of lottery revenues derived from  
23 the pull-tab tickets in the prescription drug program  
24 fund created in the office of the treasurer of state.

25 The moneys credited to the prescription drug program  
 26 fund are appropriated to the department of elder  
 27 affairs to fund the prescription drug program  
 28 established pursuant to section 249D.60. Any interest  
 29 earned on moneys credited to the fund shall remain in  
 30 the fund and shall be expended to fund the  
 31 prescription drug program."

32 2. Page 6, by inserting after line 23 the  
 33 following:

34 "Sec. \_\_\_\_\_. NEW SECTION. 249D.60 PRESCRIPTION  
 35 DRUG PROGRAM.

36 The commission shall adopt a plan for, and the  
 37 department shall initiate a prescription drug program  
 38 to subsidize the prescription drug costs of elders who  
 39 have limited resources to pay these costs. The  
 40 department shall establish a cost-sharing schedule  
 41 which reflects the ability of the elder to pay  
 42 prescription drug costs, including the elder's  
 43 eligibility for medicare or other reimbursement, if  
 44 available. The commission may enter into agreements  
 45 with providers, provider associates, or other state  
 46 agencies to administer all or part of the program or  
 47 to provide related services, and may use up to five  
 48 percent of the moneys appropriated to the department  
 49 for the administrative costs of this program. The  
 50 commission shall establish administrative rules

## Page 2

1 pursuant to chapter 17A to govern the operation of  
 2 this program."

Roll call was requested by Van Camp of Scott and Petersen of Muscatine.

On the question "Shall amendment H—5075 be adopted?"  
 (H.F. 2194)

The ayes were, 40:

Beaman	Bennett	Branstad	Clark
Corbett	Corey	Daggett	De Groot
Eddie	Garman	Halvorson, R. A.	Hansen, S. D.
Harbor	Hatch	Hermann	Hester
Hummel	Kremer	Lageschulte	Lundby
Maulsby	McKean	Miller	Mullins
Paulin	Pellett	Petersen, D. F.	Plasier
Platt	Renken	Royer	Running
Schnekloth	Shoning	Siegrist	Stueland
Swearingen	Tyrrell	Van Camp	Van Maanen

The nays were, 47:

Adams	Arnould	Beatty	Black
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Buhr	Chapman	Cohoon	Connolly
Connors	Cooper	Diemer	Dvorsky
Fogarty	Fuller	Groninga	Gruhn
Halvorson, R. N.	Hammond	Harper	Holveck
Jay	Johnson	Knapp	Koenigs
May	McKinney	Metcalf	Muhlbauer
Neuhauser	Norrgard	Ollie	Osterberg
Pavich	Peters	Peterson, M. K.	Poncy
Renaud	Rosenberg	Schrader	Shoultz
Skow	Spear	Svoboda	Tabor
Teaford	Wise	Mr. Speaker	

Absent or not voting, 13:

Bisignano	Blanshan	Brammer	Carpenter
Doderer	Fey	Hanson, D. R.	Haverland
Jochum	Parker	Sherzan	Stromer
Swartz			

Amendment H—5075 lost.

Schrader of Marion offered the following amendment H—5074 filed by him. Division was requested as follows:

H—5074

- 1 Amend House File 2194 as follows:

H—5074A

- 2 1. Page 2, line 28, by inserting after the word
- 3 "other" the following: "electronic".

H—5074B

- 4 2. Page 2, lines 28 and 29, by striking the words
- 5 "coins or currency" and inserting the following:
- 6 "coins, or currency, tickets, or tokens which can be
- 7 instantly redeemed".

Schrader of Marion asked and received unanimous consent to withdraw amendment H—5074A.

On motion by Schrader of Marion, amendment H—5074B was adopted.

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

On the question "Shall the bill pass?" (H.F. 2194)

The ayes were, 78:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Black	Blanshan

Buhr	Chapman	Clark	Cphoon
Connolly	Connors	Cooper	Diemer
Doderer	Dvorsky	Eddie	Fogarty
Fuller	Groninga	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hansen, S. D.	Harbor	Harper
Hatch	Haverland	Hermann	Hester
Holveck	Hummel	Jay	Johnson
Knapp	Koenigs	Kremer	Lageschulte
Lundby	May	McKinney	Metcalf
Muhlbauer	Mullins	Neuhauser	Norrgard
Ollie	Parker	Paulin	Pavich
Peters	Petersen, D. F.	Peterson, M. K.	Platt
Poncy	Renaud	Rosenberg	Royer
Running	Schrader	Sherzan	Shoning
Shoultz	Siegrist	Skow	Spear
Stromer	Stueland	Svoboda	Swartz
Swearingen	Tabor	Teaford	Van Camp
Wise	Mr. Speaker		

The nays were, 17:

Branstad	Corbett	Corey	Daggett
De Groot	Garman	Hammond	Maulsby
McKean	Miller	Osterberg	Pellett
Plasier	Renken	Schnekloth	Tyrrell
Van Maanen			

Absent or not voting, 5:

Brammer	Carpenter	Fey	Hanson, D. R.
Jochum			

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

### GOVERNOR'S ITEM VETO MESSAGE

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

February 12, 1988

The Honorable Donald Avenson  
Speaker  
House of Representatives  
State Capitol Building  
L O C A L

Dear Mr. Speaker:

I hereby transmit House File 2082, an act relating to and making appropriations to the Department of Human Services and to the Iowa Finance Authority for the remainder of the fiscal year ending June 30, 1988, allowing carryover of certain funds to the next fiscal year, and providing an effective date.

House File 2082 is approved with the following exceptions which I hereby disapprove.

I am unable to approve the items designated as Section 1, Section 2, Section 3, Section 4, Section 5, Section 7, Section 8, Section 9, Section 10, and Section 11.

That portion of House File 2082 which I have approved will make \$20 million of supplemental funds available to the Department of Human Services for fiscal year 1988. These supplemental funds are needed to make certain that our existing human services programs for the needy are maintained throughout the remainder of this fiscal year.

The remaining sections of House File 2082 either spend money the state does not have or deappropriate money that is desperately needed for social workers. As the result, I cannot approve those sections.

Section 1 of this bill deappropriates approximately \$1.4 million dollars for the Department of Human Services' field operations. If this is allowed to occur, an immediate freeze on filling vacant social worker positions would be required and a reduction in force may be necessary. Fifty-three social worker positions would be lost if this deappropriation were to be approved.

It is, indeed, ironic that the legislature should enact such a reduction in social workers at a time when it is acknowledged that human service needs are considerable. It is my understanding that this section of House File 2082 may be a punitive measure designed by some to respond to the Department's failure to hire a full complement of social worker staff this year. It should be understood that the Department has been limited in its ability to hire additional social workers because of lost federal funds and a last minute legislative reduction in the state salary adjustment fund last year. Eliminating an additional 53 positions from the Department's social worker staff would only compound the difficulties of our social workers in meeting the needs of less fortunate Iowans and cannot be approved.

The remaining sections of House File 2082 either expand existing programs or create new ones. The decision to item veto those sections is a most difficult one. I recognize that government has an appropriate role in caring for those who cannot care for themselves and this bill addresses some of those needs. But our ability to truly meet those needs is limited by the fiscal realities of our state. Government would play a cruel hoax on the most vulnerable in our society if we were to make promises we know we cannot keep.

Indeed, House File 2082 results in new state human service spending obligations of approximately \$5 million dollars this year and approximately \$18 million for fiscal year 1989 without providing necessary offsetting revenue or expenditure reductions. I am unwilling to put these human needs programs on the state's credit card in the hope that the legislature could somehow find money to pay for them in the future. Some of the proposals in House File 2082 are worthy of consideration, but only within the context of the balanced budget our Constitution requires.

In addition, I am disappointed that the legislature did not recognize the very real need to reform the welfare system in House File 2082. I have made recommendations to the General Assembly to provide transitional medical assistance, child care, and job training and education to help those who are on welfare obtain jobs and climb the ladder of opportunity.

In order to truly care for the less fortunate, we must not only provide them basic assistance, but we must also eliminate the barriers and provide them with incentives to obtain an education, training and a job so that they can become productive members of our state. A welfare reform component must be an essential part of any human services spending bill that I consider this year.

Finally, I frankly am disappointed with the process that has yielded this first item veto of the legislative session. We began with a joint call for cooperation and, together, the legislative leaders and I agreed on the outlines of a budget which recognized our priorities and met our Constitutional responsibility to ensure a balanced budget. Yet, with remarkable alacrity the legislature passed this spending bill without showing how the budget will all add up.

In my budget message, I pledged my willingness to sit down with legislators and build a consensus budget to achieve a mutually agreed upon set of priorities. My priorities are education, economic development and welfare reform. And, I know members of the General Assembly may have varying priorities. However, if we all work together and agree to cooperate, I believe that we can pass a budget for the people of Iowa this session that is both balanced and meets the needs of Iowans.

I pledge my willingness to begin anew the process of working with members of the General Assembly to establish a budget for this state. However, all of those priorities could be jeopardized if I were to sign this first appropriation bill of the legislative session that could put the state as much as \$62 million dollars in the red.

This is no time for budget games or polarizing polemics. Instead, it is a time for legislative and executive branch, Democrat and Republican, to sit down and agree on what needs to be done and commit to do it together. If we do so, it is my firm belief that some of the priorities that are established in House File 2082 will be able to be accomplished, education and economic development goals will be realized, major tax increases will be avoided, and Iowans will have the balanced budget that they deserve.

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 2082 are hereby approved as of this date.

Sincerely,  
Terry E. Branstad  
Governor

## PRESENTATION OF VISITOR

Beaman of Clarke presented to the House Carole Besson, a foreign exchange student from Switzerland. Carole is living with the Surber family of Indianola and attending high school there.

## HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

### H.S.B. 738 Local Government

Relating to the survey of land including the practice of land surveying and the preparation, recording, and vacation of plats, and subjecting violators to civil penalties.

**H.S.B. 739 State Government**

Relating to the registration and regulation of persons seeking to represent a student athlete for compensation in negotiations intended to result in employment with a professional sports team and providing penalties.

**H.S.B. 740 Agriculture**

Relating to cooperative associations by providing for their purposes and powers.

**H.S.B. 741 Small Business and Commerce**

Relating to insurance.

**H.S.B. 742 Small Business and Commerce**

Providing for the contents of a plan for bank merger or consolidation.

**H.S.B. 743 Small Business and Commerce**

To exclude Saturday as a banking day.

**H.S.B. 744 Economic Development**

Relating to economic development plans and the providing of financial and technical assistance by the department of economic development and the state transportation commission.

**SUBCOMMITTEE ASSIGNMENTS****House File 2183**

Judiciary and Law Enforcement: Jay, Chair; Carpenter and Poncey.

**House File 2204**

Judiciary and Law Enforcement: Doderer, Chair; Carpenter, Hammond, Poncey and Schnekloth.

**House File 2216**

Judiciary and Law Enforcement: Jay, Chair; Halvorson of Clayton, Hansen of Woodbury, Lageschulte and McKinney.

**House File 2219**

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

**House File 2225**

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

**Senate File 2091**

Judiciary and Law Enforcement: Rosenberg, Chair; Hansen of Woodbury, Kremer, Paulin, Peterson of Carroll, Plasier and Sherzan.

**HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS****House Study Bill 681**

Judiciary and Law Enforcement: Hammond, Chair; Clark and Plasier.

**House Study Bill 710**

Judiciary and Law Enforcement: Lageschulte, Chair; Harbor and Shoning.

**House Study Bill 711**

Judiciary and Law Enforcement: Jay, Chair; Halvorson of Clayton, Hansen of Woodbury and Lageschulte.

**House Study Bill 712**

Judiciary and Law Enforcement: Rosenberg, Chair; Hansen of Woodbury, Kremer, Paulin, Peterson of Carroll, Plasier and Sherzan.

**House Study Bill 713**

Judiciary and Law Enforcement: Rosenberg, Chair; Hansen of Woodbury, Kremer, Paulin, Peterson of Carroll, Plasier and Sherzan.

**House Study Bill 714**

Judiciary and Law Enforcement: Rosenberg, Chair; Hansen of Woodbury, Kremer, Paulin, Peterson of Carroll, Plasier and Sherzan.

**House Study Bill 715**

Judiciary and Law Enforcement: Haverland, Chair; Schneklath and Shoning.

**House Study Bill 716**

Judiciary and Law Enforcement: Rosenberg, Chair; Hansen of Woodbury, Kremer, Paulin, Peterson of Carroll, Plasier and Sherzan.

**House Study Bill 717**

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

**AMENDMENTS FILED**

H-5087	H.F.	231	Shoning of Woodbury
H-5088	H.F.	2238	Spear of Lee
			Fuller of Hardin
H-5089	S.F.	2094	Tyrrell of Iowa
			Van Camp of Scott
H-5090	H.F.	2158	Schrader of Marion
			Dvorsky of Johnson
			Jay of Appanoose
			Black of Jasper



H—5091	S.F.	2094	Corbett of Linn
H—5092	S.F.	2094	Corbett of Linn
H—5093	S.F.	2094	Corbett of Linn

On motion by Arnould of Scott, the House adjourned at 11:37 a.m., until 9:00 a.m., Tuesday, February 16, 1988.

# JOURNAL OF THE HOUSE

Thirty-seventh Calendar Day — Twenty-third Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Tuesday, February 16, 1988

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

Prayer was offered by the Honorable Don Paulin, state representative from Plymouth County.

The Journal of Monday, February 15, 1988 was approved.

The House stood at ease at 9:08 a.m., until the fall of the gavel.

The House resumed session at 9:13 a.m., Speaker Avenson in the chair.

## INTRODUCTION OF BILLS

**House File 2243**, by Eddie and Garman, a bill for an act relating to the waiver or the amount of a penalty for failure to file or remit certain taxes.

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

**House File 2244**, by Daggett, a bill for an act relating to the exemption from the state sales, services, and use taxes of the sale and rental of certain replacement parts, implements, and farm machinery or equipment, and the furnishing of certain repair services.

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

**House File 2245**, by Eddie, a bill for an act relating to the petition signatures required to call an election to fill a vacancy in an elective city office.

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

**House File 2246**, by Beatty, a bill for an act relating to the judicial sentencing option of deferred judgment.

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

**House File 2247**, by Holveck, a bill for an act relating to an action for slander or libel for a report or statement made to the division of job service of the department of employment services.

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

**House File 2248**, by De Groot, a bill for an act relating to health care services liens in workers' compensation cases.

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

**House File 2249**, by Blanshan, a bill for an act relating to self-insured public bodies by mandating offer of coverage to early retirees up to age sixty-five, and providing an effective date.

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

**House File 2250**, by Rosenberg, a bill for an act relating to the providing of confidential tax information to officials and employees of political subdivisions of Iowa.

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

**House File 2251**, by Garman, Clark, Schnekloth, De Groot, Renken, Maulsby, Royer, Van Maanen, Tyrrell, Beaman, Spear, Petersen of Muscatine, Pellett, Stueland, Paulin, Corbett and Eddie, a bill for an act requiring a minimum number of days of instruction at the state universities.

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

**House File 2252**, by Connors, a bill for an act relating to conflicts between civil service laws and the terms and conditions of a collective bargaining agreement subject to mandatory negotiation.

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

**House File 2253**, by Swartz, a bill for an act requiring approved teacher education programs to include instruction in comparative cultures and to provide an effective date.

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

**House File 2254**, by Rosenberg and Hammond, a bill for an act relating to the payment of educational costs of nonresident children residing in child foster care facilities and homes.

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

**House File 2255**, by Hammond, a bill for an act relating to the confidentiality of records of clients of advocacy services offered by the department of human rights.

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

**House File 2256**, by Daggett and Beaman, a bill for an act relating to nursing education programs by establishing qualifications for program heads and other faculty members.

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

**REFERRED TO COMMITTEE ON TRANSPORTATION**  
(House File 2174)

The Speaker announced that House File 2174, presently on the **regular calendar**, was referred to the committee on **transportation**.

The House stood at ease at 9:17 a.m., until the fall of the gavel.

The House resumed session at 10:28 a.m., Connors of Polk in the chair.

**MOTION TO RECONSIDER WITHDRAWN**  
(House File 102)

Stromer of Hancock asked and received unanimous consent to withdraw the motion to reconsider House File 102, relating to the prohibition of polygraph examinations as a condition of employment, filed by him on February 3, 1988.

**MOTION TO RECONSIDER**  
(House File 2194)

I move to reconsider the vote by which House File 2194 passed the House on February 15, 1988.

**CONNOLLY** of Dubuque

**BILL SIGNED BY THE GOVERNOR**

A communication was received from the Governor announcing that on February 15, 1988, he approved and transmitted to the Secretary of State the following bill:

Senate File 2037, an act relating to certain scholarship and grant programs administered by the college aid commission, including the requirements for receipt of a state scholarship and the repeal of the supplemental grant program, and providing appropriations and an effective date for the repeal.

**COMMUNICATION RECEIVED**

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

**TREASURER OF STATE**

The Report of the Treasurer of State for the Fiscal Year July 1, 1985 through June 30, 1986, pursuant to Chapter 17.3, Code of Iowa.

## HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

### **H.S.B. 745 State Government**

Relating to the nomination of candidates for the office of lieutenant governor for the general election in the year 1990.

### **H.S.B. 746 Education**

Relating to the establishment of programs for paying for college costs.

### **H.S.B. 747 Agriculture**

Relating to warehouses for agricultural products by providing for the denial of certain applications for licensing by the department of agriculture and land stewardship.

### **H.S.B. 748 Agriculture**

Relating to the licensing of grain producers as bonded grain sellers by the department of agriculture and land stewardship.

### **H.S.B. 749 Ways and Means**

Relating to tax refunds paid by the county treasurer.

### **H.S.B. 750 State Government**

Relating to physician assistants, establishing a joint board of physician assistant examiners, providing for the registration and licensure of physician assistants, making penalties applicable, providing properly related matters, and providing an effective date.

### **H.S.B. 751 Education**

Relating to requirements for approved teacher education programs.

### **H.S.B. 752 Education**

Relating to physical education requirements in public and nonpublic schools and providing an effective date.

### **H.S.B. 753 Local Government**

Relating to limitations on total annual expenditures by counties under lease or lease-purchase contracts.

### **H.S.B. 754 State Government**

Relating to the furnishing of blank nomination papers by the state commissioner of elections and requiring the requester to provide certain information.

**H.S.B. 755 Local Government**

Relating to the provision of sewer services to state agency buildings and providing an effective date.

**H.S.B. 756 Education**

Eliminating the additional weighting for non-English speaking students and providing an effective date.

**SUBCOMMITTEE ASSIGNMENTS****House File 2186**

Small Business and Commerce: Blanshan, Chair; Chapman, Groninga, Harbor and Schnekloth.

**House File 2187**

Small Business and Commerce: Blanshan, Chair; Chapman, Groninga, Harbor and Schnekloth.

**House File 2188**

Human Resources: Hammond, Chair; Harper, Hermann, Hester, Mullins, Norrgard and Teaford.

**House File 2189**

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

**House File 2201**

Human Resources: Fey, Chair; Adams, Bisignano, Clark and Plasier.

**House File 2203**

Human Resources: Hammond, Chair; Harper, Hermann, Hester, Mullins, Norrgard and Teaford.

**House File 2210**

Local Government: Fuller, Chair; Cooper and Eddie.

**House File 2212**

Small Business and Commerce: Blanshan, Chair; Chapman, Groninga, Harbor and Schnekloth.

**House File 2215**

Economic Development: Svoboda, Chair; Metcalf and Wise.

**House File 2218**

Economic Development: Svoboda, Chair; Corbett and Wise.

**House File 2222**

Small Business and Commerce: Groninga, Chair; Brammer, Halvorson of Clayton, Schnekloth and Shoultz.

**House File 2228**

Local Government: Connors, Chair; Bisignano and Diemer.

**House File 2231**

Small Business and Commerce: Groninga, Chair; Brammer, Halvorson of Clayton, Schneklath and Shoultz.

**House File 2234**

Small Business and Commerce: Chapman, Chair; Holveck, Kremer, McKinney and Metcalf.

**House File 2241**

Small Business and Commerce: Groninga, Chair; Brammer, Halvorson of Clayton, Schneklath and Shoultz.

**House File 2249**

State Government: Blanshan, Chair; Carpenter, Connors, Hammond and Hanson of Delaware.

**House File 2255**

State Government: Blanshan, Chair; Buhr and Lundby.

**House Concurrent Resolution 110**

Human Resources: Harper, Chair; Connors, Hester, Peters and Swearingen.

**HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS****House Study Bill 685**

Small Business and Commerce: Parker, Chair; Hummel, Renken, Sherzan and Skow.

**House Study Bill 686**

Small Business and Commerce: Parker, Chair; Hummel, Renken, Sherzan and Skow.

**House Study Bill 687**

Human Resources: Hammond, Chair; Harper, Hermann, Hester, Mullins, Norrgard and Teaford.

**House Study Bill 690**

Small Business and Commerce: Blanshan, Chair; Chapman, Groninga, Harbor and Schneklath.

**House Study Bill 691**

Small Business and Commerce: Chapman, Chair; Holveck, Kremer, McKinney and Metcalf.

**House Study Bill 692**

Small Business and Commerce: Groninga, Chair; Brammer, Halvorson of Clayton, Schneklath and Shoultz.

**House Study Bill 693**

Small Business and Commerce: Groninga, Chair; Brammer, Halvorson of Clayton, Schnekloth and Shoultz.

**House Study Bill 709**

Small Business and Commerce: Parker, Chair; Hummel, Renken, Sherzan and Skow.

**House Study Bill 718**

Human Resources: Harper, Chair; Connors, Hester, Peters and Swearingen.

**House Study Bill 719**

Human Resources: Harper, Chair; Connors, Hester, Peters and Swearingen.

**House Study Bill 722**

Local Government: Daggett, Chair; Fuller and Norrgard.

**House Study Bill 724**

Local Government: Muhlbauer, Chair; Peters and Royer.

**House Study Bill 725**

Small Business and Commerce: Parker, Chair; Hummel, Renken, Sherzan and Skow.

**House Study Bill 726**

Small Business and Commerce: Parker, Chair; Hummel, Renken, Sherzan and Skow.

**House Study Bill 727**

Small Business and Commerce: Parker, Chair; Hummel, Renken, Sherzan and Skow.

**House Study Bill 728**

Local Government: Platt, Chair; Beatty and Cooper.

**House Study Bill 729**

State Government: Halvorson of Webster, Chair; Buhr, Hanson of Delaware, Running and Van Camp.

**House Study Bill 732**

Small Business and Commerce: Groninga, Chair; Brammer, Halvorson of Clayton, Schnekloth and Shoultz.

**House Study Bill 733**

Small Business and Commerce: Brammer, Chair; Beatty, Corbett, Garman and Hatch.

**House Study Bill 734**

Small Business and Commerce: Parker, Chair; Hummel, Renken, Sherzan and Skow.

**House Study Bill 736**

Economic Development: Connolly, Chair; Bennett, Groninga, Hummel and Parker.



**House Study Bill 737**

State Government: Running, Chair; Renaud and Van Camp.

**House Study Bill 739**

State Government: Peterson of Carroll, Chair; Beatty, Garman, Hanson of Delaware and Knapp.

**House Study Bill 741**

Small Business and Commerce: Groninga, Chair; Brammer, Halvorson of Clayton, Schneklath and Shoultz.

**House Study Bill 742**

Small Business and Commerce: Parker, Chair; Hummel, Renken, Sherzan and Skow.

**House Study Bill 743**

Small Business and Commerce: Parker, Chair; Hummel, Renken, Sherzan and Skow.

**House Study Bill 744**

Economic Development: Dvorsky, Chair; Corbett and Wise.

**House Study Bill 745**

State Government: Halvorson of Webster, Chair; Hanson of Delaware and Running.

**House Study Bill 750**

State Government: Blanshan, Chair; Beatty and Hanson of Delaware.

**House Study Bill 754**

State Government: Blanshan, Chair; Buhr and Lundby.

**COMMITTEE RECOMMENDATIONS**

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

JOSEPH O'HERN

Chief Clerk of the House

**COMMITTEE ON HUMAN RESOURCES**

**Committee Bill** (Formerly House Study Bill 521), relating to confidentiality of human immunodeficiency virus-related matters and providing penalties.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 15, 1988.

**Committee Bill** (Formerly House Study Bill 587), repealing a requirement that the department of corrections prepare a biennial report relating to the management of the community-based corrections programs.

Fiscal Note is not required.

Recommended **Do Pass** February 15, 1988.

**Committee Bill** (Formerly House Study Bill 594), relating to reports to be submitted by superintendents of correctional institutions to the director of the department of corrections.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 15, 1988.

**Committee Bill** (Formerly House Study Bill 595), relating to the use of the Iowa state industries revolving fund.

Fiscal Note is not required.

Recommended **Do Pass** February 15, 1988.

**Committee Bill** (Formerly House Study Bill 622), relating to the deduction and disbursement of certain moneys from an allowance paid to an inmate.

Fiscal Note is not required.

Recommended **Do Pass** February 15, 1988.

#### COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT

**House File 2026**, a bill for an act relating to conduct which creates a substantial risk of bodily injury as a condition of association with a group or organization and providing penalties.

Fiscal Note is not required.

Committee Action **Failed to Pass** February 15, 1988.

#### COMMITTEE ON NATURAL RESOURCES AND OUTDOOR RECREATION

**House File 2066**, a bill for an act establishing minimum and maximum loop dimensions for snare traps and providing a penalty.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H—5099** February 15, 1988.

**Committee Bill** (Formerly House Study Bill 706), relating to trespass upon the right-of-way of a public road or highway.

Fiscal Note is not required.

Recommended **Do Pass** February 15, 1988.

**Committee Bill** (Formerly House Study Bill 708), relating to the use of vessels for hunting blinds on the public waters of this state and subjecting violators to an existing penalty.

Fiscal Note is not required.

Recommended **Do Pass** February 15, 1988.

## RESOLUTION FILED

**HCR 111**, by Doderer, Hammond, Mullins, Harbor, Adams, Carpenter, Chapman, De Groot, Svoboda, Peterson of Carroll, Siegrist, Arnould, Pavich, Platt, Ollie, Wise, Harper, Teaford, Beatty, Dvorsky, Fey, Halvorson of Clayton, Poncy, Metcalf, Brammer, Running, Hatch and Hester, a concurrent resolution relating to the Iowa Hawkeyes Women's Basketball Team.

Laid over under **Rule 25**.

## AMENDMENTS FILED

H-5094	S.F.	2094	Spear of Lee
H-5095	S.F.	2094	Van Camp of Scott
H-5096	S.F.	2094	Spear of Lee
H-5097	S.F.	2094	Van Maanen of Mahaska
H-5098	S.F.	2094	De Groot of Lyon
H-5099	H.F.	2066	Committee on Natural Resources and Outdoor Recreation
H-5100	S.F.	2094	Schnekloth of Scott

On motion by Arnould of Scott, the House adjourned at 10:30 a.m. until 9:00 a.m., Wednesday, February 17, 1988.

# JOURNAL OF THE HOUSE

Thirty-eighth Calendar Day — Twenty-fourth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Wednesday, February 17, 1988

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

Prayer was offered by the Honorable Richard Running, state representative from Linn County.

The Journal of Tuesday, February 16, 1988 was approved.

## INTRODUCTION OF BILLS

**House File 2257**, by committee on natural resources and outdoor recreation, a bill for an act relating to the use of vessels for hunting blinds on the public waters of this state and subjecting violators to an existing penalty.

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

**House File 2258**, by committee on natural resources and outdoor recreation, a bill for an act relating to trespass upon the right-of-way of a public road or highway.

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

## MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on February 15, 1988, passed the following bill in which the concurrence of the House is asked:

Senate File 2002, a bill for an act relating to the payment of additional salary and expense allowances during a special session.

Also: That the Senate has on February 15, 1988, passed the following bill in which the concurrence of the House is asked:

Senate File 2023, a bill for an act relating to the ownership, issuance of title, operation, and regulation of snowmobiles and all-terrain vehicles, imposing fees, subjecting violators to penalties, and providing effective dates.

Also: That the Senate has on February 15, 1988, passed the following bill in which the concurrence of the House is asked:

Senate File 2088, a bill for an act relating to the eligibility date of certain military veterans for membership on a county commission of veterans affairs and certain military veteran benefits.

Also: That the Senate has on February 15, 1988, passed the following bill in which the concurrence of the House is asked:

Senate File 2117, a bill for an act relating to certain speeding violations of ten miles per hour or less over the legal speed limit and providing an effective date.

Also: That the Senate has on February 15, 1988, passed the following bill in which the concurrence of the House is asked:

Senate File 2124, a bill for an act relating to the membership of the board of nursing examiners, increasing the number of registered nurse members who must be actively engaged in practice and decreasing the number who must be nurse educators, and providing an effective date.

Also: That the Senate has on February 15, 1988, passed the following bill in which the concurrence of the House is asked:

Senate File 2126, a bill for an act restricting the time period for the initiating of administrative or judicial actions to remove or eliminate certain structures, dams, obstructions, deposits, excavations, or stream straightenings to a floodway.

Also: That the Senate has on February 15, 1988, passed the following bill in which the concurrence of the House is asked:

Senate File 2129, a bill for an act relating to the issuance of warrants for drainage improvements.

Also: That the Senate has on February 15, 1988, adopted the following resolution in which the concurrence of the House is asked:

Senate Concurrent Resolution 105, a concurrent resolution relating to the assessment of nursing personnel needs in the state.

JOHN F. DWYER, Secretary

On motion by Arnould of Scott, the House was recessed at 9:07 a.m., until 1:00 p.m.

## AFTERNOON SESSION

The House reconvened, Speaker Avenson in the chair.

## INTRODUCTION OF BILLS

**House Joint Resolution 2003**, by Daggett, Miller, McKean, Beaman, Branstad, De Groot, Maulsby, Halvorson of Clayton, Royer, Harbor and Van Maanen, a joint resolution to nullify subrules of an administrative rule of the state board of education relating to school personnel of school districts, and to provide an effective date.

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

**House File 2259**, by committee on transportation, a bill for an act to permit persons who rebuild motor vehicles into emergency vehicles to be licensed as wholesalers.

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

**House File 2260**, by committee on labor and industrial relations, a bill for an act to prohibit employer sanctions against employees who refuse to work in unsafe conditions.

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

**House File 2261**, by Schneklath, a bill for an act relating to the duration of public employee collective bargaining agreements with the state, its boards, commissions, departments, and agencies, and providing for the applicability of the Act.

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

**House File 2262**, by committee on human resources, a bill for an act relating to the deduction and disbursement of certain moneys from an allowance paid to an inmate.

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

**House File 2263**, by committee on human resources, a bill for an act relating to the use of the Iowa state industries revolving fund.

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

**House File 2264**, by committee on human resources, a bill for an act repealing a requirement that the department of corrections prepare a biennial report relating to the management of the community-based corrections programs.

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

The House stood at ease at 1:25 p.m., until the fall of the gavel.

The House resumed session at 2:58 p.m., Speaker Avenson in the chair.

On motion by Arnould of Scott, the House was recessed at 2:59 p.m., until 5:00 p.m.

#### AFTERNOON SESSION

The House reconvened, Speaker Avenson in the chair.

#### MOTION TO RECONSIDER WITHDRAWN (House File 2194)

Connolly of Dubuque asked and received unanimous consent to withdraw the motion to reconsider House File 2194, a bill for an act

relating to the lottery by striking the date for appointing the original commissioner of the lottery, removing the requirement for serial numbering of pull-tab tickets, exempting pull-tab tickets from the stamping required by retailers, extending the time for submitting the annual report of the lottery, lowering the limit of the conflict of interest provisions to thirty-five dollars and incorporating the prohibitions of the gift law, authorizing the licensing of certain nonprofit organizations, modifying the hearing procedures for revocation and suspension of lottery licenses, permitting sales of tickets by members of certain nonprofit organizations, making penalties applicable, and providing an effective date, filed by him on February 16, 1988.

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Adams of Hamilton, for the remainder of the day, on request of Norrgard of Des Moines.

### RULES SUSPENDED

Arnould of Scott asked and received unanimous consent to suspend the rules and take up out of order Senate File 2094.

### CONSIDERATION OF BILLS

#### Regular Calendar

**Senate File 2094**, a bill for an act relating to instructional requirements for human growth and development in grades kindergarten through twelve and providing an effective date, with report of committee recommending amendment and passage was taken up for consideration.

Teaford of Black Hawk offered amendment H—5079 filed by the committee on education. Division was requested as follows:

H—5079

- 1 Amend Senate File 2094 as amended, passed, and
- 2 reprinted by the Senate, as follows:

H—5079A

- 3 1. Page 3, line 8, by inserting after the word
- 4 "development" the following: "including awareness of
- 5 mental retardation and its prevention".

H—5079B

- 6 2. Page 4, line 11, by inserting after the word
- 7 "district," the following: "information about".

H-5079C

- 8 3. Page 5, by inserting after line 8 the follow-  
9 ing:  
10 "Sec. 4. HUMAN GROWTH AND DEVELOPMENT. Rules  
11 adopted by the state board under section 256.17 which  
12 prescribe standards for accredited schools shall  
13 include human sexuality, self-esteem, stress  
14 management, interpersonal relationships, the  
15 characteristics of acquired immune deficiency  
16 syndrome, and give attention to experiences relating  
17 to the development of life skills and human growth and  
18 development."  
19 4. By renumbering as necessary.

On motion by Teaforde of Black Hawk, the committee amendment H-5079A was adopted.

On motion by Teaforde of Black Hawk, the committee amendment H-5079B was adopted.

On motion by Teaforde of Black Hawk, the committee amendment H-5079C was adopted.

Van Camp of Scott offered amendment H-5095 filed by him and requested division as follows:

H-5095

- 1 Amend Senate File 2094 as amended, passed, and  
2 reprinted by the Senate, as follows:

H-5095A

- 3 1. Page 2, line 13, by striking the word "  
4 including" and inserting the following: "  
5 including".  
6 2. Page 2, by striking line 14 and inserting the  
7 following: "diseases including acquired immune  
8 deficiency syndrome, and current".

H-5095B

- 9 3. Page 3, line 29, by inserting after the word  
10 "community." the following: "However, the committee  
11 shall not consult with a health care professional or  
12 other person who is known to have publicly promoted  
13 abortion as an option, made abortion services  
14 available to a patient, or offered abortion as an  
15 option in counseling or other services."

H-5095C

- 16 4. Page 4, line 11, by inserting after the words  
17 "district, the" the following: "complete".



H—5095D

18 5. Page 4, by striking line 16 and inserting the  
19 following: "development unless the pupil's parent or  
20 guardian has filed with the".

21 6. Page 4, line 17, by striking the words "a  
22 written request" and inserting the following:  
23 "written consent".

24 7. Page 4, line 18, by striking the words  
25 "excused from" and inserting the following: "included  
26 in".

27 8. Page 4, lines 18 and 19, by striking the words  
28 "the written request may be made" and inserting the  
29 following: "written consent must be filed with the  
30 principal".

On motion by Van Camp of Scott, amendment H—5095A lost.

Corbett of Linn offered the following amendment H—5093 filed by him and moved its adoption:

H—5093

1 Amend Senate File 2094, as amended, passed, and  
2 reprinted by the Senate, as follows:

3 1. Page 2, line 21, by striking the word  
4 "parents" and inserting the following: "parents  
5 representing both two parent families and single  
6 parent families".

A non-record roll call was requested.

The ayes were 35, nays 43.

Amendment H—5093 lost.

Corbett of Linn offered the following amendment H—5092 filed by him and moved its adoption:

H—5092

1 Amend Senate File 2094, as amended, passed, and  
2 reprinted by the Senate, as follows:

3 1. Page 2, line 23, by inserting after the word  
4 "community," the following: "social workers,".

Amendment H—5092 lost.

Spear of Lee asked and received unanimous consent to withdraw amendment H—5081 filed by him on February 12, 1988.

Corbett of Linn offered the following amendment H—5091 filed by him and moved its adoption:

H—5091

- 1 Amend Senate File 2094, as amended, passed, and  
 2 reprinted by the Senate, as follows:  
 3 1. Page 3, by inserting after line 17 the  
 4 following:  
 5 "l. Truth, honesty, and fairness.  
 6 m. Impartiality in regard to race, religion, and  
 7 gender.  
 8 n. Causes and effects of various addictions.  
 9 o. Respect for peers and for elders.  
 10 p. Awareness of the effects of mental illness.  
 11 q. General hygiene.  
 12 r. Common sense."  
 13 2. Page 3, line 22, by striking the letter "k"  
 14 and inserting the following: "r".  
 15 3. Page 3, line 27, by striking the letter "k"  
 16 and inserting the following: "r".  
 17 4. Page 4, line 31, by striking the letter "k"  
 18 and inserting the following: "r".

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

On the question "Shall amendment H—5091 be adopted?" (S.F. 2094)

The ayes were, 36:

Beaman	Bennett	Branstad	Connors
Cooper	Corbett	Corey	Daggett
De Groot	Diemer	Eddie	Garman
Halvorson, R. A.	Harbor	Hermann	Hummel
Kremer	Lageschulte	Lundby	Maulsby
McKean	Miller	Paulin	Pellett
Petersen, D. F.	Plasier	Renken	Royer
Schnekloth	Shoning	Stromer	Swartz
Swearingen	Tyrrell	Van Camp	Van Maanen

The nays were, 56:

Arnould	Beatty	Bisignano	Black
Blanshan	Brammer	Buhr	Carpenter
Chapman	Clark	Cohoon	Connolly
Doderer	Dvorsky	Fogarty	Fuller
Groninga	Gruhn	Halvorson, R. N.	Hammond
Hansen, S. D.	Hanson, D. R.	Harper	Hatch
Haverland	Hester	Holveck	Jay
Jochum	Johnson	Knapp	Koenigs
May	McKinney	Metcalf	Mullins
Neuhauser	Norrgard	Ollie	Osterberg
Pavich	Peters	Peterson, M. K.	Poncy

Renaud	Rosenberg	Schrader	Shoultz
Siegrist	Skow	Spear	Svoboda
Tabor	Teaford	Wise	Mr. Speaker

Absent or not voting, 8:

Adams	Fey	Muhlbauer	Parker
Platt	Running	Sherzan	Stucland

Amendment H—5091 lost.

Spear of Lee asked and received unanimous consent to withdraw amendment H—5094 filed by him on February 16, 1988.

Van Maanen of Mahaska offered amendment H—5097 filed by him and requested division as follows:

H—5097

- 1 Amend Senate File 2094, as amended, passed, and
- 2 reprinted by the Senate, as follows:

H—5097A

- 3 1. Page 3, line 24, by striking the word "shall"
- 4 and inserting the following: "may".
- 5 2. Page 3, line 27, by striking the word "shall"
- 6 and inserting the following: "may".

H—5097B

- 7 3. Page 4, line 1, by striking the word "shall"
- 8 and inserting the following: "may".
- 9 4. Page 4, line 5, by striking the word "shall"
- 10 and inserting the following: "may".

H—5097C

- 11 5. Page 5, by striking lines 9 through 11.

On motion by Van Maanen of Mahaska, amendment H—5097A was adopted.

The House resumed consideration of amendment H—5095B.

Van Camp of Scott asked and received unanimous consent to temporarily defer action on amendment H—5095B.

The House resumed consideration of amendment H—5097B.

Van Maanen of Mahaska moved the adoption of amendment H—5097B.

A non-record roll call was requested.

The ayes were 34, nays 48.

Amendment H—5097B lost.

Arnould of Scott asked and received unanimous consent that Senate File 2094 be deferred and that the bill retain its place on the calendar.

**SPONSOR ADDED**  
(House Joint Resolution 2003)

Garman of Story requested to be added as a sponsor of House Joint Resolution 2003.

**HOUSE STUDY BILL COMMITTEE ASSIGNMENTS**

**H.S.B. 757 Agriculture**

Relating to the Iowa sheep and wool promotion board, by providing that a member of the board may receive compensation from an organization receiving funds from the board, and providing for possible conflicts in interest.

**H.S.B. 758 Agriculture**

Providing that certain liens may attach on grain which is custom dried, cleaned, or conditioned.

**H.S.B. 759 State Government**

Relating to the health data commission, renaming the commission and providing additional powers and duties, providing for the development of an overall state health policy, providing for review and evaluation of specific proposals relating to the health care professions, deleting provisions for the future termination of the commission, providing properly related matters, and providing for the applicability of the Act.

**H.S.B. 760 Economic Development**

Relating to and appropriating lottery fund revenues.

**H.S.B. 761 State Government**

To provide that certain appropriations for retirement allowances be paid from the Iowa public employees' retirement fund rather than from the general fund of the state retroactive to July 1, 1987.

**H.S.B. 762 Agriculture**

Relating to horse and dog racing.

**H.S.B. 763 Education**

Relating to school year duration and attendance requirements and providing for an effective date and interim study committee.

**H.S.B. 764 Local Government**

Relating to the establishment of a sewage works revolving loan fund and procedures for the financing of public sewage facilities.

**H.S.B. 765 Small Business and Commerce**

Relating to title guaranty by removing the requirements that participation fees be charged, that lenders be participants, that persons or lenders not receive a portion of the charge for title guaranty, and that financial institutions disclose the availability of the program.

**H.S.B. 766 Energy and Environmental Protection**

Relating to the penalties for water pollution and hazardous waste disposal, storage, and transportation.

**H.S.B. 767 Local Government**

Relating to the use of certain revenues obtained from the transfer of property or taxes imposed in urban renewal areas for economic development purposes.

**H.S.B. 768 State Government**

Relating to parental leaves of absence by employees of the state.

**H.S.B. 769 State Government**

Relating to rules of the state fire marshal for the above-ground storage and retail sale of petroleum products.

**H.S.B. 770 State Government**

Relating to jurisdiction over and discipline of members of the Iowa national guard.

**H.S.B. 771 Small Business and Commerce**

Relating to the deduction of premiums received in connection with annuity contracts in computing the gross amount of premiums for purpose of the state gross premiums tax.

**SUBCOMMITTEE ASSIGNMENTS****House File 2174**

Transportation: Fogarty, Chair; Connolly and Platt.

**House File 2217**

Education: Teaford, Chair; Beaman, Connolly, Corey and Harper.

**House File 2223**

Education: Cohoon, Chair; Adams, Hester, Lageschulte and Spear.

**House File 2226**

Education: Haverland, Chair; Black, Corbett, McKean and Neuhauser.

**House File 2240**

Transportation: Neuhauser, Chair; Fey and Harbor.

**House File 2242**

Energy and Environmental Protection: Fuller, Chair; Garman and May.

**House File 2251**

Education: Teaford, Chair; Beaman, Connolly, Corey and Harper.

**House File 2252**

Labor and Industrial Relations: Connors, Chair; Hansen of Woodbury and Schnekloth.

**House File 2253**

Education: Tabor, Chair; Plasier, Schrader, Siegrist and Wise.

**House File 2254**

Education: Black, Chair; Hester and Teaford.

**House File 2256**

Education: Tabor, Chair; Plasier, Schrader, Siegrist and Wise.

**HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS****House Study Bill 653**

Agriculture: Muhlbauer, Chair; Koenigs and Stueland.

**House Study Bill 720**

Transportation: Koenigs, Chair; Connolly, Lageschulte, Muhlbauer and Platt.

**House Study Bill 721**

Labor and Industrial Relations: Sherzan, Chair; Running and Van Maanen.

**House Study Bill 740**

Agriculture: Gruhn, Chair; Hatch and Pellett.

**House Study Bill 746**

Education: Shoultz, Chair; Cohoon and Maulsby.

**House Study Bill 747**

Agriculture: Muhlbauer, Chair; Branstad and Skow.

**House Study Bill 748**

Agriculture: Koenigs, Chair; Petersen of Muscatine and Svoboda.

**House Study Bill 752**

Education: Cohoon, Chair; Adams, Hester, Lageschulte and Spear.

**COMMITTEE RECOMMENDATIONS**

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

**JOSEPH O'HERN**

Chief Clerk of the House

**COMMITTEE ON AGRICULTURE**

**Senate File 394**, a bill for an act relating to care of animals in commercial establishments.

Fiscal Note is not required.

**Recommended Amend and Do Pass with amendment H—5119** February 16, 1988.

**Committee Bill** (Formerly House Study Bill 506), relating to agricultural land holdings by restricting the number of acres of agricultural land that limited partnerships may acquire or otherwise obtain or lease; restricting persons from becoming limited partners, stockholders, or beneficiaries in more than a certain number of limited partnerships, authorized farm corporations, or authorized trusts; requiring corporate reporting of agricultural land holdings; and providing penalties.

Fiscal Note is not required.

**Recommended Amend and Do Pass** February 16, 1988.

**Senate Concurrent Resolution 104**, a concurrent resolution relating to the federal conservation reserve program.

Fiscal Note is not required.

**Recommended Amend and Do Pass with amendment H—5116 and laid over under Rule 25** February 16, 1988.

**COMMITTEE ON EDUCATION**

**House File 2046**, a bill for an act relating to student membership on the state board of regents.

Fiscal Note is not required.

**Recommended Do Pass** February 16, 1988.

**Committee Resolution**, calling upon the Congress of the United States to enact legislation to aid the parents of prospective college students in saving for future college costs.

Fiscal Note is not required.

Recommended **Do Pass** February 16, 1988.

**Committee Resolution** (Formerly House Study Bill 546), directing the Department of Education to develop criteria for enhancing the clinical experiences of prospective teachers.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 16, 1988.

**Committee Bill** (Formerly House Study Bill 671), relating to the payment of moneys to teachers under the educational excellence program, including the frequency and manner of payments, eligibility for payments, deadlines for submission of plans and reports, and the issuance of supplemental contracts.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 16, 1988.

#### COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT

**Committee Bill** (Formerly House Study Bill 637), to restrict the use of electronic computer terminals or other devices for lottery games to use only for on-line lotto games.

Fiscal Note is not required.

Recommended **Do Pass** February 17, 1988.

#### COMMITTEE ON LABOR AND INDUSTRIAL RELATIONS

**Senate File 2060**, a bill for an act relating to the benefit ratio array system under the unemployment insurance law by making the benefit ratio array system permanent, by resolving potential federal conformity issues concerning new nonconstruction experience-based rates and access to job service information by business and labor organizations, by abolishing the special employer contribution rate for employers with certain negative balance account histories with retroactive applicability, and by providing an effective date.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H—5101** February 16, 1988.

**Committee Bill** (Formerly House Study Bill 603), to prohibit employer sanctions against employees who refuse to work in unsafe conditions.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 16, 1988.

#### COMMITTEE ON STATE GOVERNMENT

**House File 2162**, a bill for an act relating to the conditions for the issuance of a class "E" liquor control license in counties with a population under nine thousand five hundred.



Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H—5108** February 16, 1988.

**Senate File 348**, a bill for an act authorizing a state agency or a political subdivision of the state to contract to provide medical services.

Fiscal Note is not required.

Recommended **Do Pass** February 16, 1988.

#### COMMITTEE ON TRANSPORTATION

**Committee Bill** (Formerly House Study Bill 563), relating to funds in the special railroad facility fund and the rail assistance fund and providing an effective date.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 16, 1988.

**Committee Bill** (Formerly House Study Bill 657), to permit persons who rebuild motor vehicles into emergency vehicles to be licensed as wholesalers.

Fiscal Note is not required.

Recommended **Do Pass** February 16, 1988.

#### COMMITTEE ON WAYS AND MEANS

**Committee Bill** (Formerly House Study Bill 673), relating to the administration of the state's income, franchise, sales, services, use, fuel, and death taxes, providing penalties, and providing retroactive and effective dates.

Fiscal Note is not required.

Recommended **Do Pass** February 17, 1988.

**House File 2155**, a bill for an act relating to payment of costs of asbestos identification and removal by boards of directors of school districts.

Fiscal Note is required.

Recommended **Amend and Do Pass with amendment H—5115** February 17, 1988.

#### RESOLUTIONS FILED

**HCR 112**, by committee on education, a concurrent resolution directing the Department of Education to develop criteria for enhancing the clinical experiences of prospective teachers.

Laid over under **Rule 25**.

**HCR 113**, by committee on education, a concurrent resolution calling upon the Congress of the United States to enact legislation to aid the parents of prospective college students in saving for future college costs.

Laid over under **Rule 25**.

**HCR 114**, by Miller, Paulin, Plasier, Van Maanen, Bennett, De Groot, Van Camp, Petersen of Muscatine, Tyrrell, Branstad, McKean, Royer, Halvorson of Clayton, Harbor, Hummel, Maulsby, Hester, Shoning, Renken, Clark, Ollie, Wise, Hanson of Delaware and Shoultz, a concurrent resolution requesting that an interim study committee be appointed to review present and projected higher education needs and offerings.

Referred to committee on **education**.

**SCR 105**, by committee on human resources, a concurrent resolution relating to the assessment of nursing personnel needs in the state.

Referred to committee on **human resources**.

#### AMENDMENTS FILED

H-5101	S.F.	2060	Committee on Labor and Industrial Relations
H-5102	S.F.	2094	Spear of Lee
H-5103	S.F.	2094	Teaford of Black Hawk
H-5104	H.F.	2239	Van Camp of Scott
H-5105	S.F.	2094	Corbett of Linn
H-5106	H.F.	2239	Petersen of Muscatine
H-5107	H.F.	2239	Petersen of Muscatine
H-5108	H.F.	2162	Committee on State Government
H-5109	S.F.	2094	Spear of Lee
H-5110	H.F.	2239	Paulin of Plymouth
H-5111	S.J.R.	1	De Groot of Lyon
H-5112	S.F.	2094	Tyrrell of Iowa
H-5113	S.F.	2094	Tyrrell of Iowa
H-5114	H.F.	2162	Doderer of Johnson
			Renaud of Polk
			Blanshan of Greene
			Shoning of Woodbury
H-5115	H.F.	2155	Committee on Ways and Means
H-5116	S.C.R.	104	Committee on Agriculture
H-5117	H.F.	2239	Petersen of Muscatine
H-5118	H.F.	2239	Hummel of Benton
H-5119	S.F.	394	Committee on Agriculture

On motion by Arnould of Scott, the House adjourned at 6:30 p.m., until 9:00 a.m., Thursday, February 18, 1988.

# JOURNAL OF THE HOUSE

Thirty-ninth Calendar Day — Twenty-fifth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Thursday, February 18, 1988

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

Prayer was offered by the Honorable Dan Petersen, state representative from Muscatine County.

The Journal of Wednesday, February 17, 1988 was approved.

## PETITION FILED

The following petition was received and placed on file:

By Miller of Cherokee, from fifty-five Cherokee County residents opposing any increase in beer, wine or liquor taxing measures.

## INTRODUCTION OF BILLS

**House File 2265**, by committee on human resources, a bill for an act relating to reports to be submitted by superintendents of correctional institutions to the director of the department of corrections.

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

**House File 2266**, by Schnekloth, a bill for an act relating to the payment of salaries of state employees.

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

**House File 2267**, by Siegrist and Hester, a bill for an act exempting certain persons from the requirement to pass a vision test administered by the state department of transportation in order to receive a motor vehicle license.

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

**House File 2268**, by Schnekloth, a bill for an act relating to the budget enrollment and state percent of growth of school districts for the budget school years beginning July 1, 1989, and July 1, 1990.

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

**House File 2269**, by committee on transportation, a bill for an act relating to funds in the special railroad facility fund and the rail assistance fund and providing an effective date.

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

**House File 2270**, by Schnekloth, a bill for an act relating to child support by transferring the receipt and distribution functions for child support payments from the collection services center of the department of human services to the clerks of the district court, providing for the Act's applicability, and providing effective dates.

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

**House File 2271**, by Dvorsky and May, a bill for an act relating to regulating food establishments and food service establishments, by exempting certain premises used to create prepared food for sale at farmers markets.

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

**House File 2272**, by Metcalf and Hanson of Delaware, a bill for an act to require that parents and guardians present a child's birth certificate when enrolling that child in school.

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

**House File 2273**, by Van Camp, a bill for an act relating to and making appropriations to the department of elder affairs.

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

**House File 2274**, by Fogarty, a bill for an act relating to the fees to be deposited in the grain depositors and sellers indemnity fund.

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

**House File 2275**, by Van Camp and Paulin, a bill for an act to temporarily suspend the implementation of plans for the construction of a dam and water impoundment within the Brushy Creek recreation area.

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

**House File 2276**, by Mullins, a bill for an act allowing the issuance of collegiate registration plates, providing user fees for the plates and appropriating the user fees for scholarships, and providing an effective date.

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

**House File 2277**, by committee on education, a bill for an act relating to the payment of moneys to teachers under the educational excellence program, including the frequency and manner of payments, eligibility for payments, deadlines for submission of plans and reports, and the issuance of supplemental contracts.

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

**House File 2278**, by committee on human resources, a bill for an act relating to the issuance of citations to juveniles, the detention of juveniles and restrictions on the detention of juveniles in adult facilities, and providing penalties.

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

### SENATE MESSAGES CONSIDERED

**Senate File 2002**, by Holden, a bill for an act relating to the payment of additional salary and expense allowances during a special session.

Read first time and referred to committee on **rules and administration**.

**Senate File 2023**, by Wells, a bill for an act relating to the ownership, issuance of title, operation, and regulation of snowmobiles and all-terrain vehicles, imposing fees, subjecting violators to penalties, and providing effective dates.

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

**Senate File 2088**, by Husak, Boswell, Fuhrman and Soorholtz, a bill for an act relating to the eligibility date of certain military veterans for membership on a county commission of veterans affairs and certain military veteran benefits.

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

**Senate File 2117**, by committee on transportation, a bill for an act relating to certain speeding violations of ten miles per hour or less over the legal speed limit and providing an effective date.

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

**Senate File 2124**, by committee on state government, a bill for an act relating to the membership of the board of nursing examiners, increasing the number of registered nurse members who must be actively engaged in practice and decreasing the number who must be nurse educators, and providing an effective date.

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

**Senate File 2126**, by committee on natural resources, a bill for an act restricting the time period for the initiating of administrative or judicial actions to remove or eliminate certain structures, dams, obstructions, deposits, excavations, or stream straightenings to a floodway.

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

**Senate File 2129**, by committee on local government, a bill for an act relating to the issuance of warrants for drainage improvements.

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

**REFERRED TO COMMITTEE ON WAYS AND MEANS**  
(House File 2239)

Arnould of Scott asked and received unanimous consent that House File 2239, presently on the **regular calendar**, be referred to the committee on **ways and means**.

**RULES SUSPENDED**

Arnould of Scott asked and received unanimous consent to suspend the rules and take up out of order Senate File 2094.

**CONSIDERATION OF BILLS**  
**Regular Calendar**

The House resumed consideration of **Senate File 2094**, a bill for an act relating to instructional requirements for human growth and development in grades kindergarten through twelve and providing an effective date, deferred February 17, 1988.

The House resumed consideration of amendment H—5095C, (found on pages 359 and 360 of the House Journal).

On motion by Van Camp of Scott, amendment H—5095C lost.

Tyrrell of Iowa offered the following amendment H—5089 filed by him and Van Camp of Scott and moved its adoption:

H—5089

- 1 Amend Senate File 2094, as amended, passed, and re-
- 2 printed by the Senate, as follows:
- 3 1. Page 4, line 16, by striking the word "if" and
- 4 inserting the following: "unless".

- 5 2. Page 4, line 18, by striking the words  
6 "excused from" and inserting the following: "given".

A non-record roll call was requested.

The ayes were 20, nays 41.

Amendment H—5089 lost.

The House resumed consideration of amendment H—5095D (found on page 360 of the House Journal).

Van Camp of Scott asked and received unanimous consent to withdraw amendment H—5095D.

Fuller of Hardin in the chair at 9:52 a.m.

Beaman of Clarke offered the following amendment H—5082 filed by him:

H—5082

- 1 Amend Senate File 2094, as amended, passed, and  
2 reprinted by the Senate, as follows:  
3 1. Page 4, by striking lines 1 through 20.  
4 2. Page 4, line 21, by inserting before the word  
5 "Each" the following: "4."  
6 3. Page 5, by inserting after line 8 the  
7 following:  
8 "Sec. 100. NEW SECTION. 279.51. HUMAN GROWTH AND  
9 DEVELOPMENT INSTRUCTION — REQUIREMENTS.  
10 Each school board shall provide instruction in  
11 kindergarten which gives attention to experiences  
12 relating to life skills and human growth and  
13 development as required in section 256.11.  
14 Each school board shall provide instruction in  
15 human growth and development including instruction  
16 regarding human sexuality, self-esteem, stress  
17 management, interpersonal relationships, and acquired  
18 immune deficiency syndrome as required in section  
19 256.11, in grades one through twelve. Each school  
20 board shall annually provide to a parent or guardian  
21 of any pupil enrolled in the school district, the  
22 human growth and development curriculum used in the  
23 pupil's grade level and the procedure for inspecting  
24 the instructional materials prior to their use in the  
25 classroom. A pupil shall not be required to take  
26 instruction in human growth and development if the  
27 pupil's parent or guardian files with the appropriate  
28 principal a written request that the pupil be excused  
29 from the instruction. Notification that the written  
30 request may be made shall be included in the

31 information provided by the school district."  
32 4. Page 5, by inserting after line 11 the  
33 following:  
34 "Sec. 6. Sections 1, 2, and 100 of this Act take  
35 effect July 1, 1989."

Speaker Avenson in the chair at 9:54 a.m.

Tyrrell of Iowa offered the following amendment H-5112, to amendment H-5082, filed by him:

H-5112

1 Amend the amendment, H-5082, to Senate File 2094,  
2 as amended, passed, and reprinted by the Senate, as  
3 follows:  
4 1. Page 1, line 26, by striking the word "if" and  
5 inserting the following: "until".  
6 2. Page 1, lines 28 and 29, by striking the words  
7 "excused from" and inserting the following: "given".

Teaford of Black Hawk rose on a point of order that amendment H-5112 was not in order as it was subject matter previously considered.

The Speaker ruled the point not well taken and amendment H-5112 in order.

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Petersen of Muscatine, until his return, on request of Stromer of Hancock.

Tyrrell of Iowa moved the adoption of amendment H-5112, to amendment H-5082.

A non-record roll call was requested.

The ayes were 24, nays 39.

Amendment H-5112 lost.

Beaman of Clarke moved the adoption of amendment H-5082.

Roll call was requested by Miller of Cherokee and Daggett of Adams.

On the question "Shall amendment H-5082 be adopted?"  
(S.F. 2094)



The ayes were, 35:

Beaman	Bennett	Branstad	Carpenter
Corbett	Daggett	De Groot	Eddie
Garman	Halvorson, R. A.	Hanson, D. R.	Harbor
Hermann	Hummel	Kremer	Lageschulte
Lundby	Maulsby	McKean	Miller
Ollie	Paulin	Pellett	Plasier
Platt	Renken	Royer	Schneklloth
Shoning	Spear	Stueland	Swearingen
Tyrrell	Van Camp	Van Maanen	

The nays were, 52:

Adams	Arnould	Beatty	Bisignano
Black	Blanshan	Buhr	Clark
Cohoon	Connors	Cooper	Diemer
Doderer	Dvorsky	Fey	Fuller
Groninga	Gruhn	Halvorson, R. N.	Hammond
Hansen, S. D.	Harper	Hatch	Hester
Holveck	Jay	Jochum	Johnson
Knapp	Koenigs	May	McKinney
Metcalf	Mullins	Neuhauser	Norrgard
Osterberg	Parker	Pavich	Peters
Poncy	Renaud	Rosenberg	Running
Sherzan	Shoultz	Siegrist	Skow
Svoboda	Tabor	Teaford	Mr. Speaker

Absent or not voting, 13:

Brammer	Chapman	Connolly	Corey
Fogarty	Haverland	Muhlbauer	Petersen, D. F.
Peterson, M. K.	Schrader	Stromer	Swartz
Wise			

Amendment H—5082 lost.

Spear of Lee offered the following amendment H—5102 filed by him and moved its adoption:

H—5102

- 1 Amend Senate File 2094, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 4, by inserting after line 20 the
- 4 following:
- 5 "However, the state department of education shall
- 6 waive the human growth and development instruction
- 7 requirement in section 256.11 and this subsection,
- 8 upon the request of a school board or the authorities
- 9 in charge of a nonpublic school, if the board or the
- 10 authorities prove that a certificated teacher was
- 11 employed and assigned a schedule that would have
- 12 allowed the eligible students to receive the

- 13 instruction and the parents or guardians of all
- 14 eligible students filed written requests that their
- 15 children be excused from the instruction."

Roll call was requested by Van Camp of Scott and Maulsby of Calhoun.

On the question "Shall amendment H—5102 be adopted?"  
(S.F. 2094)

The ayes were, 40:

Beaman	Bennett	Black	Branstad
Cooper	Corbett	Corey	Daggett
De Groot	Diemer	Garman	Halvorson, R. A.
Harbor	Hermann	Hummel	Knapp
Kremer	Lageschulte	Lundby	Maulsby
May	McKean	Miller	Paulin
Pellett	Plasier	Platt	Renken
Royer	Running	Schneklath	Schrader
Spear	Stromer	Stueland	Swartz
Swearingen	Tyrrell	Van Camp	Van Maanen

The nays were, 58:

Adams	Arnould	Beatty	Bisignano
Blanshan	Brammer	Buhr	Carpenter
Chapman	Clark	Cphoon	Connolly
Connors	Doderer	Dvorsky	Eddie
Fey	Fogarty	Fuller	Groninga
Gruhn	Halvorson, R. N.	Hammond	Hansen, S. D.
Hanson, D. R.	Harper	Hatch	Haverland
Hester	Holveck	Jay	Jochum
Johnson	Koenigs	McKinney	Metcalf
Mullins	Neuhauser	Norrgard	Ollie
Osterberg	Parker	Pavich	Peters
Peterson, M. K.	Poncy	Renaud	Rosenberg
Sherzan	Shoning	Shoultz	Siegrist
Skow	Svoboda	Tabor	Teaford
Wise	Mr. Speaker		

Absent or not voting, 2:

Muhlbauer Petersen, D. F.

Amendment H—5102 lost.

(Senate File 2094 pending at recess.)

On motion by Arnould of Scott, the House was recessed at 10:20 a.m., until 1:00 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 February 17, 1988, amended and passed the following bill in which the concurrence of the House is asked:

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.

Also: That the Senate has on February 17, 1988, amended and passed the following bill in which the concurrence of the House is asked:

House File 433, a bill for an act relating to an exemption from securities registration for securities traded or approved for trade on the national association of securities dealers automated quotations — national market system (NASDAQ/NMS).

Also: That the Senate has on February 16, 1988, passed the following bill in which the concurrence of the Senate was asked:

House File 2128, a bill for an act relating to drugs, devices, and cosmetics.

Also: That the Senate has on February 16, 1988, passed the following bill in which the concurrence of the House is asked:

Senate File 2133, a bill for an act relating to the registration date for agricultural drainage wells and providing an effective date.

Also: That the Senate has on February 16, 1988, passed the following bill in which the concurrence of the House is asked:

Senate File 2134, a bill for an act relating to the expenditure of certain moneys by the soybean and corn promotion boards.

Also: That the Senate has on February 16, 1988, passed the following bill in which the concurrence of the House is asked:

Senate File 2135, a bill for an act relating to limiting the assets of the grain depositors and sellers indemnity fund, and providing for an early effective date.

Also: That the Senate has on February 16, 1988, passed the following bill in which the concurrence of the House is asked:

Senate File 2137, a bill for an act relating to financial responsibility requirements for the licensing of commercial applicators of pesticides.

JOHN F. DWYER, Secretary

## BUSINESS PENDING AT RECESS

The House resumed consideration of **Senate File 2094**, a bill for an act relating to instructional requirements for human growth and development in grades kindergarten through twelve and providing an effective date, pending at recess.

Arnould of Scott asked and received unanimous consent that Senate File 2094 be temporarily deferred.

### SENATE AMENDMENT CONSIDERED

Brammer of Linn called up for consideration **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, amended by the Senate amendment H—5121 as follows:

H—5121

1 Amend House File 327, as passed by the House, as  
2 follows:

3 1. Page 1, line 8, by striking the word  
4 "eighteen" and inserting the following: "seventeen".

5 2. Page 1, line 8, by inserting after the word  
6 "cigarette" the following: "for the period beginning  
7 March 1, 1988, and ending June 30, 1989, and at the  
8 rate of fifteen and one-half mills on each cigarette".

9 3. Page 1, line 9, by striking the figure "1987"  
10 and inserting the following: "1989".

11 4. Page 2, line 8, by striking the word "twenty"  
12 and inserting the following: "nineteen".

13 5. Page 2, line 25, by striking the word "twenty"  
14 and inserting the following: "nineteen".

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

17 "Sec. \_\_\_\_\_. Notwithstanding any provision of  
18 section 98.8 or of other provisions of chapter 98,  
19 during the period beginning March 1, 1988, and ending  
20 April 15, 1988, a holder of a state distributor's  
21 permit issued under chapter 98 may at the permit  
22 holder's option purchase cigarette tax stamps on  
23 credit for a period of forty-five days following such  
24 purchase. At the end of the forty-five day period the  
25 permit holder shall remit the amount due. As a  
26 condition for this credit-purchase, the purchase must  
27 be made from the department of revenue and finance  
28 office in Des Moines, and the permit holder shall  
29 provide, at the time of such purchase, a bond to the  
30 department of revenue and finance to insure the  
31 payment of the face value of the tax stamps at the end  
32 of the forty-five day period. A permit holder is  
33 entitled to make only one credit purchase under this  
34 section."

35 7. Page 3, by striking lines 2 and 3 and  
36 inserting the following:

37 "Sec. 4. Sections 1 and 3 of this Act take effect

38 on March 1, 1988.

39 Sec. 5. This Act, being deemed of immediate  
40 importance, takes effect upon enactment."

41 8. Title page, line 3, by inserting after the  
42 word "imprints" the following: ", granting a one-time  
43 credit purchase of cigarette stamps,".

44 9. Title page, line 4, by striking the words "an  
45 effective date" and inserting the following:  
46 "effective dates".

47 10. By renumbering, relettering, or redesignating  
48 and correcting internal references as necessary.

The House stood at ease at 1:24 p.m., until the fall of the gavel.

The House resumed session and consideration of the Senate amendment H—5121, to House File 327, at 4:03 p.m., Speaker Avenson in the chair.

The House stood at ease at 4:14 p.m., until the fall of the gavel.

The House resumed session and consideration of the Senate amendment H—5121, to House File 327 at 4:33 p.m., Speaker Avenson in the chair.

Osterberg of Linn offered the following amendment H—5127, to the Senate amendment H—5121, filed by him from the floor:

H—5127

1 Amend the Senate amendment, H—5121, to House File  
2 327, as passed by the House, as follows:

3 1. Page 1, by inserting after line 10 the fol-  
4 lowing:

5 "\_\_\_\_\_. Page 1, by inserting after line 9 the  
6 following:

7 "Sec. \_\_\_\_\_. Section 98.8, subsection 1, Code 1987,  
8 is amended to read as follows:

9 1. Stamps shall be sold by and purchased from the  
10 department. The department shall sell stamps to the  
11 holder of a state distributor's permit which has not  
12 been revoked and to no other person. Stamps shall be  
13 sold to the permit holders at a discount of two  
14 percent of the face value of the stamp on January 1,  
15 1988. Stamps shall be sold in unbroken books of one  
16 thousand stamps, unbroken rolls of thirty thousand  
17 stamps, or unbroken lots of any other from authorized  
18 by the director." "

Brammer of Linn rose on a point of order that amendment H—5127 was not germane.

The Speaker ruled the point well taken and amendment H—5127 not germane.

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

De Groot of Lyon on request of Schneklath of Scott; Muhlbauer of Crawford on request of Fogarty of Palo Alto, both for the remainder of the day.

On motion by Brammer of Linn, the House concurred in the Senate amendment H—5121.

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

Rule 75 was invoked.

On the question "Shall the bill pass?" (H.F. 327)

The ayes were, 59:

Adams	Arnould	Beatty	Bisignano
Black	Blanshan	Brammer	Buhr
Carpenter	Chapman	Clark	Cohoon
Connolly	Cooper	Doderer	Dvorsky
Fey	Fogarty	Fuller	Groninga
Gruhn	Halvorson, R. N.	Hammond	Hansen, S. D.
Hanson, D. R.	Harper	Hatch	Haverland
Holveck	Jochum	Johnson	Koenigs
May	McKean	McKinney	Metcalf
Mullins	Neuhauser	Norrgard	Ollie
Osterberg	Parker	Pavich	Peters
Poncy	Rosenberg	Schrader	Sherzan
Shoultz	Siegrist	Skow	Spear
Stromer	Svoboda	Swartz	Tabor
Teaford	Wise	Mr. Speaker	

The nays were, 39:

Beaman	Bennett	Branstad	Connors
Corbett	Corey	Daggett	Diemer
Eddie	Garman	Halvorson, R. A.	Harbor
Hermann	Hester	Hummel	Jay
Knapp	Kremer	Lageschulte	Lundby
Maulsby	Miller	Paulin	Pellett
Petersen, D. F.	Peterson, M. K.	Plasier	Platt
Renaud	Renken	Royer	Running
Schneklath	Shoning	Stueland	Swearingen
Tyrrell	Van Camp	Van Maanen	

Absent or not voting, 2:

De Groot

Muhlbauer

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

### Regular Calendar

The House resumed consideration of **Senate File 2094**, a bill for an act relating to instructional requirements for human growth and development in grades kindergarten through twelve and providing an effective date, previously deferred.

Arnould of Scott asked and received unanimous consent to temporarily defer action on amendment H—5098.

Fogarty of Palo Alto in the chair at 4:44 p.m.

Spear of Lee offered the following amendment H—5096 filed by him:

H—5096

- 1 Amend Senate File 2094, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 4, line 32, by inserting after the word
- 4 "board" the following: ", to the authorities in
- 5 charge of each accredited nonpublic school."

Spear of Lee asked and received unanimous consent to withdraw amendment H—5109, to amendment H—5096, filed by him on February 17, 1988.

On motion by Spear of Lee, amendment H—5096 was adopted.

Schnekloth of Scott offered the following amendment H—5100 filed by him and moved its adoption:

H—5100

- 1 Amend Senate File 2094, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 5, by inserting after line 11, the
- 4 following:
- 5 "Sec. \_\_\_\_\_. This Act shall not become effective
- 6 unless funds to implement the requirements of sections
- 7 1 through 3 of this Act are appropriated by the
- 8 general assembly."

Roll call was requested by Schnekloth of Scott and Hummel of Benton.

On the question "Shall amendment H—5100 be adopted?"  
(S.F. 2094)

The ayes were, 37:

Beaman	Bennett	Branstad	Carpenter
Clark	Corbett	Corey	Daggett
Diemer	Eddie	Garman	Halvorson, R. A.
Hansen, S. D.	Hanson, D. R.	Harbor	Hester
Hummel	Kremer	Lageschulte	Lundby
Maulsby	McKean	Miller	Paulin
Pellett	Peters	Petersen, D. F.	Plasier
Renken	Royer	Schneklath	Shoning
Stueland	Swearingen	Tyrrell	Van Camp
Van Maanen			

The nays were, 55:

Adams	Arnould	Avenson	Beatty
Bisignano	Black	Blanshan	Brammer
Buhr	Chapman	Cohon	Connolly
Connors	Cooper	Doderer	Dvorsky
Fey	Fuller	Groninga	Gruhn
Halvorson, R. N.	Hammond	Harper	Hatch
Haverland	Holveck	Jay	Jochum
Johnson	Knapp	Koenigs	May
McKinney	Metcalf	Mullins	Neuhauser
Norrgard	Ollie	Osterberg	Parker
Peterson, M. K.	Poncy	Renaud	Rosenberg
Running	Sherzan	Shoultz	Siegrist
Skow	Spear	Swartz	Tabor
Teaford	Wise	Mr. Speaker (Fogarty)	

Absent or not voting, 8:

De Groot	Hermann	Muhlbauer	Pavich
Platt	Schrader	Stromer	Svoboda

Amendment H—5100 lost.

Speaker Avenson in the chair at 5:04 p.m.

Tyrrell of Iowa offered the following amendment H—5113 filed by him and moved its adoption:

H—5113

- 1 Amend Senate File 2094, as amended, passed, and re-
- 2 printed by the Senate, as follows:
- 3 1. Page 3, by striking lines 7 through 10.
- 4 2. By renumbering as necessary.

Amendment H—5113 lost.

Corbett of Linn offered the following amendment H—5105 filed by him and moved its adoption:



H—5105

- 1 Amend Senate File 2094, as amended, passed, and re-
- 2 printed by the Senate, as follows:
- 3 1. Page 3, by striking line 11 and inserting the
- 4 following:
- 5 "f. Stereotypes in regard to sex, race, and re-
- 6 ligious."

A non-record roll call was requested.

The ayes were 28, nays 48.

Amendment H—5105 lost.

Schnekloth of Scott offered the following amendment H—5098 filed by De Groot of Lyon (temporarily deferred) and moved its adoption:

H—5098

- 1 Amend Senate File 2094, as amended, passed, and re-
- 2 printed by the Senate, as follows:
- 3 1. Page 4, line 26, by inserting after the word
- 4 "parents." the following: "When a school district
- 5 offers such classes or courses, the area education
- 6 agency shall make available the necessary resource
- 7 materials."

Amendment H—5098 lost.

Teaford of Black Hawk offered the following amendment H—5103 filed by her and moved its adoption:

H—5103

- 1 Amend Senate File 2094 as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 3, by striking lines 24 through 29, and
- 4 inserting the following: "of education."

Amendment H—5103 was adopted, placing out of order amendment H—5095B, (found on page 359 of the House Journal) and amendment H—5097A (found on page 362 of the House Journal) previously adopted.

The House resumed consideration of amendment H—5097C (found on page 359 of the House Journal).

Van Maanen of Mahaska moved the adoption of amendment H—5097C.

Amendment H—5097C was adopted.

Corbett of Linn asked for unanimous consent to suspend Rule 31.8, relating to the timely filing of amendments, to consider amendment H—5120.

Objection was raised.

Corbett of Linn moved to suspend Rule 31.8 to consider amendment H—5120 filed by him from the floor as follows:

H—5120

- 1 Amend Senate File 2094, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 2, line 20, by striking the word
- 4 "representatives".
- 5 2. Page 2, by striking lines 21 through 23.
- 6 3. Page 3, by striking line 15 and inserting the
- 7 following:
- 8 "i. Various addictions, substance abuse treatment,
- 9 and prevention."

A non-record roll call was requested.

The ayes were 35, nays 44.

The motion to suspend the rules lost.

Pavich of Pottawattamie in the chair at 5:46 p.m.

Speaker Avenson in the chair at 6:11 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. 2094)

The ayes were, 73:

Adams	Arnould	Beatty	Bisignano
Black	Blanshan	Brammer	Buhr
Carpenter	Chapman	Clark	Cohoon
Connolly	Connors	Cooper	Corbett
Diemer	Doderer	Dvorsky	Eddie
Fey	Fuller	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	May	McKinney
Metcalf	Mullins	Neuhauser	Norrgard
Ollie	Osterberg	Parker	Pavich
Peters	Peterson, M. K.	Plasier	Platt
Poncy	Renaud	Rosenberg	Running

Schrader	Sherzan	Shoning	Shoultz
Siegrist	Skow	Stueland	Svoboda
Swartz	Tabor	Teaford	Wise
Mr. Speaker			

The nays were, 25:

Beaman	Bennett	Branstad	Corey
Daggett	Fogarty	Garman	Harbor
Lageschulte	Lundby	Maulsby	McKean
Miller	Paulin	Pellett	Petersen, D. F.
Renken	Royer	Schneklloth	Spear
Stromer	Swearingen	Tyrrell	Van Camp
Van Maanen			

Absent or not voting, 2:

De Groot            Muhlbauer

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

### IMMEDIATE MESSAGE

(Senate File 2094)

Arnould of Scott asked and received unanimous consent that Senate File 2094 be immediately messaged to the Senate.

### UNANIMOUS CONSENT

Arnould of Scott asked and received unanimous consent that the committee notices and agendas distributed for this afternoon's meetings be corrected to reflect meetings to be held on Friday, February 19, 1988.

### MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on February 18, 1988, passed the following bill in which the concurrence of the House is asked:

Senate File 2108, a bill for an act relating to the acquisition of an interest in a bank located in Iowa or a bank holding company located in Iowa owning or controlling one or more banks in Iowa by an out-of-state regional bank holding company, and making penalties applicable.

JOHN F. DWYER, Secretary

**BILL ENROLLED, SIGNED AND SENT TO GOVERNOR**

The Chief Clerk of the House submitted the following report:

Mr. Speaker: The Chief Clerk of the House respectfully reports that the following bill has been examined and found correctly enrolled, signed by the Speaker of the House and the President of the Senate, and presented to the Governor for his approval on this 18th day of February, 1988: House File 164.

**JOSEPH O'HERN**

Chief Clerk of the House

Report adopted.

### **BILL SIGNED BY THE GOVERNOR**

A communication was received from the Governor announcing that on February 18, 1988 he approved and transmitted to the Secretary of State the following bill:

Senate File 387, an act directing certain political subdivisions of the state to consider joint purchases of equipment.

### **HOUSE STUDY BILL COMMITTEE ASSIGNMENTS**

#### **H.S.B. 695 (Revised) Energy and Environmental Protection**

To establish the Iowa emergency response commission within the department of public defense and to provide for the enforcement of certain statutory provisions relating to the release or escape of extremely hazardous substances.

#### **H.S.B. 772 Agriculture**

To grant the department of agriculture and land stewardship the authority to administer oaths and subpoenas and issue injunctions in the course of administering the law regarding bovine brucellosis.

#### **H.S.B. 773 Local Government**

Relating to the imposition of local option taxes by a city or county without the need for an election.

#### **H.S.B. 774 Local Government**

Relating to the hearing and determination of special exceptions to city and county zoning ordinances.

#### **H.S.B. 775 Local Government**

Relating to payments for local school districts, area schools, counties, cities, local conference boards, county hospitals, and county agricultural extension councils.

#### **H.S.B. 776 Human Resources**

Relating to the detention of juveniles.

**H.S.B. 777 Human Resources**

Making appropriations for the fiscal year beginning July 1, 1988, to the Iowa department of health for implementation of the comprehensive acquired immune deficiency syndrome prevention and intervention plan.

**H.S.B. 778 Human Resources**

Relating to the provision of respite care and adult day care services to victims of Alzheimer's disease and related disorders, and making an appropriation.

**H.S.B. 779 Human Resources**

Relating to the licensing, rulemaking, and enforcement authority of the department of inspections and appeals and the state board of health regarding health care facilities.

**H.S.B. 780 Transportation**

Relating to the enforcement of laws concerning motor vehicle fraud and salvage, rebuilt, or junking designations on motor vehicle titles, and making penalties applicable.

**SUBCOMMITTEE ASSIGNMENTS****House File 2140**

Local Government: Cooper, Chair; Connors and Royer.

**House File 2155**

Ways and Means: May, Chair; De Groot and Holveck.

**House File 2181**

Ways and Means: Wise, Chair; Hanson of Delaware and May.

**House File 2182**

Ways and Means: Brammer, Chair; Carpenter and May.

**House File 2209**

Ways and Means: Johnson, Chair; Bisignano, Daggett, Fey and Lageschulte.

**House File 2245**

Local Government: Eddie, Chair; Black and Fuller.

**House File 2246**

Judiciary and Law Enforcement: Jay, Chair; Carpenter and Rosenberg.

**House File 2247**

Judiciary and Law Enforcement: Jay, Chair; Halvorson of Clayton, Hansen of Woodbury, Lageschulte and McKinney.

**HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS****House Study Bill 679**

Local Government: Cooper, Chair; Muhlbauer and Royer.

**House Study Bill 696**

Ways and Means: Chapman, Chair; Miller and Parker.

**House Study Bill 697**

Ways and Means: Johnson, Chair; Parker and Siegrist.

**House Study Bill 723**

Local Government: Connors, Chair; Eddie and Norrgard.

**House Study Bill 735**

Ways and Means: Tabor, Chair; Chapman and Petersen of Muscatine.

**House Study Bill 749**

Ways and Means: Teaford, Chair; Miller and Tabor.

**COMMITTEE RECOMMENDATIONS**

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

**JOSEPH O'HERN**

Chief Clerk of the House

**COMMITTEE ON LOCAL GOVERNMENT**

**House File 2228**, a bill for an act relating to vacancies in civil service promotional grades.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H**—5123 February 17, 1988.

**Senate File 56**, a bill for an act relating to the regulation of firearms by a political subdivision.

Fiscal Note is not required.

Recommended **Do Pass** February 17, 1988.

**Committee Bill** (Formerly House Study Bill 577), relating to the filing date of the elderly or disabled property tax credit.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 17, 1988.

**Committee Bill** (Formerly House Study Bill 634), relating to orders of fence viewers regarding the erection, maintenance, or repair of a fence.

Fiscal Note is not required.

Recommended **Do Pass** February 17, 1988.

#### COMMITTEE ON SMALL BUSINESS AND COMMERCE

**Committee Bill** (Formerly House Study Bill 624), providing coverage under the Iowa life and health guaranty association to the holders of unallocated annuity contracts.

Fiscal Note is not required.

Recommended **Do Pass** February 17, 1988.

**Committee Bill** (Formerly House Study Bill 692), relating to the regulation of the state's insurance industry and the administration of the insurance division of the department of commerce.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 17, 1988.

**Committee Bill** (Formerly House Study Bill 693), relating to nontraditional insurance arrangements by prohibiting the incorporation or reincorporation of a benevolent association, providing for the regulation of risk retention groups and purchasing groups, increasing surplus requirements for reciprocal insurers and repealing an exemption to the applicability of state law to certain reciprocal insurance contracts, and providing penalties.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 17, 1988.

#### RESOLUTION FILED

**HCR 115**, by Diemer, a concurrent resolution relating to the board of regents' ten-year building program.

Referred to committee on **appropriations**.

#### AMENDMENTS FILED

H—5122	H.F. 433	Senate Amendment
H—5123	H.F. 2228	Committee on
		Local Government
H—5124	S.F. 2060	Corey of Louisa
H—5125	H.F. 2046	Corbett of Linn
H—5126	H.F. 2066	Eddie of Buena Vista
H—5128	S.F. 2060	Carpenter of Polk
		Ollie of Clinton

On motion by Arnould of Scott, the House adjourned at 6:21 p.m. until 9:00 a.m., Friday, February 19, 1988.

# JOURNAL OF THE HOUSE

Fortieth Calendar Day — Twenty-sixth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Friday, February 19, 1988

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, February 18, 1988 was approved.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Lageschulte of Bremer on request of Pellett of Cass; Muhlbauer of Crawford on request of Fogarty of Palo Alto.

## INTRODUCTION OF BILLS

**House Joint Resolution 2004**, by Daggett and Garman, a joint resolution to nullify an administrative rule of the state board of education relating to vocational education requirements in grades nine through twelve and to provide an effective date.

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

**House File 2279**, by Hammond, a bill for an act regulating the practice of surrogate parenting.

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

**House File 2280**, by committee on local government, a bill for an act relating to orders of fence viewers regarding the erection, maintenance, or repair of a fence.

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

**House File 2281**, by Hanson of Delaware and Shoning, a bill for an act relating to the credentialing and regulation of respiratory care practitioners.

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

**House File 2282**, by Connolly, a bill for an act to stay reclassification of schools from area vocational to area community college until a fiscal impact study is completed and reviewed, and providing an effective date.



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

**House File 2283**, by committee on agriculture, a bill for an act relating to agricultural property holdings by providing certain definitions; establishing family farm limited partnerships; restricting the number of acres of agricultural land that other limited partnerships may acquire or otherwise obtain or lease; restricting persons from becoming limited partners, stockholders, or beneficiaries in more than a number of certain limited partnerships, authorized farm corporations, or authorized trusts; providing certain restrictions on family trusts; and requiring reporting of certain agricultural related property and the confidentiality of certain information; and providing penalties.

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

**House File 2284**, by Holveck, a bill for an act relating to fire safety by requiring smoke detectors in residential rental units.

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

**House File 2285**, by committee on ways and means, a bill for an act relating to the administration of the state's income, franchise, sales, services, use, fuel, and death taxes, providing penalties, and providing retroactive and effective dates.

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

**House File 2286**, by Black, a bill for an act permitting certain water utilities to become cooperatives.

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

**House File 2287**, by committee on local government, a bill for an act relating to the filing date of the elderly or disabled property tax credit, providing for the recovery of erroneous payments, and providing an effective date.

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

**House File 2288**, by Muhlbauer and Cooper, a bill for an act relating to the maximum per diem cost for state hospital schools and mental health institute patients chargeable to counties in a fiscal year.

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

**House File 2289**, by Dvorsky, a bill for an act relating to the imposition of a local option income surtax by a city or county at a rate of

up to four percent and requiring an election before the imposition, and making penalties applicable.

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

**House File 2290**, by Garman, Fuller, Van Maanen, Clark, Pellett, Stueland, Eddie, Shoning, Sherzan, Van Camp, Renken and Tyrrell, a bill for an act restricting the time period for the initiation of administrative or judicial actions to enforce a zoning ordinance or regulation.

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

**House File 2291**, by Rosenberg and Hammond, a bill for an act relating to the effective date of the imposition of a hotel and motel tax, disallowing liability, penalty and interest for the failure to collect the tax, and providing an effective date.

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

**House File 2292**, by Running, a bill for an act allowing fold-down or fold-out stop signs in school zones.

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

**House File 2293**, by Running, a bill for an act relating to the employment training of an employee who suffers a temporary partial disability under the workers' compensation law.

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

**House File 2294**, by committee on human resources, a bill for an act relating to testing for and confidentiality of human immunodeficiency virus-related matters and providing penalties.

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

**House File 2295**, by committee on judiciary and law enforcement, a bill for an act to restrict the use of electronic computer terminals or other devices for lottery games to use only for on-line lotto games.

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

**House File 2296**, by committee on small business and commerce, a bill for an act providing coverage under the Iowa life and health guaranty association to the holders of unallocated annuity contracts.

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

## SENATE MESSAGES CONSIDERED

**Senate File 2108**, by committee on commerce, a bill for an act relating to the acquisition of an interest in a bank located in Iowa or a bank holding company located in Iowa owning or controlling one or more banks in Iowa by an out-of-state regional bank holding company, and making penalties applicable.

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

**Senate File 2133**, by committee on agriculture, a bill for an act relating to the registration date for agricultural drainage wells and providing an effective date.

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

**Senate File 2134**, by committee on agriculture, a bill for an act relating to the expenditure of certain moneys by the soybean and corn promotion boards.

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

**Senate File 2135**, by committee on agriculture, a bill for an act relating to limiting the assets of the grain depositors and sellers indemnity fund, and providing for an early effective date.

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

**Senate File 2137**, by committee on agriculture, a bill for an act relating to financial responsibility requirements for the licensing of commercial applicators of pesticides.

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

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

The House resumed session at 9:33 a.m., Speaker Avenson in the chair.

## CONSIDERATION OF BILLS

## Regular Calendar

**House File 2158**, a bill for an act to limit operation of motor vehicles in streambeds and providing a penalty, with report of committee recommending amendment and passage was taken up for consideration.

Black of Jasper offered the following amendment H—5076 filed by the committee on natural resources and outdoor recreation:

H—5076

- 1 Amend House File 2158 as follows:
- 2 1. Page 1, line 9, by inserting after the word
- 3 "streambed," the following: "A person who operates a
- 4 motor vehicle in violation of this section commits a
- 5 serious misdemeanor."
- 6 2. Page 1, by striking lines 10 through 14.

Jay of Appanoose offered the following amendment H—5084, to the committee amendment H—5076, filed by him and Rosenberg of Story and moved its adoption:

H—5084

- 1 Amend the Committee amendment, H—5076, to House
- 2 File 2158 as follows:
- 3 1. Page 1, by striking lines 2 through 5.
- 4 2. Renumber as necessary.

Amendment H—5084 was adopted.

On motion by Black of Jasper, the committee amendment H—5076, as amended, was adopted.

Schrader of Marion offered the following amendment H—5090 filed by Schrader, et al., and moved its adoption:

H—5090

- 1 Amend House File 2158 as follows:
- 2 1. Page 1, by inserting after line 9 the
- 3 following:
- 4 "The department of natural resources shall adopt
- 5 rules identifying the navigable streams and rivers in
- 6 which a motor vehicle may be operated. The department
- 7 may exempt participants of organized special events
- 8 from this section where the organized special event is
- 9 approved by a state or local authority."

Amendment H—5090 was adopted.

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

On the question "Shall the bill pass?" (H.F. 2158)

The ayes were, 91:

Adams  
Bennett

Arnould  
Bisignano

Beaman  
Black

Beatty  
Blanshan

Brammer	Branstad	Buhr	Carpenter
Chapman	Clark	Cohoon	Connolly
Cooper	Corey	Daggett	De Groot
Diemer	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	Jochum	Johnson	Knapp
Koenigs	Kremer	Lundby	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	Schnekloth
Schrader	Sherzan	Shoning	Shoultz
Siegrist	Skow	Spear	Stromer
Stueland	Svoboda	Swartz	Swearingen
Tabor	Teaford	Tyrrell	Van Camp
Van Maanen	Wise	Mr. Speaker	

The nays were, 6:

Corbett	Doderer	Garman	Jay
Maulsby	Running		

Absent or not voting, 3:

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

The House stood at ease at 9:46 a.m., until the fall of the gavel.

The House resumed session at 9:52 a.m., Speaker Avenson in the chair.

### IMMEDIATE MESSAGE

(House File 327)

Arnould of Scott asked and received unanimous consent that House File 327 be immediately messaged to the Senate.

**House File 2236**, a bill for an act relating to the issuance of grain bargaining permits to licensed grain dealers, 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. 2236)

The ayes were, 96:

Adams	Arnould	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
Hester	Holveck	Hummel	Jay
Jochum	Johnson	Knapp	Koenigs
Kremer	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	Poney	Renaud
Renken	Rosenberg	Royer	Running
Schnekloth	Schrader	Sherzan	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, 3:

Hermann	Lageschulte	Muhlbauer
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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 2237**, a bill for an act providing that the records of the purchase of alcoholic liquor from the alcoholic beverages division by individual class "E" liquor control licensees are confidential and providing an effective date, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 2237)

The ayes were, 83:

Adams	Arnould	Beatty	Bennett
Bisignano	Black	Blanshan	Brammer
Branstad	Buhr	Carpenter	Chapman
Cohon	Connolly	Connors	Cooper
Diemer	Doderer	Dvorsky	Fey
Fogarty	Fuller	Garman	Groninga
Gruhn	Halvorson, R. A.	Hammond	Hansen, S. D.
Hanson, D. R.	Harbor	Harper	Hatch
Haverland	Hermann	Hester	Holveck
Jay	Jochum	Johnson	Knapp
Koenigs	Kremer	Lundby	May
McKinney	Metcalf	Miller	Mullins
Neuhauser	Norrgard	Ollie	Osterberg
Parker	Paulin	Pavich	Pellett
Peters	Petersen, D. F.	Peterson, M. K.	Platt
Poncy	Renaud	Renken	Rosenberg
Royer	Schneklloth	Schrader	Sherzan
Shoning	Shoultz	Siegrist	Skow
Spear	Stromer	Stueland	Svoboda
Swartz	Swearingen	Tabor	Tyrrell
Van Camp	Wise	Mr. Speaker	

The nays were, 15:

Beaman	Clark	Corbett	Corey
Daggett	De Groot	Eddie	Halvorson, R. N.
Hummel	Maulsby	McKean	Plasier
Running	Teaford	Van Maanen	

Absent or not voting, 2:

Lageschulte	Muhlbauer
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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 2237)

Arnould of Scott asked and received unanimous consent that House File 2237 be immediately messaged to the Senate.

**House File 2076**, a bill for an act including taxable property in certain school districts involved in dissolutions in the foundation property tax levy reduction provided on taxable property in certain school districts affected by a reorganization, with report of committee recommending passage was taken up for consideration.

Johnson of Winneshiek asked and received unanimous consent to temporarily defer action on amendment H—5047.

Corbett of Linn offered the following amendment H—5073 filed by him and Lundby of Linn:

H—5073

- 1 Amend House File 2076 as follows:
- 2 1. Page 1, line 5, by inserting after the word
- 3 "cents" the following: "or four dollars and ninety
- 4 cents."
- 5 2. Page 1, line 15, by inserting after the word
- 6 "apply." the following: "If the school district
- 7 affected or school district that dissolved has a
- 8 certified enrollment of more than six hundred, the
- 9 four dollar and ninety cents levy applies."
- 10 3. Page 1, line 17, by inserting after the word
- 11 "year" the following: "for the four dollar and forty
- 12 cent levy, or ten cents per year for the four dollar
- 13 and ninety cent levy."

Daggett of Adams rose on a point of order that amendment H—5073 was not germane.

The Speaker ruled the point well taken and amendment H—5073 not germane.

Corbett of Linn asked for unanimous consent to suspend the rules to consider amendment H—5073.

Objection was raised.

Corbett of Linn moved that the rules be suspended to consider amendment H—5073.

Roll call was requested by Corbett of Linn and Hummel of Benton.

On the question "Shall the rules be suspended to consider amendment H—5073?" (H.F. 2076)

The ayes were, 46:

Beatty	Bennett	Brammer	Branstad
Buhr	Carpenter	Clark	Corbett
Corey	Diemer	Eddie	Fey
Garman	Halvorson, R. A.	Hanson, D. R.	Harbor
Hatch	Holveck	Hummel	Kremer
Lundby	Maulsby	Metcalf	Mullins
Neuhauser	Norrsgard	Osterberg	Pellett
Petersen, D. F.	Plasier	Platt	Poncy
Renaud	Renken	Rosenberg	Royer
Running	Schneklath	Sherzan	Shoning
Siegrist	Stromer	Stueland	Swearingen
Tyrrell	Van Camp		



The nays were, 51:

Adams	Arnould	Beaman	Bisignano
Black	Blanshan	Chapman	Cohoon
Connolly	Connors	Cooper	Daggett
De Groot	Doderer	Dvorsky	Fogarty
Fuller	Groninga	Gruhn	Halvorson, R. N.
Hammond	Hansen, S. D.	Harper	Haverland
Hester	Jay	Jochum	Johnson
Knapp	Koenigs	May	McKean
McKinney	Miller	Ollie	Parker
Paulin	Pavich	Peters	Peterson, M. K.
Schrader	Shoultz	Skow	Spear
Svoboda	Swartz	Tabor	Teaford
Van Maanen	Wise	Mr. Speaker	

Absent or not voting, 3:

Hermann	Lageschulte	Muhlbauer
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The motion to suspend the rules lost.

Arnould of Scott asked and received unanimous consent that House File 2076 be deferred and that the bill retain its place on the calendar.

**House File 2238**, a bill for an act relating to in-service education programs for members of local planning and zoning commissions and boards of adjustment, providing for the payment of costs related to in-service education programs, permitting appointing authorities to provide for annual participation in such programs and to provide for removal from office for failure to successfully complete the programs, and providing other properly related matters, was taken up for consideration.

Spear of Lee offered the following amendment H—5088 filed by him and Fuller of Hardin and moved its adoption:

H—5088

- 1 Amend House File 2238 as follows:
- 2 1. Page 1, by striking lines 31 and 32 and
- 3 inserting the following: "program shall be designed
- 4 to improve the members' understanding of".
- 5 2. Page 3, by striking lines 22 and 23 and
- 6 inserting the following: "program shall be designed
- 7 to improve the members' understanding of".

Amendment H—5088 was adopted.

Bisignano of Polk in the chair at 10:34 a.m.

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

Rule 75 was invoked.

On the question "Shall the bill pass?" (H.F. 2238)

The ayes were, 50:

Adams	Arnould	Avenson	Black
Blanshan	Buhr	Chapman	Connolly
Connors	Cooper	Daggett	Diemer
Fey	Fogarty	Fuller	Groninga
Gruhn	Halvorson, R. N.	Hanson, D. R.	Harper
Hatch	Haverland	Holveck	Jay
Jochum	Johnson	Knapp	Koenigs
Kremer	May	McKean	McKinney
Neuhauser	Norrgard	Ollie	Osterberg
Parker	Pavich	Peters	Peterson, M. K.
Rosenberg	Schrader	Sherzan	Shoultz
Skow	Spear	Swartz	Teaford
Wise	Mr. Speaker (Bisignano)		

The nays were, 48:

Beaman	Beatty	Bennett	Brammer
Branstad	Carpenter	Clark	Cohoon
Corbett	Corey	De Groot	Doderer
Dvorsky	Eddie	Garman	Halvorson, R. A.
Hammond	Hansen, S. D.	Harbor	Hermann
Hester	Hummel	Lundby	Maulsby
Metcalf	Miller	Mullins	Paulin
Pellett	Petersen, D. F.	Plasier	Platt
Poncy	Renaud	Renken	Royer
Running	Schneklath	Shoning	Siegrist
Stromer	Stueland	Svoboda	Swearingen
Tabor	Tyrrell	Van Camp	Van Maanen

Absent or not voting, 2:

Lageschulte      Muhlbauer

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

**Senate File 370**, a bill for an act relating to museums, providing for the disposition of loaned or undocumented property in the possession of a museum, notice, reclamation of loaned or undocumented property and statutes of limitations for actions against museums; prescribing museum obligations; prescribing lender and claimant obligations to museums; and providing for the retroactive applicability

of certain sections of the Act, with report of committee recommending amendment and passage was taken up for consideration.

Beatty of Warren offered the following amendment H—5080 filed by the committee on state government and moved its adoption:

H—5080

1 Amend Senate File 370, as amended, passed, and  
2 reprinted by the Senate, as follows:

3 1. Page 1, lines 19 and 20, by striking the words  
4 "has no reasonable means of determining the property's  
5 owner" and inserting the following: "cannot determine  
6 by reference to the museum's records the property's  
7 owner".

8 2. Page 3, line 1, by striking the word "either"  
9 and inserting the following: "any".

10 3. Page 3, by striking lines 4 and 5, and  
11 inserting the following: "if action is to be taken  
12 within more than three days but less than one week  
13 from the time the museum determined action was  
14 necessary.

15 b. The museum is unable to reach the lender or  
16 claimant at the lender's or claimant's last known  
17 phone number prior to taking action if the action is  
18 to be taken within three days or less from the time  
19 the museum determined action was necessary.

20 c. The lender or claimant does not respond or will  
21 not".

22 4. Page 3, line 27, by inserting after the word  
23 "loan." the following: "The department of cultural  
24 affairs shall adopt by rule a form for notice of  
25 injury or loss, no later than January 1, 1989, and  
26 shall distribute the rule and form to all identified  
27 museums in Iowa within sixty days after adoption of  
28 the rule. The notice shall be mailed to the lender's  
29 or claimant's last known address in event of injury or  
30 loss of property on loan to the museum. Published  
31 notice of injury or loss of undocumented property  
32 shall not be required."

33 5. Page 4, by striking line 3, and inserting the  
34 following: "notice of termination provided under  
35 subsection 1 within one year by filing a".

36 6. By striking page 5, line 30 through page 7,  
37 line 26, and inserting the following:

38 "3. The department of cultural affairs shall adopt  
39 by rule a form for notice of intent to preserve an  
40 interest in property on loan to a museum. The form  
41 shall satisfy the requirements of subsection 1 and  
42 shall notify the claimant of the rights and procedures  
43 to preserve an interest in museum property. The form  
44 shall also facilitate recordkeeping and record

45 retrieval by a museum. At a minimum the form shall  
46 provide a place for recording evidence of receipt of a  
47 notice by a museum, including the date of receipt,  
48 signature of the person receiving the notice, and the  
49 date on which a copy of the receipt is returned to the  
50 claimant."

**Page 2**

1 7. Page 8, line 1, by striking the words "three  
2 years" and inserting the following: "one year".  
3 8. Page 8, line 6, by striking the word "twenty-  
4 five" and inserting the following: "seven".  
5 9. Page 8, line 8, by inserting after the word  
6 "museum" the following: "as evidenced by the museum's  
7 records".  
8 10. Page 8, line 21, by inserting after the word  
9 "property" the following: ", which satisfies all of  
10 the requirements of section 305B.8,".  
11 11. Page 8, line 21, by striking the word  
12 "twenty-five" and inserting the following: "seven".  
13 12. Page 9, line 15, by striking the figure  
14 "1988" and inserting the following: "1989".  
15 13. Page 9, line 23, by striking the figure  
16 "1988" and inserting the following: "1989".  
17 14. Page 10, by inserting after line 7, the  
18 following:  
19 "The department of cultural affairs may by rule  
20 determine the minimum form and substance of  
21 recordkeeping by museums with regard to museum  
22 property to implement this chapter."  
23 15. Page 10, line 26, by striking the figure  
24 "1987" and inserting the following: "1988".  
25 16. Page 10, by striking lines 27 through 32, and  
26 inserting the following:  
27 "2. Section 305B.9 is effective July 1, 1989, and  
28 when effective is retroactively applicable to all  
29 property in the possession of the museum before July  
30 1, 1989, and is prospectively applicable to all  
31 property in the possession of the museum on or after  
32 July 1989, for which a claim is filed on or after July  
33 1, 1989."

The committee amendment H—5080 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. 370)

The ayes were, 95:

Adams	Arnould	Avenson	Beaman
Beatty	Bennett	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	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	Mullins	Neuhauser	Norrsgard
Ollie	Osterberg	Parker	Paulin
Pavich	Pellett	Peters	Petersen, D. F.
Peterson, M. K.	Plasier	Platt	Poney
Renaud	Renken	Rosenberg	Royer
Running	Schneklath	Schrader	Shoning
Shoultz	Siegrist	Skow	Spear
Stromer	Stueland	Svoboda	Swearingen
Tabor	Teaford	Tyrrell	Van Camp
Van Maanen	Wise	Mr. Speaker	
		(Bisignano)	

The nays were, none.

Absent or not voting, 5:

Groninga	Lageschulte	Muhlbauer	Sherzan
Swartz			

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 10:50 a.m.

### SENATE FILE 2036 DEFERRED

Arnould of Scott asked and received unanimous consent that Senate File 2036 be temporarily deferred and that the bill retain its place on the calendar.

**House File 2164**, a bill for an act relating to the disposition of interest earned on moneys credited to the county conservation land acquisition and capital improvement reserve account, was taken up for consideration.

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

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

The ayes were, 87:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Black	Blanshan
Brammer	Branstad	Buhr	Carpenter
Chapman	Clark	Cohoon	Connolly
Connors	Cooper	Corey	Daggett
De Groot	Diemer	Dvorsky	Eddie
Fey	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
Knapp	Koenigs	Kremer	Lundby
May	McKean	McKinney	Metcalf
Miller	Mullins	Norrsgard	Ollie
Osterberg	Parker	Paulin	Pavich
Pellett	Peters	Peterson, M. K.	Plasier
Platt	Poncy	Renaud	Renken
Rosenberg	Royer	Running	Schneklath
Schrader	Sherzan	Shoning	Shoultz
Siegrist	Skow	Spear	Stueland
Svoboda	Swearingen	Tabor	Teaford
Tyrrell	Wise	Mr. Speaker	

The nays were, 7:

Corbett	Doderer	Hammond	Maulsby
Petersen, D. F.	Van Camp	Van Maanen	

Absent or not voting, 6:

Fogarty	Lageschulte	Muhlbauer	Neuhauser
Stromer	Swartz		

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

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Branstad of Winnebago, for the remainder of the day, on request of Beaman of Clarke.

**Senate File 2036**, a bill for an act relating to moneys available to the first in the nation in education foundation, (temporarily deferred) with report of committee recommending passage was taken up for consideration.

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

### On the question "Shall the bill pass?" (S.F. 2036)

The ayes were, 92:

Adams	Arnould	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	Garman	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	Lundby	Maulsby
May	McKean	McKinney	Metcalf
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
Stromer	Stueland	Svoboda	Swartz
Swearingen	Tabor	Teaford	Tyrrell
Van Camp	Van Maanen	Wise	Mr. Speaker

The nays were, none.

Absent or not voting, 8:

Branstad	Fogarty	Fuller	Groninga
Hester	Lageschulte	Miller	Muhlbauer

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

**House File 2168**, a bill for an act relating to the recording of instruments by a county recorder, was taken up for consideration.

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

### On the question "Shall the bill pass?" (H.F. 2168)

The ayes were, 94:

Adams	Arnould	Beaman	Beatty
Bennett	Black	Blanshan	Brammer
Buhr	Carpenter	Chapman	Clark
Cohoon	Connolly	Connors	Cooper
Corbett	Corey	Daggett	De Groot

Diemer	Doderer	Dvorsky	Eddie
Fey	Fogarty	Fuller	Garman
Groninga	Halvorson, R. A.	Halvorson, R. N.	Hammond
Hansen, S. D.	Hanson, D. R.	Harbor	Harper
Hatch	Haverland	Hermann	Hester
Holveck	Hummel	Jay	Jochum
Johnson	Knapp	Koenigs	Kremer
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	Schnekloth	Schrader
Sherzan	Shoning	Shoultz	Siegrist
Skow	Spear	Stromer	Stueland
Svoboda	Swartz	Swearingen	Tabor
Teaford	Tyrrell	Van Camp	Van Maanen
Wise	Mr. Speaker		

The nays were, none.

Absent or not voting, 6:

Bisignano	Branstad	Gruhn	Lageschulte
Lundby	Muhlbauer		

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

**House File 2169**, a bill for an act relating to the organizational meeting of the state board of education, was taken up for consideration.

#### SENATE FILE 2069 SUBSTITUTED FOR HOUSE FILE 2169

Siegrist of Pottawattamie asked and received unanimous consent to substitute Senate File 2069 for House File 2169.

**Senate File 2069**, a bill for an act relating to the organizational meeting of the state board of education, was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 2069)

The ayes were, 93:

Adams	Arnould	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	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	Maulsby	May	McKean
McKinney	Metcalf	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
Shoning	Shoultz	Siegrist	Skow
Spear	Stromer	Stueland	Svoboda
Swartz	Swearingen	Tabor	Teaford
Tyrrell	Van Camp	Van Maanen	Wise
Mr. Speaker			

The nays were, 1:

Harbor

Absent or not voting, 6:

Branstad	Lageschulte	Lundby	Miller
Muhlbauer	Sherzan		

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

**House File 2117**, a bill for an act allowing certain name changes in divorce and annulment decrees, with report of committee recommending passage was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 2117)

The ayes were, 95:

Adams	Arnould	Beaman	Beatty
Bennett	Black	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	Hatch	Haverland	Hermann
Hester	Holveck	Hummel	Jay
Jochum	Johnson	Knapp	Koenigs
Kremer	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
Schnekloth	Sherzan	Shoning	Shoultz
Siegrist	Skow	Spear	Stromer
Stueland	Svoboda	Swartz	Swearingen
Tabor	Teaford	Tyrrell	Van Camp
Van Maanen	Wise	Mr. Speaker	

The nays were, none.

Absent or not voting, 5:

Bisignano	Branstad	Lageschulte	Muhlbauer
Schrader			

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

**House File 2191**, a bill for an act relating to commercial concessions operated on certain state-owned lands, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 2191)

The ayes were, 96:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Black	Blanshan
Brammer	Buhr	Carpenter	Chapman
Clark	Cphoon	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	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
Swearingen	Tabor	Teaford	Tyrrell
Van Camp	Van Maanen	Wise	Mr. Speaker

The nays were, none.

Absent or not voting, 4:

Branstad	Eddie	Lageschulte	Muhlbauer
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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 2169 WITHDRAWN

Ollie of Clinton asked and received unanimous consent to withdraw House File 2169 from further consideration by the House.

### MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on February 19, 1988, passed the following bill in which the concurrence of the House is asked:

Senate File 2050, a bill for an act appropriating funds to the office of the attorney general to fund the legal assistance for farmers program and providing an effective date.

JOHN F. DWYER, Secretary

### MOTION TO RECONSIDER

(House File 2238)

I move to reconsider the vote by which House File 2238 failed to pass the House on February 19, 1988.

SVOBODA of Tama

### BILL ENROLLED, SIGNED AND SENT TO GOVERNOR

The Chief Clerk of the House submitted the following report:

Mr. Speaker: The Chief Clerk of the House respectfully reports that the following bill has been examined and found correctly enrolled, signed by the Speaker of the

House and the President of the Senate, and presented to the Governor for his approval on this 19th day of February, 1988: House File 327.

**JOSEPH O'HERN**

Chief Clerk of the House

Report adopted.

### EXPLANATION OF VOTE

I was necessarily absent from the House chamber on February 18, 1988. Had I been present, I would have voted "nay" on House File 327 and Senate File 2094.

DE GROOT of Lyon

### HOUSE STUDY BILL COMMITTEE ASSIGNMENT

#### **H.S.B. 781    Judiciary and Law Enforcement**

Relating to the notice to be given to a judgment debtor when the debtor's property is levied upon.

#### SUBCOMMITTEE ASSIGNMENTS

##### **House File 2085**

Ways and Means: Johnson, Chair; Brammer and De Groot.

##### **House File 2239**

Ways and Means: Rosenberg, Chair; Carpenter and Osterberg.

##### **House File 2250**

Ways and Means: Groninga, Chair; Holveck and Renken.

##### **House File 2276**

Transportation: Neuhauser, Chair; Cohoon and Royer.

##### **Senate File 2023**

Transportation: Cohoon, Chair; Beaman and Neuhauser.

##### **Senate File 2117**

Transportation: Fogarty, Chair; Connolly and Platt.

### HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENT

#### **House Study Bill 780**

Transportation: Cooper, Chair; Pavich and Platt.

### COMMITTEE RECOMMENDATION

**MR. SPEAKER:** The Chief Clerk of the House respectfully

reports that the following committee recommendation has been received and is on file in the office of the Chief Clerk.

JOSEPH O'HERN  
Chief Clerk of the House

COMMITTEE ON AGRICULTURE

**Committee Bill** (Formerly House Study Bill 654), relating to regulation of the extraction of coal for commercial purposes from a site of one-half acre or less, and making penalties applicable.

Fiscal Note is not required.

Recommended **Do Pass** February 19, 1988.

AMENDMENTS FILED

H—5129	H.F. 2046	Diemer of Black Hawk
H—5130	H.F. 2046	Spear of Lee
H—5131	H.F. 2046	Diemer of Black Hawk
H—5132	S.F. 2060	Carpenter of Polk
		Ollie of Clinton

On motion by Arnould of Scott, the House adjourned at 12:05 p.m., until 10:00 a.m., Monday, February 22, 1988.

# JOURNAL OF THE HOUSE

Forty-third Calendar Day — Twenty-seventh Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Monday, February 22, 1988

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

Prayer was offered by the Honorable Kay Chapman, state representative from Linn County.

The Journal of Friday, February 19, 1988 was approved.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Eddie of Buena Vista, for February 22 and 23, on request of Stueland of Clinton; Brammer of Linn on request of Svoboda of Tama; Siegrist of Pottawattamie, until his arrival, on request of Peterson of Carroll; Corbett of Linn, until his arrival, on request of Lundby of Linn; Koenigs of Mitchell, until his arrival, on request of Skow of Guthrie; Jay of Appanoose, until his arrival, on request of Shultz of Black Hawk.

## INTRODUCTION OF BILLS

**House File 2297**, by Swartz, Blanshan, Fuller, Harper, Norrgard, Sherzan, Connors, Adams, Svoboda, Jay, Dvorsky and Van Camp, a bill for an act creating a family development team program and making an appropriation.

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

**House File 2298**, by Swartz, a bill for an act relating to coordination of human service programs provided within a county and making an appropriation.

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

**House File 2299**, by Running, a bill for an act relating to consumer return of merchandise to a merchant, by requiring refund or credit of returns within a limited period of time.

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

**House File 2300**, by Renaud, a bill for an act to limit the personal liability of rural water district board members, employees, and other personnel.

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

**House File 2301**, by Shoultz, a bill for an act relating to liabilities arising from activities of the small business assistance center at the University of Northern Iowa.

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

**House File 2302**, by Connolly, a bill for an act providing that effective July 1, 1992, the state board of education shall require school districts to offer prekindergarten programs to four year olds residing in the school district and to prescribe criteria for the programs.

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

**House File 2303**, by committee on small business and commerce, a bill for an act relating to nontraditional insurance arrangements by prohibiting the incorporation or reincorporation of a benevolent association, providing for the regulation of risk retention groups and purchasing groups, increasing surplus requirements for reciprocal insurers and repealing an exemption to the applicability of state law to certain reciprocal insurance contracts, and providing penalties.

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

#### SENATE MESSAGE CONSIDERED

**Senate File 2050**, by committee on agriculture, a bill for an act appropriating funds to the office of the attorney general to fund the legal assistance for farmers program and providing an effective date.

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

#### RULES SUSPENDED

Arnould of Scott asked and received unanimous consent to suspend the rules to take up out of order the following bills: House Files 2162, 2066 and 2258.

#### CONSIDERATION OF BILLS

##### Regular Calendar

**House File 2162**, a bill for an act relating to the conditions for the issuance of a class "E" liquor control license in counties with a population under nine thousand five hundred, with report of committee recommending amendment and passage was taken up for consideration.

Renaud of Polk offered the following amendment H—5108 filed by the committee on state government:

H—5108

- 1 Amend House File 2162 as follows:
- 2 1. Page 1, by striking lines 16 through 21 and
- 3 inserting the following:
- 4 "Notwithstanding the restrictions against the
- 5 issuance of a class "E" liquor control license to
- 6 premises for which a liquor control license or wine or
- 7 beer permit for on-premise consumption has been
- 8 issued, the division may issue a class "E" liquor
- 9 control license for those premises in a county having
- 10 a population under nine thousand five hundred in which
- 11 no other class "E" liquor control license has been
- 12 issued by the division, and no other application for a
- 13 class "E" license has been made within the previous
- 14 twelve consecutive months."

Doderer of Johnson offered the following amendment H—5114, to the committee amendment H—5108, filed by Doderer, et al., and moved its adoption:

H—5114

- 1 Amend the Committee amendment, H—5108, to House
- 2 File 2162 as follows:
- 3 1. Page 1, by striking lines 4 through 14 and
- 4 inserting the following:
- 5 "The division may issue a class "E" liquor control
- 6 license for premises covered by a liquor control
- 7 license or wine or beer permit for on-premise
- 8 consumption, if the premises are in a county having a
- 9 population under nine thousand five hundred in which
- 10 no other class "E" liquor control license has been
- 11 issued by the division, and no other application for a
- 12 class "E" license has been made within the previous
- 13 twelve consecutive months."

Amendment H—5114 was adopted.

On motion by Renaud of Polk, the committee amendment H—5108, as amended, was adopted.

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

On the question "Shall the bill pass?" (H.F. 2162)

The ayes were, 72:

Adams

Arnould

Beatty

Bisignano



Black	Blanshan	Buhr	Chapman
Cohoon	Connolly	Connors	Cooper
Diemer	Doderer	Dvorsky	Fey
Fogarty	Fuller	Garman	Groninga
Gruhn	Halvorson, R. A.	Hansen, S. D.	Hanson, D. R.
Harbor	Harper	Hermann	Hester
Hummel	Johnson	Knapp	Kremer
Lageschulte	Lundby	May	McKinney
Metcalf	Miller	Muhlbauer	Mullins
Neuhauser	Norrgard	Ollie	Parker
Paulin	Pavich	Peters	Petersen, D. F.
Peterson, M. K.	Platt	Poncy	Renaud
Renken	Royer	Running	Schnekloth
Schrader	Sherzan	Shoning	Siegrist
Skow	Spear	Stromer	Stueland
Swartz	Swearingen	Tabor	Teaford
Tyrrell	Van Camp	Wise	Mr. Speaker

The nays were, 21:

Beaman	Bennett	Branstad	Carpenter
Clark	Corey	Daggett	De Groot
Halvorson, R. N.	Hatch	Haverland	Holveck
Maulsby	McKean	Osterberg	Pellett
Plasier	Rosenberg	Shoultz	Svoboda
Van Maanen			

Absent or not voting, 7:

Brammer	Corbett	Eddie	Hammond
Jay	Jochum	Koenigs	

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

### HOUSE FILE 2066 DEFERRED

Arnould of Scott asked and received unanimous consent that House File 2066 be deferred and that the bill retain its place on the calendar.

The House stood at ease at 10:21 a.m., until the fall of the gavel.

The House resumed session at 10:34 a.m., Speaker Avenson in the chair.

### HOUSE FILES DEFERRED

Arnould of Scott asked and received unanimous consent that House Files 2258 and 2155 be deferred and that the bills retain their place on the calendar.

## RULES SUSPENDED

Arnould of Scott asked and received unanimous consent to suspend the rules and take up out of order House Files 2259, 2228 and 2269.

## CONSIDERATION OF BILLS

**House File 2259**, a bill for an act to permit persons who rebuild motor vehicles into emergency vehicles to be licensed as wholesalers, deferred February 9, 1988, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 2259)

The ayes were, 96:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Black	Blanshan
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	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
Shoultz	Siegrist	Skow	Spear
Stromer	Stueland	Svoboda	Swartz
Swearingen	Tabor	Teaford	Tyrrell
Van Camp	Van Maanen	Wise	Mr. Speaker

The nays were, none.

Absent or not voting, 4:

Brammer	Eddie	Jay	Koenigs
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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 2228**, a bill for an act relating to vacancies in civil service promotional grades, with report of committee recommending amendment and passage was taken up for consideration.

Connors of Polk offered the following amendment H—5123 filed by the committee on local government and moved its adoption:

H—5123

1 Amend House File 2228 as follows:

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

4 "Sec. 2. Section 400.9, Code 1987, is amended by  
5 adding the following new subsections:

6 NEW SUBSECTION. 4. If there is a certified list  
7 of qualified candidates for a promotional appointment,  
8 the following procedures shall be followed.

9 a. A publication stating that interviews are being  
10 scheduled to make a new certified list to fill a  
11 vacancy in a civil service promotional grade  
12 classification shall be posted for at least five  
13 working days before the closing date for the  
14 interviews in the same locations where examination  
15 notices are posted.

16 b. An employee who wishes to voluntarily demote or  
17 to laterally transfer into a vacancy and has  
18 previously been or is currently in the classification  
19 where the vacancy exists, shall notify the civil  
20 service commission of the employee's interest in the  
21 vacant position. The employee shall be added to the  
22 list of candidates to be interviewed and considered  
23 for the vacancy.

24 NEW SUBSECTION. 5. If there is no certified list  
25 of qualified candidates for a promotional appointment,  
26 the following procedures shall be followed.

27 a. When an examination announcement is posted to  
28 make a certified list of qualified candidates, the  
29 announcement shall also state that an employee who has  
30 been or is currently employed in the classification  
31 where the vacancy exists, may notify the civil service  
32 commission of the employee's interest in the vacant  
33 position. Upon notification, the employee shall be  
34 added to the list of candidates for an interview and  
35 consideration for the vacant position.

36 b. All civil service employees of a city who meet  
37 the minimum qualifications for a classification, shall  
38 have the right to compete in the civil service  
39 examination process to establish a certified list of  
40 qualified candidates.

41 Sec. 3. This Act, being deemed of immediate  
42 importance takes effect upon enactment."

43 2. Title page, line 1, by inserting after the  
 44 word "grades" the following: "and providing an  
 45 effective date".

The committee amendment H—5123 was adopted.

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

On the question "Shall the bill pass?" (H.F. 2228)

The ayes were, 95:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Black	Blanshan
Branstad	Buhr	Carpenter	Chapman
Clark	Cohoon	Connolly	Connors
Cooper	Corbett	Corey	Daggett
De Groot	Diemer	Doderer	Dvorsky
Fey	Fogarty	Fuller	Garman
Groninga	Halvorson, R. A.	Halvorson, R. N.	Hammond
Hansen, S. D.	Hanson, D. R.	Harbor	Harper
Hatch	Haverland	Hermann	Hester
Holveck	Hummel	Jochum	Johnson
Knapp	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	Running	Schneklloth
Schrader	Sherzan	Shoning	Shoultz
Siegrist	Skow	Spear	Stromer
Stueland	Svoboda	Swartz	Swearingen
Tabor	Teaford	Tyrrell	Van Camp
Van Maanen	Wise	Mr. Speaker	

The nays were, none.

Absent or not voting, 5:

Brammer	Eddie	Gruhn	Jay
Koenigs			

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

**House File 2269**, a bill for an act relating to funds in the special railroad facility fund and the rail assistance fund and providing an effective date, was taken up for consideration.

Cooper of Lucas moved that the bill be read a last time now and

placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2269)

The ayes were, 96:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Black	Blanshan
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	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
Running	Schnekloth	Sherzan	Shoning
Shoultz	Siegrist	Skow	Spear
Stromer	Stueland	Svoboda	Swartz
Swearingen	Taber	Teaford	Tyrrell
Van Camp	Van Maanen	Wise	Mr. Speaker

The nays were, none.

Absent or not voting, 4:

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

**House File 2066**, a bill for an act establishing minimum and maximum loop dimensions for snare traps and providing a penalty (deferred February 22, 1988 and temporarily deferred today), with report of committee recommending amendment and passage was taken up for consideration.

Johnson of Winneshiek offered the following amendment H—5099 filed by the committee on natural resources and outdoor recreation:

H—5099

1 Amend House File 2066 as follows:

- 2 1. Page 1, by striking line 4.
- 3 2. Page 1, line 5, by striking the word "four"
- 4 and inserting the following: "three".
- 5 3. Page 1, by inserting after line 5 the
- 6 following:
- 7 "Sec. \_\_\_\_\_. NEW SECTION. 109.124 SNARES IN
- 8 HIGHWAY RIGHT-OF-WAY PROHIBITED.
- 9 A person shall not set or maintain a snare trap
- 10 within the right-of-way of a public highway."
- 11 4. Page 1, line 9, by inserting after the figure
- 12 "109.123" the following: ", 109.124,".
- 13 5. Title page, by striking lines 1 and 2 and
- 14 inserting the following: "An Act relating to snare
- 15 traps by establishing a minimum loop dimension for a
- 16 snare trap, by prohibiting use or maintenance of a
- 17 snare trap within the right-of-way of a public
- 18 highway, and by providing scheduled fines for
- 19 violations."

Stueland of Clinton offered the following amendment H—5126, to the committee amendment H—5099, filed by Eddie of Buena Vista and moved its adoption:

H—5126

- 1 Amend the Committee amendment, H—5099, to House
- 2 File 2066 as follows:
- 3 1. Page 1, line 4, by striking the word "three"
- 4 and inserting the following: "two and one-half".

A non-record roll call was requested.

The ayes were 32, nays 41.

Amendment H—5126 lost.

Black of Jasper offered the following amendment H—5136, to the committee amendment H—5099, filed by him from the floor and moved its adoption:

H—5136

- 1 Amend the Committee amendment, H—5099, to House
- 2 File 2066 as follows:
- 3 1. Page 1, by striking line 10 and inserting the
- 4 following: "within the right-of-way of a public
- 5 highway.
- 6 Sec. \_\_\_\_\_. NEW SECTION. THEFT OF TRAPS — FINES.
- 7 1. The theft of a trap in use is punishable by a
- 8 fine not exceeding three hundred dollars.
- 9 2. The theft of a trap in use including a trapped
- 10 fur-bearing animal is punishable by a fine not
- 11 exceeding five hundred dollars."

- 12 2. Page 1, line 14, by striking the word "snare".  
 13 3. Page 1, line 18, by striking the word  
 14 "scheduled".  
 15 4. By renumbering sections.

Amendment H—5136 lost.

On motion by Johnson of Winneshiek, the committee amendment H—5099 was adopted.

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

On the question "Shall the bill pass?" (H.F. 2066)

The ayes were, 70:

Adams	Arnould	Beaman	Beatty
Bisignano	Black	Blanshan	Branstad
Buhr	Carpenter	Chapman	Clark
Cohoon	Connors	Cooper	Corbett
Corey	Diemer	Doderer	Dvorsky
Fey	Fogarty	Fuller	Gruhn
Halvorson, R. N.	Hammond	Hanson, D. R.	Harper
Hatch	Haverland	Holveck	Hummel
Jay	Jochum	Johnson	Koenigs
Kremer	Lageschulte	Lundby	McKean
McKinney	Metcalf	Miller	Muhlbauer
Mullins	Neuhauser	Norrgard	Ollie
Osterberg	Paulin	Pellett	Peters
Petersen, D. F.	Peterson, M. K.	Plasier	Platt
Renaud	Renken	Rosenberg	Schrader
Shoning	Shoultz	Siegrist	Skow
Spear	Stromer	Swartz	Teaford
Van Camp	Wise		

The nays were, 25:

Bennett	Daggett	De Groot	Garman
Groninga	Halvorson, R. A.	Hansen, S. D.	Harbor
Hermann	Hester	Knapp	Maulsby
May	Pavich	Poncy	Royer
Running	Schnekloth	Stueland	Svoboda
Swearingen	Tabor	Tyrrell	Van Maanen
Mr. Speaker			

Absent or not voting, 5:

Brammer	Connolly	Eddie	Parker
Sherzan			

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

**House File 2258**, a bill for an act relating to trespass upon the right-of-way of a public road or highway, (previously deferred) was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 2258)

The ayes were, 84:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Black	Blanshan
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.	Harper	Hatch
Haverland	Hester	Holveck	Jochum
Johnson	Knapp	Koenigs	Kremer
Lageschulte	Lundby	May	McKear
Metcalf	Miller	Muhlbauer	Mullins
Neuhauser	Norrsgard	Ollie	Osterberg
Parker	Paulin	Pavich	Pellett
Peters	Peterson, M. K.	Plasier	Platt
Poncy	Renaud	Rosenberg	Royer
Running	Schrader	Sherzan	Shoning
Shoultz	Siegrist	Spear	Stromer
Svoboda	Swartz	Tabor	Teaford
Tyrrell	Van Camp	Wise	Mr. Speaker

The nays were, 14:

Branstad	Harbor	Hermann	Hummel
Jay	Maulsby	McKinney	Petersen, D. F.
Renken	Schnekloth	Skow	Stueland
Swearingen	Van Maanen		

Absent or not voting, 2:

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

On motion by Arnould of Scott, the House was recessed at 11:53 a.m., until 5:00 p.m.



**AFTERNOON SESSION**

The House reconvened, Speaker Avenson in the chair.

**MESSAGE FROM THE SENATE**

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on February 22, 1988, passed the following bill in which the concurrence of the House is asked:

Senate File 2164, a bill for an act relating to the composition of the Iowa economic development board.

JOHN F. DWYER, Secretary

**MOTIONS TO RECONSIDER**

(House File 2162)

I move to reconsider the vote by which House File 2162 passed the House on February 22, 1988.

HUMMEL of Benton

(House File 2258)

I move to reconsider the vote by which House File 2258 passed the House on February 22, 1988.

BENNETT of Ida

**SPONSOR ADDED**

(House Concurrent Resolution 111)

Neuhauser of Johnson requested to be added as a sponsor of House Concurrent Resolution 111.

**EXPLANATION OF VOTE**

I was necessarily absent from the House chamber on February 19, 1988. Had I been present, I would have voted "aye" on House File 2164 and Senate File 2036.

FOGARTY of Palo Alto

**BILLS SIGNED BY THE GOVERNOR**

A communication was received from the Governor announcing that on February 19, 1988, he approved and transmitted to the Secretary of State the following bills:

House File 164, an act relating to notaries public.

House File 327, 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, granting a one-time credit purchase of cigarette stamps, and providing effective dates.

### COMMUNICATION FROM THE STATE APPEAL BOARD

The following communication was received from the State Appeal Board on February 18, 1988 and is on file in the office of the Chief Clerk:

February 18, 1988

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

Dear Mr. O'Hern:

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

These include 11 claims of a general nature that were denied by the State Appeal Board on January 12, 1988. This supplements our filing of January 12, 1988.

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

Sincerely,  
Richard D. Johnson  
Chairman  
STATE APPEAL BOARD

Receipt of the above is hereby acknowledged.

JOSEPH O'HERN  
Chief Clerk of the House

#### 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>
G87-0635	General Fire & Safety Des Moines, Iowa (Outdated Invoice)	\$ 15.25	DENIED
G87-0851	Matt Cernic Hedrick, Iowa (Motor Fuel Tax Refund)	33.87	DENIED
G87-0959	Maynard Timboe West Des Moines, Iowa (License Fee Refund)	Undetermined	DENIED

<u>Claim Number</u>	<u>Name of Claimant Nature of Claim</u>	<u>Amount of Claim</u>	<u>Amount Approved</u>
G87-1051	Ora Kennedy Newton, Iowa (Transfer Tax Refund)	22.69	DENIED
G87-1083	Standard Ready Mix Sioux City, Iowa (Motor Fuel Tax Refund)	Undetermined	DENIED
G87-1129	Frederick Maharry Cedar Rapids, Iowa (License Fee Refund)	65.00	DENIED
G87-1145	Wilmer L. Knudson Harlan, Iowa (License Fee Refund)	66.00	DENIED
G87-1148	Hill Straight Auto Spirit Lake, Iowa (License Fee Refund)	Undetermined	DENIED
G87-1151	Deborah Bohlman Sioux City, Iowa (License Fee Refund)	73.00	DENIED
G87-1156	Patricia Lapke Omaha, Nebraska (License Fee Refund)	25.00	DENIED
G87-1161	Larry Frandsen Davenport, Iowa (License Fee Refund)	78.00	DENIED

### PRESENTATION OF VISITORS

Lundby of Linn presented to the House the Honorable Emil Novack, former member of the House representing Linn County.

Osterberg of Linn presented to the House Foreign Exchange Student, Maria Danielsson from Sweden.

### COMMUNICATION RECEIVED

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

#### DEPARTMENT OF HUMAN SERVICES

The progress report on Case Management for Early Periodic Screening Diagnosis and Treatment Clients, pursuant to Chapter 234.203(2)(e), Acts of the Seventy-second General Assembly, 1987 Session.

### HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

#### H.S.B. 782 Ways and Means

Relating to the definitions of wine and beer, and making a tax applicable.

**H.S.B. 783 Education**

Requiring that all students receiving financial aid be registered under the Selective Training and Services Act.

**H.S.B. 784 Education**

Relating to funding for special education services including the determination of enrollment for purposes of area education agency special education support services costs, eliminating the advance to school districts for increases in special education weighting, and providing an effective date.

**H.S.B. 785 Judiciary and Law Enforcement**

Relating to service of notice on a judgment debtor in garnishment proceedings.

**H.S.B. 786 Local Government**

Relating to permits for construction and operation of public treatment works and providing an effective date.

**H.S.B. 787 Labor and Industrial Relations**

Relating to the test for determining whether an individual's employment is deemed to be employment for purposes of the Iowa employment security law, and providing for the applicability of the Act.

**H.S.B. 788 Ways and Means**

To repeal the tuition tax credit and tuition tax deduction for the costs of tuition and textbooks of dependents attending an elementary or secondary school in Iowa and to provide a retroactive effective date.

**SUBCOMMITTEE ASSIGNMENT****House File 2104**

Human Resources: Hammond, Chair; Harper, Hermann, Hester, Mullins, Norrgard and Teaford.

**CERTIFICATE OF RECOGNITION**

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

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

1988-9

Bluffs Run, Council Bluffs — The second year of operation ranked third (3rd) in total attendance (1,131,725) and fifth (5th) in total handle (\$123,255,538) in the nation.

## COMMITTEE RECOMMENDATIONS

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

**JOSEPH O'HERN**

Chief Clerk of the House

### COMMITTEE ON ENERGY AND ENVIRONMENTAL PROTECTION

**Committee Bill (Formerly House File 663),** requiring gas and electric public utilities to provide annual gas or electric energy costs for certain properties when requested by persons having an interest in the properties and making civil penalties applicable.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 19, 1988.

### COMMITTEE ON ETHICS

**Committee Resolution,** a House Resolution to amend the House Code of Ethics.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 19, 1988.

**Committee Resolution,** a House Resolution to amend the Rules Governing Lobbyists in the House of Representatives.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 19, 1988.

## RESOLUTION FILED

**HCR 116,** by Maulsby, a concurrent resolution to request a study to replace the property tax with a net worth tax.

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

## AMENDMENTS FILED

H—5133	H.F.	2107	Harbor of Mills
H—5134	H.F.	2277	Wise of Lee
			Daggett of Adams
H—5135	H.F.	2155	Lageschulte of Bremer
H—5137	H.F.	2155	Carpenter of Polk
			Stromer of Hancock
H—5138	H.F.	2155	Swartz of Marshall
H—5139	H.F.	2155	Lageschulte of Bremer
H—5140	H.F.	2285	Halvorson of Clayton
H—5141	H.F.	2258	Bennett of Ida
H—5142	S.F.	2060	Corey of Louisa

H—5143

H.F. 2283

Bennett of Ida

On motion by Arnould of Scott, the House adjourned at 5:01 p.m.  
until 9:00 a.m., Tuesday, February 23, 1988.

# JOURNAL OF THE HOUSE

Forty-fourth Calendar Day — Twenty-eighth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Tuesday, February 23, 1988

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, February 22, 1988 was approved.

## PETITIONS FILED

The following petitions were received and placed on file:

By Harper of Black Hawk, from forty-six constituents opposing House File 468, relating to riverboat gambling.

By Running of Linn, from eight hundred seven constituents from Linn County supporting a \$10,000 appropriation to buy POW-MIA flags to be flown outside municipal buildings of local governments.

By Wise of Lee, from eighty-two constituents opposing any increase in beer, wine or liquor taxes.

## INTRODUCTION OF BILLS

**House File 2304**, by Peterson of Carroll, a bill for an act relating to the number of members in the senate and house of representatives, providing for a reduction in the number commencing with the seventy-fifth general assembly, and directing that reapportionment procedures be conducted accordingly.

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

**House File 2305**, by Holveck, a bill for an act relating to real estate foreclosures and the right to a jury trial.

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

**House File 2306**, by committee on agriculture, a bill for an act relating to regulation of the extraction of coal for commercial purposes from a site of one-half acre or less, and making penalties applicable.

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

## CONSIDERATION OF BILLS

### Ways and Means Calendar

**House File 2155**, a bill for an act relating to payment of costs of asbestos identification and removal by boards of directors of school districts, (deferred February 12, 1988) with report of committee recommending amendment and passage was taken up for consideration.

Swartz of Marshall offered the following amendment H—5115 filed by the committee on ways and means:

H—5115

- 1 Amend House File 2155 as follows:
- 2 1. Page 1, line 1, by inserting after the figure
- 3 "279.43," the following: "subsection 1,".
- 4 2. Page 1, by striking lines 3 and 4.
- 5 3. By striking page 1, line 17 through page 2,
- 6 line 24, and inserting the following:
- 7 "Sec. \_\_\_\_\_. Section 279.43, subsections 2 through
- 8 6, Code 1987, are amended by striking the subsections
- 9 and inserting in lieu thereof the following:
- 10 2. The board of directors may also authorize an
- 11 additional tax levy to pay the actual cost of an
- 12 asbestos project. The board may select one of the
- 13 following to pay for the project:
- 14 a. A property tax sufficient to pay the actual
- 15 cost of the project.
- 16 b. A combination of an enrichment property tax and
- 17 a school district income surtax certified and levied
- 18 as provided in sections 442.14 through 442.20, except
- 19 that approval at an election is not required.
- 20 c. If a property tax levy is selected under para-
- 21 graph "a", the levy shall be certified for not more
- 22 than three consecutive years.
- 23 d. If a combination of an enrichment property tax
- 24 and a school district income surtax is selected, the
- 25 amount of tax revenue raised shall not exceed the
- 26 actual cost of the asbestos project or the maximum
- 27 amount which may be raised by the levy of the combina-
- 28 tion of the taxes for the three school years, as de-
- 29 termined under section 442.14, subsections 3 and 4,
- 30 whichever amount is less.
- 31 3. The taxes certified for levy under this section
- 32 are in addition to any other taxes or additional
- 33 enrichment amount raised for other programs as pro-
- 34 vided by law."

Swartz of Marshall asked and received unanimous consent to temporarily defer action on amendment H—5138.

Lageschulte of Bremer asked and received unanimous consent to withdraw amendment H—5135, to the committee amendment H—5115, filed by him on February 22, 1988.



Lageschulte of Bremer offered the following amendment H—5139, to the committee amendment H—5115, filed by him and moved its adoption:

H—5139

- 1 Amend amendment, H—5115, to House File 2155 as
- 2 follows:
- 3 1. Page 1, by striking lines 10 through 34 and
- 4 inserting the following:
- 5 "2. In addition to the moneys available under
- 6 subsection 1, the board of directors may submit a
- 7 proposal to the qualified electors of the school
- 8 district at a regular school election or at a special
- 9 election, to determine whether to authorize an
- 10 additional property tax levy to pay the actual cost of
- 11 an asbestos project. If a majority of the qualified
- 12 electors voting on the proposition approves the
- 13 additional property tax levy, the property tax levy
- 14 may be certified for not more than three consecutive
- 15 years. The proceeds of the levy shall not exceed the
- 16 actual cost of the asbestos project.
- 17 3. As an alternative to subsection 2, the board
- 18 may authorize the levying and imposition of a
- 19 combination of an enrichment property tax and income
- 20 surtax certified and levied as provided in sections
- 21 442.14 through 442.20, except that approval at an
- 22 election is not required to pay the actual cost of the
- 23 asbestos project. The amount of tax revenue raised
- 24 under this subsection shall not exceed the actual cost
- 25 of the asbestos project or the maximum amount which
- 26 may be raised by the levy of the combination of the
- 27 taxes for the three school years, as determined under
- 28 section 442.14, subsections 3 and 4, whichever amount
- 29 is less.
- 30 4. The taxes certified for levy under this section
- 31 are in addition to any other taxes or additional
- 32 enrichment amount raised for other programs as
- 33 provided by law."

Amendment H—5139 was adopted, placing out of order amendment H—5138, temporarily deferred, filed by Swartz of Marshall on February 22, 1988.

Swartz of Marshall moved the adoption of the committee amendment H—5115, as amended.

A non-record roll call was requested.

The ayes were 44, nays 21.

The committee amendment H—5115, as amended, was adopted placing the following amendments out of order:

H—5077 filed by Swartz of Marshall on February 11, 1988.

H—5137 filed by Carpenter of Polk and Stromer of Hancock on February 22, 1988.

Corey of Louisa offered amendment H—5045 filed by him and requested division as follows:

H—5045

1 Amend House File 2155 as follows:

H—5045A

- 2 1. Page 1, line 1, by inserting after the figure
- 3 "279.43," the following: "subsection 1,".
- 4 2. Page 1, by striking lines 3 and 4.

H—5045B

- 5 3. By striking page 1, line 17 through page 2,
- 6 line 24.

Amendment H—5045A was out of order with the adoption of the committee amendment H—5115, as amended.

Swartz of Marshall rose on a point of order that amendment H—5045B was not in order.

The Speaker ruled the point not well taken and amendment H—5045B in order.

Corey of Louisa moved the adoption of amendment H—5045B.

Amendment H—5045B lost.

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

On the question "Shall the bill pass?" (H.F. 2155)

The ayes were, 83:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Black	Blanshan
Branstad	Buhr	Clark	Cohoon
Connolly	Connors	Cooper	Corbett
Daggett	De Groot	Diemer	Dvorsky
Fey	Fogarty	Fuller	Garman
Groninga	Gruhn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hansen, S. D.	Harbor	Harper

Hatch	Haverland	Hester	Holveck
Jay	Jochum	Johnson	Koenigs
Lageschulte	Maulsby	May	McKean
McKinney	Miller	Muhlbauer	Mullins
Neuhauser	Norrsgard	Ollie	Osterberg
Parker	Paulin	Pellett	Peters
Petersen, D. F.	Peterson, M. K.	Plasier	Platt
Poney	Renaud	Rosenberg	Royer
Schnekloth	Schrader	Sherzan	Shoning
Shoultz	Siegrist	Skow	Spear
Stueland	Svoboda	Swartz	Swearingen
Tabor	Teaford	Tyrell	Van Camp
Van Maanen	Wise	Mr. Speaker	

The nays were, 14:

Carpenter	Chapman	Corey	Doderer
Hanson, D. R.	Hummel	Knapp	Kremer
Lundby	Metcalf	Pavich	Renken
Running	Stromer		

Absent or not voting, 3:

Brammer	Eddie	Hermann
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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 2285**, a bill for an act relating to the administration of the state's income, franchise, sales, services, use, fuel, and death taxes, providing penalties, and providing retroactive and effective dates, was taken up for consideration.

Halvorson of Clayton asked and received unanimous consent to withdraw amendment H—5140 filed by him on February 22, 1988.

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. 2285)

The ayes were, 97:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Black	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	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	Stromer	Stueland	Svoboda
Swartz	Swearingen	Tabor	Teaford
Tyrrell	Van Camp	Van Maanen	Wise
Mr. Speaker			

The nays were, none.

Absent or not voting, 3:

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

### HOUSE FILES 2046 AND 2257 DEFERRED

Arnould of Scott asked and received unanimous consent that House Files 2046 and 2257 be deferred and that the bills retain their place on the calendar.

### Regular Calendar

**House File 2262**, a bill for an act relating to the deduction and disbursement of certain moneys from an allowance paid to an inmate, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 2262)

The ayes were, 96:

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	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	Running
Schnekloth	Schrader	Sherzan	Shoning
Shoultz	Siegrist	Skow	Spear
Stromer	Stueland	Svoboda	Swartz
Swearingen	Tabor	Teaford	Tyrrell
Van Camp	Van Maanen	Wise	Mr. Speaker

The nays were, none.

Absent or not voting, 4:

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

**House File 2263**, a bill for an act relating to the use of the Iowa state industries revolving fund, 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?" (H.F. 2263)

The ayes were, 95:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Black	Blanshan
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.	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	Poney
Renaud	Renken	Rosenberg	Running
Schnekloth	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:

Halvorson, R. N.

Absent or not voting, 4:

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

**House File 2264**, a bill for an act repealing a requirement that the department of corrections prepare a biennial report relating to the management of the community-based corrections programs, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 2264)

The ayes were, 96:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Black	Blanshan
Branstad	Buhr	Carpenter	Chapman
Clark	Cohoon	Connolly	Connors
Cooper	Corbett	Corey	Daggett
De Groot	Diemer	Dvorsky	Fey
Fogarty	Fuller	Garman	Groninga
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Hansen, S. D.	Hanson, D. R.	Harbor	Harper
Hatch	Haverland	Hermann	Hester
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	Poney
Renaud	Renken	Rosenberg	Running
Schnekloth	Schrader	Sherzan	Shoning

Shoultz	Siegrist	Skow	Spear
Stromer	Stueland	Svoboda	Swartz
Swearingen	Tabor	Teaford	Tyrrell
Van Camp	Van Maanen	Wise	Mr. Speaker

The nays were, none.

Absent or not voting, 4:

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

**Senate File 348**, a bill for an act authorizing a state agency or a political subdivision of the state to contract to provide medical services, with report of committee recommending passage was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 348)

The ayes were, 98:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Black	Blanshan
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
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	Stromer	Stueland
Svoboda	Swartz	Swearingen	Tabor
Teaford	Tyrrell	Van Camp	Van Maanen
Wise	Mr. Speaker		

The nays were, none.

Absent or not voting, 2:

Brammer

Eddie

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

**Senate File 394**, a bill for an act relating to care of animals in commercial establishments, with report of committee recommending amendment and passage was taken up for consideration.

Norrsgard of Des Moines offered the following amendment H—5119 filed by the committee on agriculture and moved its adoption:

H—5119

1 Amend Senate File 394, as passed by the Senate, as  
2 follows:

3 1. Page 1, line 4, by striking the word "fish,".

4 2. Page 1, by striking lines 16 through 21 and

5 inserting the following:

6 "7. "Commercial breeder" means a person engaged in  
7 the business of breeding dogs or cats, regardless of  
8 whether the dogs or cats are raised, trained, groomed,  
9 or boarded by the person. However, a person who owns  
10 or harbors three or less animals for breeding is not a  
11 commercial breeder."

12 3. Page 5, by striking lines 9 through 17.

13 4. Page 6, line 4, by striking the words "~~hobby~~  
14 ~~kennel research facility,~~" and inserting the  
15 following: "~~hobby kennel,~~".

16 5. Page 6, line 12, by striking the words "~~hobby~~  
17 ~~kennel research facility,~~" and inserting the  
18 following: "~~hobby kennel,~~".

19 6. Page 6, line 22, by striking the words  
20 "~~research facility,~~".

21 7. Page 6, line 29, by striking the words  
22 "~~research facility,~~".

23 8. Page 6, line 32, by striking the words "~~or~~  
24 ~~facility's~~".

25 9. Page 7, line 6, by striking the words "~~or~~  
26 ~~facility~~".

27 10. Page 7, line 18, by striking the word  
28 "repealed" and inserting the following: "amended by  
29 striking the section and inserting in lieu thereof the  
30 following:

31 162.17 EXCEPTIONS.

32 This chapter does not apply to the following:

33 1. A place or establishment which operates as a  
34 kennel situated on property within a racetrack  
35 enclosure as defined in section 99D.2.



36 2. A noncommercial kennel at, in, or adjoining a  
 37 private residence where dogs or cats, or both, are  
 38 kept for the hobby of the householder, in using them  
 39 for hunting or practice training or for exhibiting  
 40 them in shows or field or obedience trials, or for  
 41 guarding or protecting the householder's property.  
 42 However, the dogs or cats must not be kept for  
 43 breeding if a person receives consideration for  
 44 providing for breeding."

45 11. Page 7, by inserting after line 18 the  
 46 following:

47 "Sec. \_\_\_\_\_. Section 162.10, Code 1987, is repealed.

48 Sec. \_\_\_\_\_. Section 162.11, Code 1987, is repealed."

49 12. By renumbering as necessary.

The committee amendment H—5119 was adopted.

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. 394)

The ayes were, 97:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Black	Blanshan
Branstad	Buhr	Carpenter	Chapman
Clark	Cohoon	Connolly	Connors
Cooper	Corbett	Corey	Daggett
De Groot	Diemer	Doderer	Dvorsky
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	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	Shoultz	Siegrist	Skow
Spear	Stromer	Stueland	Svoboda
Swartz	Swearingen	Tabor	Teaford
Tyrrell	Van Camp	Van Maanen	Wise
Mr. Speaker			

The nays were, none.

Absent or not voting, 3:

Brammer

Eddie

Groninga

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

## RULES SUSPENDED

Arnould of Scott asked and received unanimous consent to suspend the rules and take up out of order House Files 2265 and 2287.

**House File 2265**, a bill for an act relating to reports to be submitted by superintendents of correctional institutions to the director of the department of corrections, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 2265)

The ayes were, 95:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Black	Blanshan
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	Haverland	Hermann	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	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, none.

Absent or not voting, 5:

Brammer  
Sherzan

Eddie

Hatch

Norrgard

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

**House File 2287**, a bill for an act relating to the filing date of the elderly or disabled property tax credit, providing for the recovery of erroneous payments, and providing an effective date, 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?" (H.F. 2287)

The ayes were, 96:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Black	Blanshan
Branstad	Buhr	Carpenter	Chapman
Clark	Cphoon	Connolly	Connors
Cooper	Corbett	Corey	Daggett
De Groot	Diemer	Doderer	Dvorsky
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	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	Shoning
Shoultz	Siegrist	Skow	Spear
Stromer	Stueland	Svoboda	Swartz
Swearingen	Tabor	Teaford	Tyrrell
Van Camp	Van Maanen	Wise	Mr. Speaker

The nays were, none.

Absent or not voting, 4:

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

### MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on February 23, 1988, amended the House amendment, concurred in the House amendment, and passed the following bill in which the concurrence of the House is asked:

Senate File 2074, a bill for an act relating to the extension of the applicability of House File 689, enacted during the Second Extraordinary Session of the Seventy-second General Assembly during 1987, updating references to the Internal Revenue Code, providing for retroactive applicability, and providing an effective date.

JOHN F. DWYER, Secretary

## HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

### **H.S.B. 789 Labor and Industrial Relations**

Relating to the payment of wages to trainees or conditional employees during an employer sponsored work-training program.

### **H.S.B. 790 Local Government**

Requiring the county treasurer to deduct the reasonable costs incurred by the county in handling, processing, and defending the property tax system, from the monthly allocations of taxes to be paid to other taxing districts in the county.

### **H.S.B. 791 Energy and Environmental Protection**

Relating to waste volume reduction and recycling, establishing taxes and fees, and providing for appropriation and expenditure of the tax and fee receipts.

### **H.S.B. 792 Judiciary and Law Enforcement**

Relating to the admission of a report or findings of the criminalistics laboratory as evidence in a civil proceeding.

### **H.S.B. 793 Judiciary and Law Enforcement**

Relating to the penalty for the sale of alcoholic beverages to persons under legal age by liquor control licensees or wine or beer permittees.

### **H.S.B. 794 Judiciary and Law Enforcement**

Relating to the rights and duties of the sheriff regarding service of legal process and levy of execution.

## SUBCOMMITTEE ASSIGNMENTS

### **House File 2160**

Agriculture: Svoboda, Chair; Branstad and Gruhn.

### **House File 2205 (Reassigned)**

State Government: Peterson of Carroll, Chair; Buhr, Doderer, Lundby and Shoning.

**House File 2206 (Reassigned)**

State Government: Peterson of Carroll, Chair; Buhr, Doderer, Lundby and Shoning.

**House File 2207 (Reassigned)**

State Government: Peterson of Carroll, Chair; Buhr, Doderer, Lundby and Shoning.

**House File 2270**

Judiciary and Law Enforcement: Jay, Chair; Doderer and Halvorson of Clayton.

**House File 2278**

Judiciary and Law Enforcement: Hansen of Woodbury, Chair; Clark and Doderer.

**House File 2288**

Local Government: Muhlbauer, Chair; Beatty and Eddie.

**House File 2290**

Local Government: Petersen of Muscatine, Chair; Norrgard and Peters.

**House File 2295**

Economic Development: Connolly, Chair; Corbett and Fey.

**House File 2299**

Small Business and Commerce: Chapman, Chair; Holveck, Kremer, McKinney and Metcalf.

**House File 2300**

Judiciary and Law Enforcement: Jay, Chair; Halvorson of Clayton, Hansen of Woodbury, Lageschulte and McKinney.

**House File 2301**

Judiciary and Law Enforcement: Jay, Chair; Halvorson of Clayton, Hansen of Woodbury, Lageschulte and McKinney.

**Senate File 2088**

State Government: Running, Chair; Beatty and Garman.

**Senate File 2108**

Small Business and Commerce: Parker, Chair; Renken and Sherzan.

**Senate File 2129**

Local Government: Renken, Chair; Fuller and Muhlbauer.

**Senate Concurrent Resolution 105**

Human Resources: Hammond, Chair; Harper, Mullins, Norrgard and Teaford.

**HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS****House Study Bill 651 (Reassigned)**

State Government: Buhr, Chair; Halvorson of Webster, Hanson of Delaware, Running and Van Camp.

**House Study Bill 698 (Reassigned)**

State Government: Buhr, Chair; Halvorson of Webster, Hanson of Delaware, Running and Van Camp.

**House Study Bill 699 (Reassigned)**

State Government: Buhr, Chair; Halvorson of Webster, Hanson of Delaware, Running and Van Camp.

**House Study Bill 700 (Reassigned)**

State Government: Buhr, Chair; Halvorson of Webster, Hanson of Delaware, Running and Van Camp.

**House Study Bill 701 (Reassigned)**

State Government: Buhr, Chair; Halvorson of Webster, Hanson of Delaware, Running and Van Camp.

**House Study Bill 704 (Reassigned)**

State Government: Peterson of Carroll, Chair; Buhr, Doderer, Lundby and Shoning.

**House Study Bill 731**

Agriculture: Gruhn, Chair; Bennett and Hatch.

**House Study Bill 738**

Local Government: Royer, Chair; Beatty and Cooper.

**House Study Bill 753**

Local Government: Peters, Chair; Diemer and Fuller.

**House Study Bill 755**

Local Government: Cooper, Chair; Peters and Platt.

**House Study Bill 757**

Agriculture: Cooper, Chair; De Groot and Johnson.

**House Study Bill 758**

Agriculture: Fogarty, Chair; Petersen of Muscatine and Skow.

**House Study Bill 759**

State Government: Beatty, Chair; Garman, Hanson of Delaware, Knapp and Peterson of Carroll.

**House Study Bill 760**

Economic Development: Connolly, Chair; Bennett, Groninga, Hanson of Delaware and Parker.

**House Study Bill 761**

State Government: Blanshan, Chair; Carpenter, Connors, Hammond and Hanson of Delaware.

**House Study Bill 765**

Small Business and Commerce: Swartz, Chair; Corbett and Shoultz.

**House Study Bill 767**

Local Government: Daggett, Chair; Fuller and Norrgard.

**House Study Bill 768**

State Government: Peterson of Carroll, Chair; Buhr, Doderer, Lundby and Shoning.

**House Study Bill 769**

State Government: Renaud, Chair; Pavich and Van Camp.

**House Study Bill 770**

State Government: Running, Chair; Knapp and Van Camp.

**House Study Bill 771**

Small Business and Commerce: Groninga, Chair; Brammer, Halvorson of Clayton, Schneklath and Shoultz.

**House Study Bill 772**

Agriculture: May, Chair; Eddie and Muhlbauer.

**House Study Bill 774**

Local Government: Hatch, Chair; Diemer and Spear.

**House Study Bill 776**

Human Resources: Fey, Chair; Adams, Bisignano, Clark and Plasier.

**House Study Bill 777**

Human Resources: Hammond, Chair; Harper, Mullins, Norrgard and Teaford.

**House Study Bill 778**

Human Resources: Harper, Chair; Connors, Hester, Peters and Swearingen.

**House Study Bill 779**

Human Resources: Hammond, Chair; Harper, Mullins, Norrgard and Teaford.

**House Study Bill 781**

Judiciary and Law Enforcement: Chapman, Chair; Hammond and Paulin.

**House Study Bill 785**

Judiciary and Law Enforcement: Chapman, Chair; Hammond and Paulin.

**COMMITTEE RECOMMENDATIONS**

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendations have been

received and are on file in the office of the Chief Clerk.

JOSEPH O'HERN  
Chief Clerk of the House

COMMITTEE ON ECONOMIC DEVELOPMENT

**Committee Bill** (Formerly House Study Bill 532), relating to the repeal of the Iowa venture capital investment Act.

Fiscal Note is not required.

Recommended **Do Pass** February 22, 1988.

COMMITTEE ON HUMAN RESOURCES

**House File 2113**, a bill for an act relating to the dispensing of prescription drugs.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H—5145** February 22, 1988.

**House File 2170**, a bill for an act relating to foster care review, providing for the continued existence of the state and local foster care review boards, providing for the establishment of local foster care review boards throughout the state, providing for review in cases of children involuntarily hospitalized for mental illness, revising provisions relating to confidentiality and access to certain information, providing other procedural revisions, and providing properly related matters.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H—5146** February 22, 1988.

**House File 2233**, a bill for an act relating to work programs for inmates of state correctional institutions.

Fiscal Note is not required.

Recommended **Do Pass** February 22, 1988.

**Committee Bill** (Formerly House Study Bill 616), relating to child day care for sick children.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 22, 1988.

COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT

**Senate File 2064**, a bill for an act relating to the residency of an agent for an authorized company engaged in the business of becoming surety upon bonds in criminal cases.

Fiscal Note is not required.

Recommended **Do Pass** February 22, 1988.

**Committee Bill** (Formerly House Study Bill 715), relating to schedule I and schedule III controlled substances.

Fiscal Note is not required.



Recommended **Do Pass** February 22, 1988.

COMMITTEE ON LOCAL GOVERNMENT

**Committee Bill** (Formerly House Study Bill 680), providing minimum qualifications for the office of county sheriff.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 22, 1988.

**Committee Bill** (Formerly House Study Bill 723), relating to the publication of proceedings of cities.

Fiscal Note is not required.

Committee Action: **Failed to Pass** February 22, 1988.

**Committee Bill** (Formerly House Study Bill 767), relating to the use of certain revenues obtained from the transfer of property or taxes imposed in urban renewal areas for economic development purposes.

Fiscal Note is not required.

Recommended **Do Pass** February 22, 1988.

COMMITTEE ON SMALL BUSINESS AND COMMERCE

**Senate File 69**, a bill for an act relating to the investment of idle public funds by authorizing investment in drainage district warrants or improvement certificates and by correcting an error.

Fiscal Note is not required.

Recommended **Do Pass as Amended** February 22, 1988.

**Committee Bill** (Formerly House Study Bill 633), relating to the pledge of United States government obligations or their functional equivalents as security for the deposit of public funds.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 22, 1988.

**Committee Bill** (Formerly House Study Bill 685), relating to savings and loan associations.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 22, 1988.

**Committee Bill** (Formerly House Study Bill 686), relating to commercial paper by modifying the definition of "sum certain".

Fiscal Note is not required.

Recommended **Do Pass** February 22, 1988.

**Committee Bill** (Formerly House Study Bill 725), relating to credit unions by amending the power to sell, participate in, or discount, or purchase the obligations of certain credit union members; by amending the authorization to appoint credit and auditing

committees; and by permitting the superintendent to prescribe by rule the period of preservation of records or files for credit unions.

Fiscal Note is not required.

Recommended **Do Pass** February 22, 1988.

**Committee Bill** (Formerly House Study Bill 727), providing for the acknowledgment of delivery of certain debt documents.

Fiscal Note is not required.

Recommended **Do Pass** February 22, 1988.

**Committee Bill** (Formerly House Study Bill 743), to exclude Saturday as a banking day.

Fiscal Note is not required.

Recommended **Do Pass** February 22, 1988.

### AMENDMENTS FILED

H-5144	H.F. 2277	Wise of Lee
		Ollie of Clinton
H-5145	H.F. 2113	Committee on Human
		Resources
H-5146	H.F. 2170	Committee on Human
		Resources
H-5147	S.F. 2074	Senate Amendment
H-5148	H.F. 2046	Diemer of Black Hawk
H-5149	H.F. 2076	Blanshan of Greene
		Daggett of Adams
H-5150	H.F. 2294	Bisignano of Polk
		Renaud of Polk
		Peters of Woodbury
		Jochum of Dubuque
		Corey of Louisa
H-5151	H.F. 2277	Rosenberg of Story
H-5152	H.F. 2294	Hummel of Benton
		Connors of Polk
		Bisignano of Polk
H-5153	H.F. 2294	Van Camp of Scott
H-5154	H.F. 2294	Hammond of Story
		Mullins of Kossuth

On motion by Arnould of Scott, the House adjourned at 11:32 a.m., until 9:00 a.m., Wednesday, February 24, 1988.

# JOURNAL OF THE HOUSE

Forty-fifth Calendar Day — Twenty-ninth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Wednesday, February 24, 1988

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

Prayer was offered by the Honorable Gary Sherzan, state representative from Polk County.

The Journal of Tuesday, February 23, 1988 was approved.

## INTRODUCTION OF BILLS

**House File 2307**, by committee on small business and commerce, a bill for an act relating to the regulation of the state's insurance industry and the administration of the insurance division of the department of commerce.

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

**House File 2308**, by Maulsby, a bill for an act providing for the election of a board of trustees in certain drainage districts and specifying its duties.

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

**House File 2309**, by Maulsby, a bill for an act requiring a study of fishing license reciprocity with certain other states.

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

**House File 2310**, by Paulin and Clark, a bill for an act relating to the date by which the collection services center of the department of human services shall be fully effective.

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

**House File 2311**, by Neuhauser, a bill for an act relating to regulating food establishments and food service establishments, by exempting certain premises used to create prepared food for sale at farmers markets.

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

**House File 2312**, by Buhr, a bill for an act relating to the division of resources and income between spouses in the determination of medical assistance eligibility.

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

**House File 2313**, by committee on human resources, a bill for an act relating to child day care for sick children.

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

**House File 2314**, by committee on local government, a bill for an act providing minimum qualifications for the office of county sheriff.

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

**House File 2315**, by committee on small business and commerce, a bill for an act relating to commercial paper by modifying the definition of "sum certain".

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

**House File 2316**, by committee on energy and environmental protection, a bill for an act requiring gas and electric public utilities to provide annual gas or electric energy costs for certain properties to certain persons when requested in writing and making civil penalties applicable.

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

**House File 2317**, by committee on economic development, a bill for an act relating to the repeal of the Iowa venture capital investment Act.

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

**House File 2318**, by committee on small business and commerce, a bill for an act providing for the acknowledgment of delivery of certain debt documents.

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

**House File 2319**, by committee on small business and commerce, a bill for an act to exclude Saturday as a banking day.

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

**House File 2320**, by committee on small business and commerce, a bill for an act relating to credit unions by amending the power to sell, participate in, or discount, or purchase the obligations of certain credit union members; by amending the authorization to appoint credit and auditing committees; and by permitting the superintendent to prescribe by rule the period of preservation of records or files for credit unions.

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

**House File 2321**, by Rosenberg, a bill for an act relating to purchasing by state agencies and providing uniform requirements.

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

**House File 2322**, by committee on judiciary and law enforcement, a bill for an act relating to schedule I and schedule III controlled substances.

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

**House File 2323**, by committee on small business and commerce, a bill for an act relating to the pledge of United States government obligations or their functional equivalents as security for the deposit of public funds.

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

**House File 2324**, by Schnekloth, a bill for an act allowing taxpayers to deduct capital gains for state individual income tax purposes and making the Act retroactive.

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

**House File 2325**, by committee on transportation, a bill for an act relating to transportation funding by increasing the rate of excise taxes on motor fuel and special fuel, increasing certain vehicle registration fees, providing for a network of commercial and industrial highways, increasing the standing appropriation for public transit assistance, providing a standing appropriation for trails, authorizing the transfer of RISE funds to the primary road fund, providing for a study of road use tax fund distribution, making appropriations from the road use tax fund, and providing effective dates.

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

#### SENATE MESSAGE CONSIDERED

**Senate File 2164**, by committee on small business and economic development, a bill for an act relating to the composition of the Iowa economic development board.

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

#### MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on February 22, 1988, passed the following bill in which the concurrence of the Senate was asked:

House File 2193, a bill for an act to increase the time period for which in-transit stickers are valid.

Also: That the Senate has on February 22, 1988, passed the following bill in which the concurrence of the Senate was asked:

House File 2237, a bill for an act providing that the records of the purchase of alcoholic liquor from the alcoholic beverages division by individual class "E" liquor control licensees are confidential and providing an effective date.

Also: That the Senate has on February 22, 1988, passed the following bill in which the concurrence of the House is asked:

Senate File 393, a bill for an act relating to fishing by persons in substance abuse centers.

Also: That the Senate has on February 22, 1988, passed the following bill in which the concurrence of the House is asked:

Senate File 456, a bill for an act relating to support or service dogs for disabled or handicapped persons.

Also: That the Senate has on February 22, 1988, passed the following bill in which the concurrence of the House is asked:

Senate File 2089, a bill for an act establishing the eligibility of Iowans for inclusion of their names on the Iowa Vietnam veterans memorial.

Also: That the Senate has on February 22, 1988, passed the following bill in which the concurrence of the House is asked:

Senate File 2119, a bill for an act relating to the role of the department of education in requiring specific steps by school districts, area education agencies, and merged area schools to accomplish the goals of equal opportunity and affirmative action in personnel policies.

Also: That the Senate has on February 22, 1988, passed the following bill in which the concurrence of the House is asked:

Senate File 2142, a bill for an act relating to recording, without fee, an acknowledgment of a mortgage foreclosure decree.

Also: That the Senate has on February 22, 1988, passed the following bill in which the concurrence of the House is asked:

Senate File 2144, a bill for an act relating to the requirement that a person operating a motor vehicle maintain control of the motor vehicle.

Also: That the Senate has on February 22, 1988, passed the following bill in which the concurrence of the House is asked:

Senate File 2146, a bill for an act relating to entering private land for highway construction purposes.

Also: That the Senate has on February 22, 1988, passed the following bill in which the concurrence of the House is asked:

Senate File 2148, a bill for an act relating to the inspection fee for certain specialty fertilizers.

Also: That the Senate has on February 22, 1988, passed the following bill in which the concurrence of the House is asked:

Senate File 2149, a bill for an act relating to the interest or earnings of moneys within the groundwater protection fund and the accounts within the fund.

JOHN F. DWYER, Secretary

The House stood at ease at 9:10 a.m., until the fall of the gavel.

The House resumed session at 9:37 a.m., Speaker Avenson in the chair.

On motion by Arnould of Scott, the House was recessed at 9:38 a.m., until 1:00 p.m.

### AFTERNOON SESSION

The House reconvened, Speaker Avenson in the chair.

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Garman of Story on request of Stromer of Hancock.

### RULES SUSPENDED

Arnould of Scott asked and received unanimous consent to suspend the rules and take up out of order the following bill: House File 2277.

### CONSIDERATION OF BILLS

#### Regular Calendar

**House File 2277**, a bill for an act relating to the payment of moneys to teachers under the educational excellence program, including the frequency and manner of payments, eligibility for payments, deadlines for submission of plans and reports, and the issuance of supplemental contracts, was taken up for consideration.

Rosenberg of Story offered the following amendment H-5151 filed by him and moved its adoption:

H-5151

1 Amend House File 2277 as follows:

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

4 "Section 1. Section 294A.6, Code Supplement 1987,  
5 is amended by adding the following new unnumbered  
6 paragraph:  
7 NEW UNNUMBERED PARAGRAPH. If the moneys allocated  
8 for phase I for a school year exceed the moneys  
9 required to pay the total minimum salary supplements  
10 to all school districts and area education agencies,  
11 the board of directors of a school district that has  
12 employed one or more additional teachers as a result  
13 of a whole grade sharing agreement completed under  
14 section 282.7 may request approval from the department  
15 of education for additional funding for its minimum  
16 salary supplement for that school year and succeeding  
17 school years if the other school district or districts  
18 that are parties to the sharing agreement have  
19 correspondingly reduced their number of teachers. If  
20 the department of education approves the payment of  
21 the additional salary supplement to a district, the  
22 department shall certify to the department of revenue  
23 and finance a payment equal to the amount of the  
24 difference between eighteen thousand dollars and the  
25 teacher's regular compensation plus the amount  
26 required to pay the employer's share of the federal  
27 social security and Iowa public employees' retirement  
28 system, or a pension and annuity retirement system  
29 established under chapter 294, payments on the  
30 additional salary moneys. If the phase I moneys  
31 remaining are insufficient to pay the entire amount  
32 approved by the department of education, the  
33 department of revenue and finance shall prorate the  
34 payments to school districts.

Amendment H—5151 was adopted.

Wise of Lee offered the following amendment H—5144 filed by him and Ollie of Clinton and moved its adoption:

H—5144

1 Amend House File 2277 as follows:  
2 1. Page 3, by inserting after line 1 the fol-  
3 lowing:  
4 "Sec. \_\_\_\_\_. Section 294A.22, unnumbered paragraph  
5 1, Code Supplement 1987, is amended to read as  
6 follows:  
7 Payments for each phase of the educational  
8 excellence program shall be made by the department of  
9 revenue and finance on a quarterly monthly basis, and  
10 the commencing on October 15 and ending on June 15 of  
11 each fiscal year taking into consideration the  
12 relative budget and cash position of the state  
13 resources. The payments shall may be separate from



14 combined with state aid payments made pursuant to  
 15 sections 442.25 and 442.26. For the school year  
 16 beginning July 1, 1987, the first quarterly payment  
 17 shall be made not later than October 15, 1987 taking  
 18 into consideration the relative budget and cash  
 19 position of the state resources. The payments made  
 20 under this section to a school district or area  
 21 education agency may be combined and a separate  
 22 accounting of the amount paid for each program shall  
 23 be included."

24 2. By numbering and renumbering sections as  
 25 necessary.

Amendment H—5144 was adopted.

Wise of Lee offered the following amendmment H—5134 filed by him and Ollie of Clinton:

H—5134

- 1 Amend House File 2277 as follows:
- 2 1. Page 3, line 15, by striking the figure "1."
- 3 2. Page 3, by striking lines 22 through 29.

Blanshan of Greene offered the following amendment H—5160, to amendment H—5134, filed by him from the floor and moved its adoption:

H—5160

- 1 Amend the amendment, H—5134, to House File 2277 as
- 2 follows:
- 3 1. Page 1, by striking lines 2 and 3 and insert-
- 4 ing the following:
- 5 "\_\_\_\_\_. Page 3, by striking lines 13 through 29.
- 6 \_\_\_\_\_. By renumbering sections as necessary."

Amendment H—5160 was adopted.

On motion by Wise of Lee amendment H—5134, as amended, was adopted.

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

On the question "Shall the bill pass?" (H.F. 2277)

The ayes were, 98:

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
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	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	Shoultz	Siegrist
Skow	Spear	Stromer	Stueland
Svoboda	Swartz	Swearingen	Tabor
Teaford	Tyrrell	Van Camp	Van Maanen
Wise	Mr. Speaker		

The nays were, none.

Absent or not voting, 2:

Garman                      Jochum

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 1:29 p.m., until the fall of the gavel.

The House resumed session at 2:36 p.m., Speaker Avenson in the chair.

### MOTION TO RECONSIDER WITHDRAWN (House File 2162)

Hummel of Benton asked and received unanimous consent to withdraw the motion to reconsider House File 2162, a bill for an act relating to the conditions for the issuance of a class "E" liquor control license in counties with a population under nine thousand five hundred, filed by him on February 22, 1988.

Arnould of Scott moved that the House adjourn until 9:00 a.m., Thursday, February 25, 1988.

A non-record roll call was requested.

The ayes were 33, nays 23.

The motion prevailed.

**SPONSORS ADDED**  
(Amendment H—5152 to House File 2294)

The following requested to be added as sponsors of amendment H—5152 to House File 2294:

RUNNING of Linn	RENAUD of Polk
BEAMAN of Clarke	PLATT of Muscatine
PAVICH of Pottawattamie	LUNDBY of Linn

**EXPLANATION OF VOTE**

I was necessarily absent from the House chamber on Monday, February 22, and Tuesday, February 23, 1988. Had I been present, I would have voted "aye" on House Files 2155, 2228, 2259, 2262, 2263, 2264, 2265, 2269, 2285, 2287 and Senate File 348; "nay" on House File 2066.

EDDIE of Buena Vista

**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>Class of Appoint- ment</u>	<u>Eff. Date</u>
Legislative Secretary	Rosemary J. Drake	16-1 to 16-1 + 2	S-O	02-05-88
Legislative Secretary	Betty J. Gottschalk	16-4 + 2 to 16-5 + 2	S-O	01-22-88
Legislative Secretary	Susan Kay Jennings	15-1 to 15-1 + 2	S-O	02-05-88
Legislative Secretary	Patricia Johnson	16-1 to 16-1 + 2	S-O	02-05-88

The following is a resignation from the officers and employees of the House:

Assistant	James	02-18-88
Sergeant-at-Arms	Cunningham	

CHAPMAN of Linn, Chair

## COMMUNICATIONS RECEIVED

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

### DEPARTMENT OF TRANSPORTATION

The 1987 report on the State Aircraft Pool, pursuant to Chapter 328.56(5), Code of Iowa.

### INDIAN HILLS COMMUNITY COLLEGE

The Local Job Training Plan for Program Years 88 and 89 for Area 15, pursuant to Chapter 7B.3(10), Code of Iowa.

### PRIVATE INDUSTRY COUNCIL

The proposed Local Training Plan for Service Delivery Area 6 organized under the Job Training Partnership Act, pursuant to Chapter 7B.3(10), Code of Iowa.

### TREASURER OF STATE

A report listing all South Africa related investments administered by the Treasurer and their value on December 31, 1987, pursuant to Chapter 12A.4(2)(a), Code of Iowa.

## HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

### **H.S.B. 795 Labor and Industrial Relations**

Relating to the test for determining whether an individual's employment is deemed to be employment for purposes of the Iowa employment security law, and providing for the applicability of the Act.

### **H.S.B. 796 Judiciary and Law Enforcement**

Relating to the injury of animals, by providing definitions; prohibiting animal cruelty, animal neglect, animal abandonment, and certain exhibitions involving animals; providing for the care or destruction of disabled animals; providing for the forfeiture of animals, the assessment of certain costs, and the disposition of animals; and providing penalties.

### **H.S.B. 797 Local Government**

Relating to fire safety standards for subsidized rental housing, and subjecting violators to penalties.

### **H.S.B. 798 Local Government**

Authorizing the joint investment of funds by counties, cities, city utilities, and judicial district departments of correctional services, and providing an effective date.

**H.S.B. 799 Energy and Environmental Protection**

Establishing a sewage treatment works financing program including appropriation of moneys to be deposited in a revolving loan fund and an administration fund.

**H.S.B. 800 Judiciary and Law Enforcement**

To prohibit the use of public funds for lobbying and to provide a penalty.

**H.S.B. 801 Small Business and Commerce**

Relating to the enforcement of laws concerning motor vehicle fraud and salvage, rebuilt, or junking designations on motor vehicle titles, and making penalties applicable.

**H.S.B. 802 Small Business and Commerce**

Relating to the investment powers of state banks.

**H.S.B. 803 Judiciary and Law Enforcement**

To allow expungement of court records of simple and serious misdemeanor offenses.

**SUBCOMMITTEE ASSIGNMENTS****House File 2018**

Agriculture: Osterberg, Chair; Bennett and Hatch.

**House File 2233**

Human Resources: Spear, Chair; Bisignano, Buhr, Corey and Miller.

**House File 2248**

Labor and Industrial Relations: Brammer, Chair; Connors and Tyrrell.

**House File 2261**

Labor and Industrial Relations: Brammer, Chair; Connors and Tyrrell.

**House File 2271**

Agriculture: Norrgard, Chair; May and Stueland.

**House File 2274**

Agriculture: Koenigs, Chair; Eddie, Kremer, Muhlbauer and Skow.

**House File 2292**

Transportation: Fey, Chair; Maulsby and Renaud.

**House File 2293**

Labor and Industrial Relations: Running, Chair; Brammer and Eddie.

**Senate File 2114**

Agriculture: Osterberg, Chair; Bennett and Hatch.

**Senate File 2135**

Agriculture: Koenigs, Chair; Eddie, Kremer, Muhlbauer and Skow.

## HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS

**House Study Bill 762**

Agriculture: Osterberg, Chair; De Groot and Norrgard.

**House Study Bill 787**

Labor and Industrial Relations: Brammer, Chair; Connors and Tyrrell.

**House Study Bill 789**

Labor and Industrial Relations: Halvorson of Webster, Chair; Buhr and Tyrrell.

## COMMITTEE RECOMMENDATIONS

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

JOSEPH O'HERN  
Chief Clerk of the House

## COMMITTEE ON AGRICULTURE

**Committee Bill** (Formerly House Study Bill 748), relating to the licensing of grain producers as bonded grain sellers by the department of agriculture and land stewardship.

Fiscal Note is not required.

Recommended **Do Pass** February 23, 1988.

**Committee Bill** (Formerly House Study Bill 757), relating to the Iowa sheep and wool promotion board, by providing that a member of the board may receive compensation from an organization receiving funds from the board, and providing for possible conflicts in interest.

Fiscal Note is not required.

Recommended **Do Pass** February 23, 1988.

**Committee Bill** (Formerly House Study Bill 758), providing that certain liens may attach on grain which is custom dried, cleaned, or conditioned.

Fiscal Note is not required.

Recommended **Do Pass** February 23, 1988.

## COMMITTEE ON EDUCATION

**House File 2226**, a bill for an act relating to the calculation of budget enrollment of a reorganized school district.

Fiscal Note is required.

Recommended **Do Pass** February 23, 1988.

**Committee Bill** (Formerly House Study Bill 544), to establish an education certification advisory committee and prescribe its duties.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 23, 1988.

## COMMITTEE ON ENERGY AND ENVIRONMENTAL PROTECTION

**Committee Bill** (Formerly House File 2001), relating to environmental quality by creating an environmental action fund, by authorizing grants for environmental education and cleanup programs, and by increasing fines and civil penalties.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 23, 1988.

## COMMITTEE ON LABOR AND INDUSTRIAL RELATIONS

**Committee Bill** (Formerly House Study Bill 672), relating to the state employees disability insurance program.

Fiscal Note is not required.

Recommended **Do Pass** February 23, 1988.

## COMMITTEE ON STATE GOVERNMENT

**House File 2139**, a bill for an act establishing the eligibility of Iowans for inclusion of their names on the Iowa Vietnam veterans memorial.

Fiscal Note is not required.

Recommended **Do Pass** February 23, 1988.

**Committee Bill** (Formerly House Study Bill 552), relating to the jurisdiction of the employment appeal board.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 23, 1988.

**Committee Bill** (Formerly House Study Bill 553), relating to grievances and discipline resolution in the state personnel system.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 23, 1988.

**Committee Bill** (Formerly House Study Bill 652), relating to the confidentiality of certain records of a library.

Fiscal Note is not required.

Recommended **Do Pass** February 23, 1988.

**Committee Bill** (Formerly House Study Bill 658), relating to the authority of the treasurer of state to invest in United States government obligations.

Fiscal Note is not required.

Recommended **Do Pass** February 23, 1988.

## COMMITTEE ON TRANSPORTATION

**Senate File 2117**, a bill for an act relating to certain speeding violations of ten miles per hour or less over the legal speed limit and providing an effective date.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H — 5164** February 23, 1988.

## AMENDMENTS FILED

H-5155	H.F. 2260	Peters of Woodbury
H-5156	H.F. 2294	Hammond of Story
H-5157	S.F. 2023	Spear of Lee
H-5158	S.F. 2023	Spear of Lee
H-5159	S.F. 2023	Spear of Lee
H-5161	S.F. 2023	Spear of Lee
H-5162	S.F. 2023	Spear of Lee
H-5163	S.J.R. 1	Halvorson of Webster
H-5164	S.F. 2117	Committee on Transportation
H-5165	S.F. 312	Chapman of Linn
H-5166	H.F. 2294	Van Camp of Scott
H-5167	S.F. 2023	Spear of Lee
H-5168	S.F. 2023	Spear of Lee
H-5169	S.F. 2023	Spear of Lee
H-5170	H.F. 2257	Black of Jasper Platt of Muscatine Branstad of Winnebago
H-5171	H.F. 2283	Kremer of Buchanan Osterberg of Linn
H-5172	H.F. 2294	Mullins of Kossuth
H-5173	H.F. 2280	Cooper of Lucas Beatty of Warren Royer of Page Petersen of Muscatine

On previous motion by Arnould of Scott, the House adjourned at 2:40 p.m., until 9:00 a.m., Thursday, February 25, 1988.



# JOURNAL OF THE HOUSE

Forty-sixth Calendar Day — Thirtieth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Thursday, February 25, 1988

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

Prayer was offered by the Honorable Russell Eddie, state representative from Buena Vista County.

The Journal of Wednesday, February 24, 1988 was approved.

## PETITIONS FILED

The following petitions were received and placed on file:

By Connors of Polk, from fifty-six constituents opposing any increase in beer, wine or liquor taxing measures.

By Pellett of Cass, from twenty-four constituents favoring House File 2067 that increases allocation to the public transit assistance fund to 1/20 of the road use tax fund.

Also: From twenty-nine constituents opposing any increase in beer, wine or liquor taxes.

The following petitions were filed favoring the establishment of a "One Dollar for Life" EMS Fund:

By Beatty of Warren from seventy-seven constituents of the 68th District.

By Lageschulte of Bremer from one hundred fifty constituents.

By Swearingen of Keokuk from one hundred eighty constituents of the 63rd District.

By Norrgard of Des Moines, from three hundred thirteen constituents.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Ollie of Clinton, for February 25 and 26, 1988, on request of Haverland of Polk.

## INTRODUCTION OF BILLS

**House Joint Resolution 2005**, by Schnekloth, a joint resolution proposing an amendment to the Constitution of the State of Iowa requiring the approval of supplemental appropriations by two-thirds of the members elected to each house of the General Assembly.

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

**House File 2326**, by committee on small business and commerce, a bill for an act relating to savings and loan associations.

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

**House File 2327**, by committee on local government, a bill for an act relating to the use of certain revenues obtained from the transfer of property or taxes imposed in urban renewal areas for economic development purposes.

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

**House File 2328**, by committee on agriculture, a bill for an act relating to the licensing of grain producers as bonded grain sellers by the department of agriculture and land stewardship.

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

**House File 2329**, by committee on agriculture, a bill for an act relating to the Iowa sheep and wool promotion board, by providing that a member of the board may receive compensation from an organization receiving funds from the board, and providing for possible conflicts in interest.

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

**House File 2330**, by committee on agriculture, a bill for an act providing that certain liens may attach on grain which is custom dried, cleaned, or conditioned.

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

**House File 2331**, by Neuhauser, a bill for an act relating to the imposition of a local option income surtax by a city or county at a rate set by the governing body, requiring an election before the imposition, and providing penalties.

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

**House File 2332**, by Running, Renaud, Beaman, Connors, Platt, Pavich and Lundby, a bill for an act relating to the notification of medical providers exposed or who may be exposed to a person with a communicable disease, and providing penalties.

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

**House File 2333**, by Petersen of Muscatine, a bill for an act to prohibit shooting firearms over public highways and waters, and public and railroad right-of-way.

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

**House File 2334**, by Johnson, a bill for an act relating to land use and stewardship plans and reports, and providing penalties.

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

**House File 2335**, by Connors and Metcalf, a bill for an act providing for the regulation of dogs, including vicious dogs, cats, and other animals, repealing a certain provision, and providing penalties and an effective date.

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

**House File 2336**, by committee on state government, a bill for an act relating to the confidentiality of certain records of a library.

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

**House File 2337**, by committee on state government, a bill for an act relating to the jurisdiction of the employment appeal board.

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

**House File 2338**, by committee on energy and environmental protection, a bill for an act relating to environmental quality by creating an emergency response fund and by establishing and increasing fines and penalties.

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

**House File 2339**, by committee on state government, a bill for an act relating to grievances and discipline resolution in the state personnel system.

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

**House File 2340**, by committee on state government, a bill for an act relating to the authority of the treasurer of state to invest in United States government obligations.

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

**House File 2341**, by committee on labor and industrial relations, a bill for an act relating to the state employees disability insurance program.

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

**House File 2342**, by Holveck, a bill for an act relating to the priority of security interests in crops.

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

**House File 2343**, by Svoboda, a bill for an act relating to school district employees' investments in certain tax-sheltered mutual fund programs through payroll deductions.

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

### SENATE MESSAGES CONSIDERED

**Senate File 393**, by Miller of Des Moines, a bill for an act relating to fishing by persons in substance abuse centers.

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

**Senate File 456**, by Holden, a bill for an act relating to support or service dogs for disabled or handicapped persons.

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

**Senate File 2089**, by Husak, Boswell, Fuhrman and Soorholtz, a bill for an act establishing the eligibility of Iowans for inclusion of their names on the Iowa Vietnam veterans memorial.

Read first time and **passed on file**.

**Senate File 2119**, by Mann and Murphy, a bill for an act relating to the role of the department of education in requiring specific steps by school districts, area education agencies, and merged area schools to accomplish the goals of equal opportunity and affirmative action in personnel policies.

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

**Senate File 2142**, by committee on judiciary, a bill for an act relating to recording, without fee, an acknowledgment of a mortgage foreclosure decree.

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

**Senate File 2144**, by committee on judiciary, a bill for an act relating to the requirement that a person operating a motor vehicle maintain control of the motor vehicle.

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

**Senate File 2146**, by committee on transportation, a bill for an act relating to entering private land for highway construction purposes.

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

**Senate File 2148**, by committee on environment and energy utilities, a bill for an act relating to the inspection fee for certain specialty fertilizers.

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

**Senate File 2149**, by committee on environment and energy utilities, a bill for an act relating to the interest or earnings of moneys within the groundwater protection fund and the accounts within the fund.

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

### RULES SUSPENDED

Arnould of Scott asked and received unanimous consent to suspend the rules and take up out of order the following bill: House File 2257.

### CONSIDERATION OF BILLS

#### Regular Calendar

**House File 2257**, a bill for an act relating to the use of vessels for hunting blinds on the public waters of this state and subjecting violators to an existing penalty, (deferred February 23, 1988) was taken up for consideration.

Black of Jasper offered the following amendment H—5170 filed by Black, et al., and moved its adoption:

H—5170

- 1 Amend House File 2257 as follows:
- 2 1. Page 1, line 7, by inserting after the word
- 3 "vessel." the following: "However, a vessel used as
- 4 a hunting blind shall not remain at the same location
- 5 on the public waters of this state for more than
- 6 twenty-four consecutive hours and, when moved, shall
- 7 not be relocated within one hundred yards of that
- 8 location."

Amendment H—5170 was adopted.

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

### On the question "Shall the bill pass?" (H.F. 2257)

The ayes were, 81:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Black	Blanshan
Brammer	Branstad	Buhr	Carpenter
Clark	Cohoon	Connolly	Connors
Cooper	Corbett	Corey	Daggett
De Groot	Dvorsky	Eddie	Fey
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	Maulsby
May	McKean	McKinney	Metcalf
Miller	Muhlbauer	Mullins	Neuhauser
Norrsgard	Parker	Pavich	Pellett
Peters	Petersen, D. F.	Peterson, M. K.	Plasier
Platt	Renken	Rosenberg	Schneklath
Schrader	Shoning	Shoultz	Siegrist
Skow	Stromer	Swartz	Swearingen
Tabor	Teaford	Van Camp	Van Maanen
Mr. Speaker			

The nays were, 14:

Chapman	Diemer	Doderer	Halvorson, R. A.
Harbor	Hummel	Paulin	Poney
Renaud	Running	Spear	Stueland
Tyrrell	Wise		

Absent or not voting, 5:

Ollie	Osterberg	Royer	Sherzan
Svoboda			

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

### MOTION TO OVERRIDE GOVERNOR'S ITEM VETO

Jochum of Dubuque called up for consideration **House File 2082**, a bill for an act relating to and making appropriations to the department of human services and to the Iowa finance authority for the remainder of the fiscal year ending June 30, 1988, allowing carryover of certain funds to the next fiscal year, and providing an effective date, item vetoed by the Governor on February 12, 1988 and moved that the House on reconsideration agree to pass House File 2082, the objections of the Governor to the contrary notwithstanding. (See pages 339 through 341 of the House Journal for the Governor's item veto message.)

The House stood at ease at 9:33 a.m., until the fall of the gavel.

The House resumed session and consideration of the motion to override the Governor's item veto on House File 2082 at 11:41 a.m., Speaker Avenson in the chair.

Arnould of Scott asked and received unanimous consent that House File 2082 be deferred and that the bill retain its place on the calendar.

(Motion to override Governor's item veto pending.)

On motion by Arnould of Scott, the House was recessed at 11:43 a.m., until 1:00 p.m.

### AFTERNOON SESSION

The House reconvened, Connors of Polk in the chair.

### QUORUM CALL

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

### RULES SUSPENDED

Arnould of Scott asked and received unanimous consent to suspend the rules and take up out of order House Files 2260 and 2294.

### CONSIDERATION OF BILLS

#### Regular Calendar

**House File 2260**, a bill for an act to prohibit employer sanctions against employees who refuse to work in unsafe conditions, was taken up for consideration.

Peters of Woodbury offered the following amendment H—5155 filed by him and moved its adoption:

H—5155

- 1 Amend House File 2260 as follows:
- 2 1. Page 1, line 3, by striking the following:
- 3 "person An employer" and inserting the following: "A
- 4 person".
- 5 2. Page 1, line 10, by striking the words "An
- 6 employer" and inserting the words "A person".
- 7 3. Page 1, line 21, by striking the word
- 8 "employer" and inserting the word "person".
- 9 4. Page 1, line 25, by striking the words "person
- 10 an employer" and inserting the following: "a person".

- 11 5. Page 1, line 34, by striking the words "person  
 12 the employer" and inserting the following: "the  
 13 person".

Amendment H—5155 was adopted.

Speaker Avenson in the chair at 1:20 p.m.

The House stood at ease at 1:22 p.m., until the fall of the gavel.

The House resumed session and consideration of House File 2260 at 1:28 p.m., Speaker Avenson in the chair.

Peters 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. 2260)

The ayes were, 87:

Arnould	Beatty	Bennett	Bisignano
Black	Blanshan	Brammer	Branstad
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
Hester	Holveck	Hummel	Jay
Jochum	Johnson	Knapp	Koenigs
Kremer	Lageschulte	Lundby	Maulsby
May	McKean	Metcalf	Miller
Muhlbauer	Mullins	Neuhauser	Norrgard
Osterberg	Parker	Paulin	Pavich
Pellett	Peters	Peterson, M. K.	Plasier
Platt	Renaud	Renken	Rosenberg
Royer	Schneklloth	Sherzan	Shoning
Shoultz	Siegrist	Skow	Spear
Stromer	Stueland	Swartz	Swearingen
Tabor	Teaford	Tyrrell	Van Camp
Van Maanen	Wise	Mr. Speaker	

The nays were, none.

Absent or not voting, 13:

Adams	Beamam	Chapman	Daggett
Haverland	Hermann	McKinney	Ollie
Petersen, D. F.	Poncy	Running	Schrader
Svoboda			

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



**House File 2294**, a bill for an act relating to testing for and confidentiality of human immunodeficiency virus-related matters and providing penalties, was taken up for consideration.

Hammond of Story offered amendment H—5154 filed by her and Mullins of Kossuth and requested division as follows:

H—5154

- 1 Amend House File 2294 as follows:

H—5154A

- 2 1. Page 2, line 10, by striking the word
- 3 "positive".
- 4 2. Page 2, line 21, by striking the word
- 5 "positive".

H—5154B

- 6 3. Page 3, line 33, by inserting after the word
- 7 "treatment." the following: "At the time of pretest
- 8 counseling for an HIV-related test, a minor shall be
- 9 encouraged to be accompanied by a legal guardian."

On motion by Hammond of Story, amendment H—5154A was adopted.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

McKinney of Dallas, until his arrival, on request of Skow of Guthrie.

Van Camp of Scott offered amendment H—5153 filed by him and requested division as follows:

H—5153

- 1 Amend House File 2294 as follows:

H—5153A

- 2 1. Page 2, line 28, by inserting after the word
- 3 "made." the following: "An HIV-related test for which
- 4 the result is positive shall be reported to the Iowa
- 5 department of public health in a confidential manner
- 6 as established by the department. The person
- 7 informing a subject of a positive test result shall
- 8 encourage the subject to notify any sexual or
- 9 intravenous drug partners."

H—5153B

- 10 2. Page 3, lines 26 and 27, by striking the words
- 11 "family planning clinic" and inserting the following:
- 12 "county health department".

Van Camp of Scott offered the following amendment H—5166, to amendment H—5153A, filed by him:

H—5166

- 1 Amend the Amendment, H—5153, to House File 2294 as
- 2 follows:
- 3 1. By striking page 1, lines 2 through 9, and
- 4 inserting the following:
- 5 "\_\_\_\_\_. Page 2, lines 7 and 8, by striking the
- 6 words "and can be performed anonymously if requested".
- 7 \_\_\_\_\_. Page 2, by striking lines 16 through 20."
- 8 2. Page 1, by inserting after line 12, the
- 9 following:
- 10 "\_\_\_\_\_. Page 7, by inserting after line 12, the
- 11 following:
- 12 "Sec. \_\_\_\_\_. NEW SECTION. 135I.6 HIV-RELATED TEST
- 13 — REPORTING TO DEPARTMENT.
- 14 1. Immediately after the testing of a person with
- 15 a test result indicating human immunodeficiency virus
- 16 infection which has been confirmed as positive
- 17 according to prevailing medical technology, the
- 18 physician or other practitioner at whose request the
- 19 test was performed shall make a report to the Iowa
- 20 department of public health on a form provided by the
- 21 department.
- 22 2. Immediately after the diagnosis of a person as
- 23 having acquired immune deficiency syndrome or a human
- 24 immunodeficiency virus-related illness, the diagnosing
- 25 physician shall make a report to the Iowa department
- 26 of public health on a form provided by the department.
- 27 3. Immediately after the death of a person
- 28 resulting from acquired immune deficiency syndrome or
- 29 a human immunodeficiency virus-related illness, the
- 30 attending physician shall make a report to the Iowa
- 31 department of public health on a form provided by the
- 32 department.
- 33 4. Immediately after the testing of a person with
- 34 a test result indicating human immunodeficiency virus
- 35 infection which has been confirmed as positive
- 36 according to prevailing medical technology, the
- 37 director of a blood plasma center or blood bank shall
- 38 make a report to the Iowa department of public health
- 39 on a form provided by the department.
- 40 5. Immediately after the testing of a person with
- 41 a test result indicating human immunodeficiency virus
- 42 infection which has been confirmed as positive
- 43 according to prevailing medical technology, the
- 44 director of a clinical laboratory shall make a report
- 45 to the Iowa department of public health stating the
- 46 person's name, if known, and the name and address of
- 47 the physician or other health care practitioner
- 48 requesting the test.

49 6. The forms provided by the department pursuant  
50 to subsections 1 through 4 of this section shall

**Page 2**

1 contain the name, date of birth, sex, and address of  
2 the subject of the report and the name and address of  
3 the physician or other person making the report. The  
4 forms shall make provision for reporting where  
5 anonymity has been requested by the subject of the  
6 report.

7 7. Reports, information, and records submitted and  
8 maintained by the department pursuant to this section  
9 are strictly confidential medical information.

10 8. Reports, information, and records which contain  
11 the identity of persons shall be destroyed immediately  
12 after the extraction of statistical data and  
13 completion of contact identification or in no event  
14 longer than six months from the date the report,  
15 information, or record was received.

16 9. A person making a report in good faith pursuant  
17 to this section is immune from any liability, civil or  
18 criminal, which might otherwise be incurred or imposed  
19 as a result of the report.

20 Sec. \_\_\_\_\_. NEW SECTION. 135I.7 PARTNER  
21 NOTIFICATION – HIV.

22 1. The Iowa department of public health shall  
23 implement a partner notification program and contact  
24 all persons reported to have had an HIV-related test  
25 result which has been confirmed as positive according  
26 to prevailing medical technology. The department  
27 shall request information regarding the identities of  
28 all persons with whom the contacted person has had  
29 sexual relations or shared intravenous equipment  
30 during the time which is designated by the department  
31 as the incubation period of the disease.

32 2. The Iowa department of public health shall  
33 contact a person identified under subsection 1 who is  
34 likely to have been exposed to the human  
35 immunodeficiency virus infection and provide that the  
36 person is:

37 a. Informed of the risk of exposure.

38 b. Advised of the availability of testing.

39 c. Provided information concerning the nature of  
40 the disease and its means of transmission and  
41 prevention.

42 d. Offered referrals for testing, counseling, or  
43 treatment.

44 e. Encouraged to identify for counseling and human  
45 immunodeficiency virus infection testing any person  
46 with whom the person has had sexual relations or has  
47 shared intravenous equipment.

48 3. In making contact pursuant to subsection 2, the  
49 Iowa department of public health shall not disclose  
50 the identity of the person who provided the names of

Page 3

1 the persons to be contacted and shall protect the  
2 confidentiality of persons contacted.  
3 4. The Iowa department of public health may  
4 delegate its partner notification duties under this  
5 section to local health authorities unless the local  
6 authority refuses or neglects to conduct the contact  
7 tracing program in a manner deemed to be effective by  
8 the Iowa department of public health.  
9 5. A person who violates a confidentiality  
10 requirement of subsection 1, 2, 3, or 4 is guilty of a  
11 class "D" felony.  
12 6. A person contacted under this section, who  
13 reveals the name or identity of a sexual partner or  
14 another person with whom the person has shared  
15 intravenous equipment during the course of an  
16 investigation, shall not be held liable in a civil  
17 action for such revelation, unless the revelation is  
18 made falsely or with reckless disregard for the truth.  
19 7. The Iowa department of public health shall  
20 maintain the confidentiality of the identity and  
21 testing status of the person making the contact  
22 disclosure and the identities of the persons  
23 contacted." "  
24 3. By renumbering as necessary.

Hammond of Story rose on a point of order that amendment  
H—5166 was not germane.

The Speaker ruled the point well taken and amendment H—5166  
not germane, to amendment H—5153A.

Van Camp of Scott asked and received unanimous consent to with-  
draw amendment H—5153A.

Blanshan of Greene in the chair at 1:51 p.m.

Van Camp of Scott moved the adoption of amendment H—5153B.

Amendment H—5153B lost.

Bisignano of Polk offered the following amendment H—5150 filed  
by Bisignano, et al.:

H—5150

1 Amend House File 2294 as follows:  
2 1. Page 3, line 33, by inserting after the word  
3 "treatment." the following: "However, notwithstanding

4 the provisions of this section or another law, a minor  
5 seeking HIV-related testing shall be informed, prior  
6 to the testing, that if the results of the test are  
7 negative, the results shall remain confidential but  
8 that if the results are positive, the legal guardian  
9 of the minor will also be informed."

Hammond of Story asked and received unanimous consent to withdraw amendment H—5156, to amendment H—5150, filed by her on February 24, 1988.

Jochum of Dubuque offered the following amendment H—5175, to amendment H—5150, filed by him from the floor:

H—5175

1 Amend amendment, H—5150, to House File 2294 as  
2 follows:  
3 1. Page 1, lines 8 and 9, by striking the words  
4 "the legal guardian of the minor will also be  
5 informed" and inserting the following: "a responsible  
6 adult agreed to by the minor will also be informed".

Koenigs of Mitchell in the chair at 2:10 p.m.

Fogarty of Palo Alto in the chair at 2:39 p.m.

Speaker Avenson in the chair at 3:00 p.m.

Jochum of Dubuque moved the adoption of amendment H—5175, to amendment H—5150.

Amendment H—5175 was adopted.

Bisignano of Polk moved the adoption of amendment H—5150, as amended.

Amendment H—5150, as amended, was adopted.

Arnould of Scott asked and received unanimous consent that House File 2294 be deferred and that the bill retain its place on the calendar.

#### REREFERRED TO COMMITTEE ON WAYS AND MEANS (House File 2289)

The Speaker announced that House File 2289, previously referred to the committee on **local government**, was rereferred to the committee on **ways and means**.

**HOUSE STUDY BILL COMMITTEE ASSIGNMENTS****H.S.B. 804 Transportation**

Imposing a civil damage assessment on certain overweight vehicles and providing for a presumption of highway damages in certain instances.

**H.S.B. 805 Natural Resources and Outdoor Recreation**

To provide an additional deduction for state individual and corporate income tax purposes and franchise tax purposes for certain contributions of real property and providing an effective date.

**H.S.B. 806 Agriculture**

Relating to public school vocational education in agriculture technology and creating a council for agricultural education.

**H.S.B. 807 Agriculture**

Relating to the immediately prior landowner's right of first refusal to reobtain agricultural land held by a state bank upon foreclosure; upon judgment for debt due; upon conveyance in satisfaction of debt, including conveyance under alternative nonjudicial voluntary foreclosure; or through redemption.

**H.S.B. 808 Education**

Relating to funding for the education costs of certain shelter care homes and juvenile detention homes.

**SUBCOMMITTEE ASSIGNMENTS****House Joint Resolution 2003**

Education: Ollie, Chair; Beaman, Daggett, Haverland and Wise.

**House File 363**

Local Government: Hatch, Chair; Hester and Norrgard.

**House File 478**

Local Government: Hatch, Chair; Bisignano and Renken.

**House File 2268**

Education: Ollie, Chair; Connolly, Daggett, Maulsby, Miller, Shoultz and Swartz.

**House File 2272**

Education: Tabor, Chair; Plasier, Schrader, Siegrist and Wise.

**House File 2279**

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

**House File 2291**

Ways and Means: Wise, Chair; Connolly, Hanson of Delaware, Osterberg and Siegrist.

**House File 2297**

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

**House File 2298**

Human Resources: Hammond, Chair; Harper, Hermann, Hester, Mullins, Norrgard and Teaford.

**House File 2302**

Education: Connolly, Chair; Haverland, Lageschulte, Siegrist and Swartz.

**House File 2305**

Judiciary and Law Enforcement: Tabor, Chair; Carpenter and Sherzan.

**House Concurrent Resolution 114**

Education: Miller, Chair; Cohoon and Schrader.

**Senate File 2164**

Economic Development: Groninga, Chair; Connolly and Miller.

**HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS****House Study Bill 756**

Education: Ollie, Chair; Connolly, Daggett, Maulsby, Miller, Shoultz and Swartz.

**House Study Bill 763**

Education: Cohoon, Chair; Adams, Hester, Lageschulte and Spear.

**House Study Bill 783**

Education: Schrader, Chair; Cohoon and Daggett.

**House Study Bill 784**

Education: Ollie, Chair; Connolly, Daggett, Maulsby, Miller, Shoultz and Swartz.

**House Study Bill 786**

Local Government: Norrgard, Chair; Muhlbauer and Royer.

**House Study Bill 792**

Judiciary and Law Enforcement: Peterson of Carroll, Chair; Haverland and Kremer.

**House Study Bill 793**

Judiciary and Law Enforcement: Renaud, Chair; Lageschulte and Poncy.

**House Study Bill 794**

Judiciary and Law Enforcement: Poncy, Chair; Kremer and Tabor.

**House Study Bill 796**

Judiciary and Law Enforcement: Rosenberg, Chair; Hansen of Woodbury, Kremer, Paulin, Peterson of Carroll, Plasier and Sherzan.

**House Study Bill 800**

Judiciary and Law Enforcement: Hansen of Woodbury, Chair; Chapman and Siegrist.

**House Study Bill 803**

Judiciary and Law Enforcement: Rosenberg, Chair; Hansen of Woodbury, Kremer, Paulin, Peterson of Carroll, Plasier and Sherzan.

**PRESENTATION OF VISITORS**

Skow of Guthrie presented to the House the Honorable Kenneth Robinson, former member of the House representing Audubon County.

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

Fifty-five fifth through eighth grade students from St. Patricks School, Perry, accompanied by Pam Willenberg. By McKinney of Dallas.

Twenty-five sixth, seventh and eighth grade students from Perry Junior High School, Perry. 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 ECONOMIC DEVELOPMENT**

**Committee Bill** (Formerly House Study Bill 551), relating to the coordination of rural development programs by creating a rural development coordinating committee and the office of rural resources coordinator.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 24, 1988.



## COMMITTEE ON HUMAN RESOURCES

**Committee Bill** (Formerly House Study Bill 524), relating to the civil rights of persons with a condition relating to acquired immune deficiency syndrome, by prohibiting the testing, with respect to the employment of persons, for a condition related to acquired immune deficiency syndrome, and by making remedial provisions of the civil rights law applicable.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 24, 1988.

## COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT

**House File 2138**, a bill for an act relating to judgment liens by providing for the filing of a written demand for acknowledgment of satisfaction and the filing of a verified statement denying satisfaction, providing for the award of expenses including attorney fees, and increasing a civil penalty.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H — 5178** February 24, 1988.

## COMMITTEE ON LOCAL GOVERNMENT

**Committee Bill** (Formerly House Study Bill 590), relating to the calculation of special assessment installments, interest on unpaid installments, and interest penalties.

Fiscal Note is not required.

Recommended **Do Pass** February 24, 1988.

**Committee Bill** (Formerly House Study Bill 722), to provide that property tax exemptions allowed for urban revitalization areas apply only to city property tax levies.

Fiscal Note is not required.

Committee Action: **Failed to Pass** February 24, 1988.

**Committee Bill** (Formerly House Study Bill 728), relating to certain ambiguities and inconsistencies of the Code as they relate to city government.

Fiscal Note is not required.

Recommended **Do Pass** February 24, 1988.

## COMMITTEE ON NATURAL RESOURCES AND OUTDOOR RECREATION

**House File 2126**, a bill for an act relating to the imposition of an excise tax on certain retail sales of alcoholic liquor and wine, providing for the administration and collection of the excise tax, providing the disposition of tax receipts, making an appropriation, and subjecting violators to penalties.

Fiscal Note is not required.

Committee Action: **Failed to Pass** February 24, 1988.

## COMMITTEE ON SMALL BUSINESS AND COMMERCE

**Senate File 2108**, a bill for an act relating to the acquisition of an interest in a bank located in Iowa or a bank holding company located in Iowa owning or controlling

one or more banks in Iowa by an out-of-state regional bank holding company, and making penalties applicable.

Fiscal Note is not required.

Recommended **Do Pass** February 24, 1988.

#### COMMITTEE ON WAYS AND MEANS

**House File 677**, 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.

Fiscal Note is required.

Recommended **Amend and Do Pass with amendment H**—5177 February 24, 1988.

#### AMENDMENTS FILED

H—5174	H.F.	2283	Schnekloth of Scott
H—5176	S.F.	2023	Spear of Lee
H—5177	H.F.	677	Committee on Ways and Means
H—5178	H.F.	2138	Committee on Judiciary and Law Enforcement
H—5179	H.F.	2296	Groninga of Cerro Gordo
H—5180	S.F.	2023	Spear of Lee
H—5181	H.F.	2283	Blanshan of Greene
H—5182	H.F.	2283	Svoboda of Tama Branstad of Winnebago Skow of Guthrie Osterberg of Linn
H—5183	H.F.	2294	Hummel of Benton
H—5184	H.F.	2283	Schnekloth of Scott
H—5185	H.F.	2283	De Groot of Lyon
H—5186	H.F.	2283	Bennett of Ida
H—5187	H.F.	2226	Corbett of Linn
H—5188	H.F.	2283	Bennett of Ida
H—5189	H.F.	2226	Corbett of Linn
H—5190	H.F.	2226	Corbett of Linn

On motion by Arnould of Scott, the House adjourned at 3:14 p.m., until 9:00 a.m., Friday, February 26, 1988.

# JOURNAL OF THE HOUSE

Forty-seventh Calendar Day — Thirty-first Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Friday, February 26, 1988

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

Prayer was offered by the Reverend Ellis Webb, pastor of the Owasa United Methodist Church, Iowa Falls.

The Journal of Thursday, February 25, 1988 was approved.

## PETITION FILED

The following petition was received and placed on file:

By Beaman of Clarke, from four hundred thirty-five residents of Clarke, Decatur, Lucas, Monroe, Union and Wayne Counties, favoring the establishment of a "One Dollar for Life" EMS Fund.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

McKinney of Dallas on request of Dvorsky of Johnson; Doderer of Johnson on request of Pavich of Pottawattamie; Hatch of Polk on request of Schrader of Marion.

## INTRODUCTION OF BILLS

**House File 2344**, by committee on human resources, a bill for an act relating to the civil rights of persons with a condition relating to acquired immune deficiency syndrome, by prohibiting the testing, with respect to the employment of persons, for a condition related to acquired immune deficiency syndrome, and by making remedial provisions of the civil rights law applicable.

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

**House File 2345**, by committee on education, a bill for an act relating to the certification of school personnel and approval of teacher education programs, including the establishment of a board of educational examiners and a teacher certification advisory committee.

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

**House File 2346**, by committee on economic development, a bill for an act relating to the coordination of rural development programs by creating a rural development coordinating committee and the office of rural resources coordinator.

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

**House File 2347**, by committee on local government, a bill for an act relating to the calculation of special assessment installments, interest on unpaid installments, and interest penalties.

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

**House File 2348**, by committee on local government, a bill for an act relating to certain ambiguities and inconsistencies of the Code as they relate to city government.

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

**House File 2349**, by Renaud, a bill for an act establishing a pilot project for a peer review court as a diversion program for persons ten through seventeen years of age and making an appropriation.

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

**House File 2350**, by Fuller, a bill for an act relating to wrecked or salvage motor vehicle title fees.

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

**House File 2351**, by committee on labor and industrial relations, a bill for an act relating to conflicts between civil service laws and the terms and conditions of a collective bargaining agreement subject to mandatory negotiation.

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

## CONSIDERATION OF BILLS

### Regular Calendar

**House File 2283**, a bill for an act relating to agricultural property holdings by providing certain definitions; establishing family farm limited partnerships; restricting the number of acres of agricultural land that other limited partnerships may acquire or otherwise obtain or lease; restricting persons from becoming limited partners, stockholders, or beneficiaries in more than a number of certain limited partnerships, authorized farm corporations, or authorized trusts; providing certain restrictions on family trusts; and requiring reporting of certain agricultural related property and the confidentiality of certain information; and providing penalties, was taken up for consideration.

Schnekloth of Scott offered amendment H—5174 filed by him and requested division as follows:

H—5174

1 Amend House File 2283 as follows:

H—5174A

2 1. Page 2, line 5, by inserting after the word  
3 "land" the following: ", or the general partner  
4 managed and supervised the day-to-day farming  
5 operations on the agricultural land at least fifty  
6 percent of the time for any five-year period within  
7 the last ten years".

H—5174B

8 2. Page 3, line 25, by inserting after the word  
9 "partnership" the following: ", shareholders in a  
10 family farm corporation, or beneficiaries in a family  
11 trust".

Schnekloth of Scott moved the adoption of amendment H—5174A.

Roll call was requested by Schnekloth of Scott and Hummel of Benton.

On the question "Shall amendment H—5174A be adopted?"  
(H.F. 2283)

The ayes were, 42:

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

The nays were, 50:

Adams	Arnould	Beatty	Bisignano
Black	Brammer	Buhr	Chapman
Cohon	Connolly	Connors	Cooper
Dvorsky	Fey	Fogarty	Fuller
Groninga	Gruhn	Halvorson, R. N.	Hammond
Hansen, S. D.	Harper	Haverland	Holveck
Jay	Jochum	Johnson	Knapp
Koenigs	May	McKean	Muhlbauer

Neuhauser	Norrsgard	Osterberg	Pavich
Peters	Peterson, M. K.	Renaud	Rosenberg
Running	Schrader	Sherzan	Skow
Spear	Svoboda	Swartz	Teaford
Wise	Mr. Speaker		

Absent or not voting, 8:

Daggett	Doderer	Hatch	McKinney
Ollie	Parker	Shoultz	Tabor

Amendment H—5174A lost.

Svoboda of Tama offered the following amendment H—5182 filed by Svoboda, et al.:

H—5182

1 Amend House File 2283 as follows:  
2 1. Page 2, by inserting after line 10, the  
3 following:  
4 "Sec. \_\_\_\_\_. Section 172C.2, unnumbered paragraph 1,  
5 Code 1987, is amended to read as follows:  
6 In order to preserve free and private enterprise,  
7 prevent monopoly, and protect consumers, it is  
8 unlawful for any processor of beef or pork or limited  
9 partnership in which a processor holds partnership  
10 shares as a general partner or partnership shares as a  
11 limited partner, to own, control or operate a feedlot  
12 in Iowa in which hogs or cattle are fed for slaughter.  
13 In addition, a processor shall not directly or  
14 indirectly control the manufacturing, processing, or  
15 preparation for sale of pork products derived from  
16 swine if the processor contracted for the care and  
17 feeding of the pork in this state. However, this  
18 section shall not preclude a processor or limited  
19 partnership from contracting for the purchase or  
20 feeding of hogs or cattle, provided that where the  
21 contract sets a date for delivery which is more than  
22 twenty days after the making of the contract it  
23 shall:".

The following amendment H—5195, to amendment H—5182, filed by Kremer of Buchanan from the floor was adopted by unanimous consent:

H—5195

1 Amend the amendment H—5182 to House File 2283 as  
2 follows:  
3 1. Page 1, line 17, by striking the word "pork" and  
4 inserting the word "swine".

Bennett of Ida offered the following amendment H—5194, to amendment H—5182, filed by him from the floor and moved its adoption:

H—5194

- 1 Amend amendment H—5182 to House File 2283 as
- 2 follows:
- 3 1. Page 1, line 17, by inserting after the word
- 4 "state" the following: "for a period of more than
- 5 twenty days".

Roll call was requested by Stromer of Hancock and Bennett of Ida.

On the question "Shall amendment H—5194, to amendment H—5182, be adopted?" (H.F. 2283)

The ayes were, 50:

Beaman	Bennett	Black	Blanshan
Branstad	Carpenter	Clark	Corbett
Corey	Daggett	De Groot	Diemer
Fogarty	Garman	Halvorson, R. A.	Hansen, S. D.
Hanson, D. R.	Harbor	Hermann	Hester
Hummel	Johnson	Knapp	Koenigs
Kremer	Lageschulte	Lundby	Maulsby
May	McKean	Metcalf	Miller
Mullins	Paulin	Pellett	Petersen, D. F.
Plasier	Platt	Renken	Royer
Schnekloth	Shoning	Siegrist	Skow
Stromer	Stueland	Swearingen	Tyrrell
Van Camp	Van Maanen		

The nays were, 43:

Adams	Arnould	Beatty	Bisignano
Brammer	Buhr	Chapman	Cohoon
Connolly	Connors	Cooper	Dvorsky
Fey	Fuller	Gruhn	Halvorson, R. N.
Hammond	Harper	Haverland	Holveck
Jay	Jochum	Muhlbauer	Neuhauser
Norrgard	Osterberg	Parker	Pavich
Peters	Peterson, M. K.	Poncy	Renaud
Rosenberg	Running	Schrader	Sherzan
Shoultz	Spear	Svoboda	Swartz
Teaford	Wise	Mr. Speaker	

Absent or not voting, 7:

Doderer	Eddie	Groninga	Hatch
McKinney	Ollie	Tabor	

Amendment H—5194 was adopted.

The House stood at ease at 10:39 a.m., until the fall of the gavel.

The House resumed session and consideration of amendment H—5182, as amended, to House File 2283 at 10:52 a.m., Speaker Avenson in the chair.

Svoboda of Tama moved the adoption of amendment H—5182, as amended.

Roll call was requested by Skow of Guthrie and Osterberg of Linn.

On the question “Shall amendment H—5182, as amended, be adopted?” (H.F. 2283)

The ayes were, 61:

Adams	Arnould	Beaman	Beatty
Bisignano	Black	Blanshan	Brammer
Branstad	Buhr	Chapman	Cohoon
Connors	Cooper	Corbett	Corey
Daggett	Dvorsky	Eddie	Fey
Fuller	Garman	Groninga	Gruhn
Hammond	Hansen, S. D.	Hanson, D. R.	Harper
Holveck	Jay	Jochum	Johnson
Knapp	Koenigs	Lageschulte	May
McKean	Muhlbauer	Neuhauser	Norrgard
Osterberg	Parker	Pavich	Peters
Petersen, D. F.	Peterson, M. K.	Poncy	Renaud
Rosenberg	Running	Schrader	Sherzan
Shoultz	Siegrist	Skow	Svoboda
Teaford	Tyrrell	Van Camp	Wise

Mr. Speaker

The nays were, 32:

Bennett	Carpenter	Clark	De Groot
Diemer	Fogarty	Halvorson, R. A.	Halvorson, R. N.
Harbor	Haverland	Hermann	Hester
Hummel	Kremer	Lundby	Maulsby
Metcalf	Miller	Mullins	Paulin
Pellett	Plasier	Platt	Renken
Royer	Schnekloth	Shoning	Spear
Stromer	Stueland	Swearingen	Van Maanen

Absent or not voting, 7:

Connolly	Doderer	Hatch	McKinney
Ollie	Swartz	Tabor	

Amendment H—5182, as amended, was adopted.

Hanson of Delaware in the chair at 11:36 a.m.



Kremer of Buchanan offered the following amendment H—5171 filed by him and Osterberg of Linn and moved its adoption:

H—5171

- 1 Amend House File 2283 as follows:
- 2 1. Page 2, line 16, by striking the word
- 3 "knowingly".
- 4 2. Page 2, line 18, by striking the word
- 5 "knowingly".
- 6 3. Page 3, line 27, by striking the word
- 7 "knowingly".
- 8 4. Page 3, line 32, by striking the word "shall"
- 9 and inserting the following: "shall may".
- 10 5. Page 3, line 33, by striking the word
- 11 "knowingly".
- 12 6. Page 4, line 2, by striking the words
- 13 "corporation or trust" and inserting the following:
- 14 "corporation or trust corporation, trust, or limited
- 15 partnership".
- 16 7. Page 4, line 3, by inserting after the word
- 17 "section." the following: "The court may determine
- 18 the method of divesting an interest held by a person
- 19 found to be in violation of this chapter. A financial
- 20 gain realized by a person who disposes of an interest
- 21 held in violation of this chapter shall be forfeited
- 22 to the state's general fund. All court costs and fees
- 23 shall be paid by the person holding the interest in
- 24 violation of this chapter."

Amendment H—5171 was adopted.

Bennett of Ida offered the following amendment H—5188 filed by him:

H—5188

- 1 Amend House File 2283 as follows:
- 2 1. Page 2, line 23, by inserting after the word
- 3 "acres" the following: "and the corporation, trust,
- 4 or limited partnership has a net worth of more than
- 5 three million five hundred thousand dollars".

Speaker Avenson in the chair at 11:47 a.m.

Bennett of Ida moved the adoption of amendment H—5188.

Amendment H—5188 lost.

Blanshan of Greene offered the following amendment H—5181 filed by him:

H—5181

1 Amend House File 2283 as follows:

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

4 "c. This subsection also does not apply to land  
5 that is held or acquired and maintained by a  
6 corporation, limited partnership, or trust if all of  
7 the following apply:

8 (1) The management of the agricultural land owned,  
9 leased, or held by the corporation, limited  
10 partnership, or trust is done by residents of the  
11 state.

12 (2) Any farming done on the agricultural land by  
13 the corporation, limited partnership, or trust, or a  
14 tenant follows the conservation plan for that land.

15 (3) If the corporation, limited partnership, or  
16 trust leases the land to a tenant farmer, the rental  
17 payments shall be on a fifty-fifty crop share with the  
18 corporation, limited partnership, or trust and the  
19 tenant splitting equally the cost of the seed,  
20 chemicals, fertilizer, and harvesting.

21 (4) If the corporation, trust, or limited  
22 partnership leases the land to a tenant farmer, the  
23 amount of acres which the tenant farmer farms in the  
24 county, including all land owned or leased by the  
25 tenant, shall not exceed one hundred fifty percent of  
26 the average farm size for that county. In determining  
27 the average farm size, farms under one hundred acres  
28 shall not be included. The average farm size shall be  
29 determined once each year by the secretary of  
30 agriculture."

Maulsby of Calhoun asked and received unanimous consent to temporarily defer action on amendment H—5181.

The House resumed consideration of amendment H—5174B.

Schnekloth of Scott asked and received unanimous consent to withdraw amendment H—5174B.

Bennett of Ida offered the following amendment H—5186 filed by him and moved its adoption:

H—5186

1 Amend House File 2283 as follows:

2 1. Page 3, by striking lines 16 through 19, and  
3 inserting the following: "not, after July 1, 1988,  
4 hold a controlling interest as a stockholder of an

- 5 authorized farm corporation, a beneficiary of an  
6 authorized trust, or a limited partner in a limited  
7 partnership which owns or leases agricultural land if  
8 the person is also already any of the following:".

Amendment H—5186 lost.

Bennett of Ida offered the following amendment H—5143 filed by him and moved its adoption:

H—5143

- 1 Amend House File 2283 as follows:  
2 1. Page 6, by striking lines 12 and 13 and  
3 inserting the following:  
4 "3. The name and address of the purchaser of the  
5 hogs, cattle, or poultry."

Amendment H—5143 was adopted.

De Groot of Lyon offered the following amendment H—5185 filed by him and moved its adoption:

H—5185

- 1 Amend House File 2283 as follows:  
2 1. Page 7, by striking lines 12 through 18 and  
3 inserting the following: "state. The reports of  
4 corporations, limited partnerships, trusts,  
5 contractors, and processors required in section 172C.9  
6 this chapter shall be confidential reports except as  
7 to the general assembly and appropriate committees of  
8 the general assembly whose members upon receipt of  
9 such reports treat such information as confidential  
10 and to the attorney general for review and appropriate  
11 action when necessary. The secretary of state shall  
12 assist any committee".

A non-record roll call was requested.

The ayes were 41, nays 40.

Amendment H—5185 was adopted.

Schnekloth of Scott asked and received unanimous consent to withdraw amendment H—5184 filed by him on February 25, 1988.

The House resumed consideration of amendment H—5181, temporarily deferred.

Maulsby of Calhoun offered the following amendment H—5200, to amendment H—5181, filed by him from the floor and moved its adoption:

H-5200

- 1 Amend amendment H-5181 to House File 2283 as follows:
- 2 1. Page 1, by striking lines 21 through 30.

Amendment H-5200 was adopted.

Blanshan of Greene asked and received unanimous consent to withdraw amendment H-5181, as amended.

Arnould of Scott asked and received unanimous consent to suspend Rule 31.8, relating to the timely filing of amendments, for consideration of amendments H-5192 and H-5193.

Mullins of Kossuth offered the following amendment H-5193 filed by her and Fogarty of Palo Alto from the floor and moved its adoption:

H-5193

- 1 Amend House File 2283 as follows:
- 2 1. Page 1, line 23, by striking the words "five
- 3 hundred cattle,".
- 4 2. Page 1, line 24, by striking the words
- 5 "cattle, hogs," and inserting the following: "hogs".
- 6 3. Page 6, line 9, by striking the word
- 7 "cattle,".
- 8 4. Page 6, line 13, by striking the word
- 9 "cattle,".
- 10 5. Page 6, line 16, by striking the words "or
- 11 cattle".

Amendment H-5193 was adopted.

Schneklath of Scott offered amendment H-5192 filed by him from the floor and requested division as follows:

H-5192

- 1 Amend House File 2283 as follows:

H-5192A

- 2 1. Page 1, by striking lines 20 through 27 and
- 3 inserting the following: "the following new
- 4 subsection:".
- 5 2. By striking page 4, line 9, through page 7,
- 6 line 23.

H-5192B

- 7 3. Title page, by striking lines 9 through 11 and
- 8 inserting the following: "trusts, and providing
- 9 penalties."
- 10 4. By renumbering as necessary.

Schnekloth of Scott asked and received unanimous consent to withdraw amendment H—5192A.

Schnekloth of Scott asked and received unanimous consent to withdraw amendment H—5192B.

Van Camp of Scott called up for consideration the motion to reconsider amendment H—5182 filed by him from the floor and asked for unanimous consent to reconsider the vote by which amendment H—5182, as amended, was adopted by the House on February 26, 1988.

Objection was raised.

Van Camp of Scott moved to reconsider the vote by which amendment H—5182 (found on page 485 of the House Journal), as amended, was adopted by the House on February 26, 1988.

A non-record roll call was requested.

The ayes were 40, nays 42.

The motion to reconsider lost, placing out of order amendment H—5202, to amendment H—5182, filed by Van Camp of Scott from the floor.

The following amendment H—5205 filed by Kremer of Buchanan from the floor was adopted by unanimous consent:

H—5205

- 1 Amend House File 2283 as follows:
- 2 1. Title page, line 2, by inserting after the
- 3 word "definitions;" the words "restricting processors;"

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. 2283)

The ayes were, 72:

Adams	Arnould	Beaman	Beatty
Bisignano	Black	Brammer	Branstad
Buhr	Clark	Cphoon	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.	Harper
Haverland	Hester	Holveck	Hummel
Jay	Jochum	Johnson	Knapp

Koenigs	Kremer	Lageschulte	May
McKean	Muhlbauer	Mullins	Neuhauser
Norrgard	Osterberg	Parker	Pavich
Pellett	Peters	Petersen, D. F.	Peterson, M. K.
Renaud	Rosenberg	Running	Schrader
Sherzan	Shoultz	Siegrist	Skow
Spear	Svoboda	Swartz	Teaford
Tyrrell	Van Camp	Wise	Mr. Speaker

The nays were, 20:

Bennett	Carpenter	Harbor	Hermann
Lundby	Maulsby	Metcalf	Miller
Paulin	Plasier	Platt	Poncy
Renken	Royer	Schnekloth	Shoning
Stromer	Stueland	Swearingen	Van Maanen

Absent or not voting, 8:

Blanshan	Chapman	Connolly	Doderer
Hatch	McKinney	Ollie	Tabor

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

### IMMEDIATE MESSAGE

(House File 2283)

Arnould of Scott asked and received unanimous consent that House File 2283 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 February 26, 1988, 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 2094, a bill for an act relating to instructional requirements for human growth and development in grades kindergarten through twelve and providing an effective date.

JOHN F. DWYER, Secretary

### EXPLANATIONS OF VOTE

I was necessarily absent from the House chamber on February 25, 1988. Had I been present, I would have voted "aye" on House File 2260.

ADAMS of Hamilton

I was necessarily absent from the House chamber on Thursday afternoon, February 25, 1988. Had I been present, I would have voted "aye" on House File 2260.

PONCY of Wapello

I was necessarily absent from the House chamber on Thursday afternoon, February 25, 1988. Had I been present, I would have voted "aye" on House File 2260.

RUNNING of Linn

## HOUSE STUDY BILL COMMITTEE ASSIGNMENT

### **H.S.B. 809 State Government**

Relating to access by the citizens' aide to confidential records and proceedings.

#### SUBCOMMITTEE ASSIGNMENTS

##### **House Joint Resolution 2004**

Education: Ollie, Chair; Beaman, Daggett, Haverland and Wise.

##### **House File 2282**

Education: Connolly, Chair; Adams and Plasier.

##### **House File 2334**

Agriculture: Johnson, Chair; May and Petersen of Muscatine.

##### **House File 2342**

Agriculture: Fogarty, Chair; De Groot and May.

##### **Senate File 2134**

Agriculture: Osterberg, Chair; Bennett, Branstad, Gruhn and Hatch.

#### HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS

##### **House Study Bill 751**

Education: Shoultz, Chair; Adams and Siegrist.

##### **House Study Bill 795**

Labor and Industrial Relations: Sherzan, Chair; Corey and Running.

##### **House Study Bill 801**

Small Business and Commerce: Chapman, Chair; Holveck, Kremer, McKinney and Metcalf.

##### **House Study Bill 802**

Small Business and Commerce: Parker, Chair; Hummel, Renken, Sherzan and Skow.

##### **House Study Bill 804**

Transportation: Muhlbauer, Chair; De Groot and Pavich.

#### COMMITTEE RECOMMENDATIONS

MR. SPEAKER: The Chief Clerk of the House respectfully

reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

JOSEPH O'HERN  
Chief Clerk of the House

#### COMMITTEE ON AGRICULTURE

**Senate File 2061**, 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.

Fiscal Note is not required.

Recommended **Do Pass** February 25, 1988.

**House File 2089**, a bill for an act relating to the abolishment of water resource districts.

Fiscal Note is not required.

Committee Action: **Failed to Pass** February 25, 1988.

**Committee Bill** (Formerly House Study Bill 731), relating to the control of certain parasitic infestations common to bees by the state apiarist and the collection of an importation fee.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 25, 1988.

**Committee Bill** (Formerly House Study Bill 740), relating to cooperative associations by providing for their purposes and powers.

Fiscal Note is not required.

Recommended **Do Pass** February 25, 1988.

**Committee Resolution**, a resolution relating to the federal inspection of grain destined for overseas markets.

Fiscal Note is not required.

Recommended **Do Pass** February 25, 1988.

#### COMMITTEE ON EDUCATION

**Committee Bill** (Formerly House Study Bill 746), relating to the establishment of programs for paying for college costs.

Fiscal Note is not required.

Committee Action: **Failed to Pass** February 25, 1988.

#### COMMITTEE ON ENERGY AND ENVIRONMENTAL PROTECTION

**Committee Bill** (Formerly House File 2043), relating to radon testing, mitigation, and safeguarding, and providing a penalty.

Fiscal Note is not required.



Recommended **Amend and Do Pass** February 25, 1988.

COMMITTEE ON LABOR AND INDUSTRIAL RELATIONS

**Committee Bill** (Formerly House File 2252), relating to conflicts between civil service laws and the terms and conditions of a collective bargaining agreement subject to mandatory negotiation.

Fiscal Note is not required.

Recommended **Do Pass** February 25, 1988.

COMMITTEE ON STATE GOVERNMENT

**House File 431**, a bill for an act relating to the education, practice, and supervision of cosmetologists and barbers.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H—5198** February 25, 1988.

**House Concurrent Resolution 108**, a concurrent resolution relating to the designation of the vocational rehabilitation building as the Parker State Office Building in honor of Jessie M. Parker.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H—5197** February 25, 1988.

**Committee Bill** (Formerly House Study Bill 768), relating to parental leaves of absence by employees of the state.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 25, 1988.

COMMITTEE ON TRANSPORTATION

**Senate File 2070**, a bill for an act relating to the application of certain transportation safety regulations.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H—5191** February 25, 1988.

**Committee Bill** (Formerly House Study Bill 639), relating to right-of-way and relocation assistance provided to persons displaced by highway projects.

Fiscal Note is not required.

Recommended **Do Pass** February 25, 1988.

**Committee Bill** (Formerly House Study Bill 650), relating to the condemnation payment process.

Fiscal Note is not required.

Recommended **Do Pass** February 25, 1988.

## RESOLUTION FILED

**HR 102**, by committee on agriculture, a resolution relating to the federal inspection of grain destined for overseas markets.

Laid over under **Rule 25**.

## AMENDMENTS FILED

H—5191	S.F.	2070	Committee on Transportation
H—5197	H.C.R.	108	Committee on State Government
H—5198	H.F.	431	Committee on State Government
H—5199	H.F.	677	Van Maanen of Mahaska
H—5201	H.F.	2294	Hammond of Story
H—5203	S.F.	2094	Senate Amendment
H—5204	H.F.	677	De Groot of Lyon Harbor of Mills
H—5206	H.F.	677	De Groot of Lyon Harbor of Mills
H—5207	S.F.	2023	Harbor of Mills Royer of Page
H—5208	H.F.	677	Harbor of Mills Royer of Page De Groot of Lyon
H—5209	H.F.	677	Harbor of Mills Royer of Page De Groot of Lyon
H—5210	H.F.	677	Harbor of Mills Royer of Page De Groot of Lyon
H—5211	H.F.	677	Harbor of Mills Royer of Page

On motion by Arnould of Scott, the House adjourned at 1:26 p.m., until 10:00 a.m., Monday, February 29, 1988.

# JOURNAL OF THE HOUSE

Fiftieth Calendar Day — Thirty-second Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Monday, February 29, 1988

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

Prayer was offered by the Honorable Dorothy Carpenter, state representative from Polk County.

The Journal of Friday, February 26, 1988 was approved.

## PETITION FILED

The following petition was received and placed on file:

By Hester of Pottawattamie, from five hundred thirty-nine constituents favoring the re-topping of Highway #183 from Crescent City to Loveland, Iowa.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

McKinney of Dallas on request of Norrgard of Des Moines; Brammer of Linn, until his arrival, on request of Svoboda of Tama; Doderer of Johnson, for February 29 and March 1, on request of Pavich of Pottawattamie; Hatch of Polk on request of Schrader of Marion; Connolly of Dubuque on request of Peters of Woodbury.

## INTRODUCTION OF BILLS

**House File 2352**, by committee on transportation, a bill for an act relating to right-of-way and relocation assistance provided to persons displaced by highway projects.

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

**House File 2353**, by committee on transportation, a bill for an act relating to the condemnation payment process.

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

**House File 2354**, by committee on energy and environmental protection, a bill for an act relating to radon testing and providing a penalty.

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

**House File 2355**, by committee on agriculture, a bill for an act relating to cooperative associations by providing for their purposes and powers.

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

**House File 2356**, by committee on state government, a bill for an act relating to parental leaves of absence by employees of the state.

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

**House File 2357**, by Groninga, a bill for an act relating to health care providers and patients and providing for the creation of an excess liability fund for health care providers, establishing a surcharge to be deposited in the fund, establishing a special surcharge, establishing qualifications for a health care provider or a patient to be protected by the fund, establishing a maximum limitation on the liability of the fund, authorization of the fund to procure reinsurance to protect the fund, authorization of the fund to provide primary insurance coverage to health care providers, providing for structured settlements, and providing for an annual report to be made concerning medical malpractice claims.

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

**House File 2358**, by Diemer, a bill for an act relating to and making appropriations to the department of natural resources.

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

**House File 2359**, by Metcalf, a bill for an act relating to the imposition and collection of the state sales, services, and use taxes by out-of-state retailers.

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

**House File 2360**, by Clark, a bill for an act relating to the protection of children including prohibited acts with a child and the temporary placement of children under child in need of assistance proceedings.

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

#### MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has

on February 26, 1988, amended and passed the following bill in which the concurrence of the House is asked:

House File 278, a bill for an act authorizing a county to establish a county charter commission, specifying the powers and duties of the charter commission, and providing for the adoption of a county charter.

JOHN F. DWYER, Secretary

### HOUSE FILE 2333 WITHDRAWN

Petersen of Muscatine asked and received unanimous consent to withdraw House File 2333 from further consideration by the House.

### HOUSE FILE 214 WITHDRAWN

Gruhn of Dickinson asked and received unanimous consent to withdraw House File 214 from further consideration by the House.

The House stood at ease at 10:19 a.m., until the fall of the gavel.

The House resumed session at 10:34 a.m., Speaker Avenson in the chair.

### HOUSE FILE 2046 AND SENATE FILE 2060 DEFERRED

Arnould of Scott asked and received unanimous consent that House File 2046 and Senate File 2060 be deferred and that the bills retain their place on the calendar.

### CONSIDERATION OF BILLS

#### Regular Calendar

**House File 2280**, a bill for an act relating to orders of fence viewers regarding the erection, maintenance, or repair of a fence, was taken up for consideration.

Arnould of Scott asked and received unanimous consent that House File 2280 be deferred and that the bill retain its place on the calendar.

The House resumed consideration of **House File 2076**, a bill for an act including taxable property in certain school districts involved in dissolutions in the foundation property tax levy reduction provided on taxable property in certain school districts affected by a reorganization, deferred February 19, 1988.

Shoultz of Black Hawk offered the following amendment H—5047 filed by him and moved its adoption:

H—5047

1 Amend House File 2076 as follows:

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

4 "Section 1. Section 275.55, unnumbered paragraph  
5 4, Code 1987, is amended to read as follows:

6 The attachment is effective July 1 following its  
7 approval. If the dissolution proposal is for the  
8 dissolution of a school district with a certified  
9 enrollment of fewer than six hundred, and the proposal  
10 has been submitted to the department of education, and  
11 the department of education has sent written  
12 notification to the department of management of its  
13 approval of the dissolution, the territory located in  
14 the school district that dissolved is eligible for a  
15 reduction in the uniform property tax levy under  
16 section 442.2, subsection 1."

17 2. Page 1, line 11, by inserting after the word  
18 "dissolved" the following: "if the dissolution  
19 proposal has been approved by the department of educa-  
20 tion pursuant to section 275.55".

21 3. By renumbering sections as necessary.

Amendment H—5047 was adopted.

Blanshan of Greene offered the following amendment H—5149  
filed by him and Daggett of Adams and moved its adoption:

H—5149

1 Amend House File 2076 as follows:

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

4 "Section 1. Section 275.51, unnumbered paragraph  
5 1, Code 1987, is amended to read as follows:

6 As an alternative to school district reorganization  
7 prescribed in this chapter, the board of directors of  
8 a school district may establish a school district  
9 dissolution commission to prepare a proposal of  
10 dissolution of the school district and attachment of  
11 all of the school district to one or more contiguous  
12 school districts and to include in the proposal a  
13 division of the assets and liabilities of the  
14 dissolving school district. A school district  
15 dissolution commission may also be established if a  
16 dissolution proposal has been prepared by eligible  
17 electors who reside within the district. The proposal  
18 must contain the names of the proposed members of the  
19 commission and be accompanied by a petition which has  
20 been signed by at least twenty percent of the eligible

21 electors."

22 2. Title page, line 2, by inserting after the  
23 words "involved in" the following: "or proposing".

24 3. Renumber as necessary.

Amendment H—5149 was adopted.

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

On the question "Shall the bill pass?" (H.F. 2076)

The ayes were, 86:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Black	Blanshan
Branstad	Carpenter	Chapman	Clark
Cohoon	Connors	Cooper	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	Jochum
Johnson	Knapp	Koenigs	Lageschulte
Maulsby	May	McKean	Metcalf
Miller	Muhlbauer	Mullins	Norrard
Ollie	Osterberg	Parker	Paulin
Pavich	Pellet	Peters	Petersen, D. F.
Peterson, M. K.	Plasier	Platt	Poncy
Renken	Rosenberg	Royer	Schnekloth
Schrader	Sherzan	Shoning	Siegrist
Skow	Spear	Stromer	Stueland
Svoboda	Swartz	Swearingen	Tabor
Teaford	Tyrrell	Van Camp	Van Maanen
Wise	Mr. Speaker		

The nays were, 8:

Brammer	Buhr	Corbett	Lundby
Neuhauser	Renaud	Running	Shoultz

Absent or not voting, 6:

Connolly	Doderer	Hatch	Jay
Kremer	McKinney		

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 **House File 2280**, a bill for an act relating to orders of fence viewers regarding the erection, maintenance, or repair of a fence, previously deferred.

Cooper of Lucas offered the following amendment H—5173 filed by Cooper, et al., and moved its adoption:

H—5173

1 Amend House File 2280 as follows:

2 1. Page 1, lines 19 through 21, by striking the  
3 words "any unobligated township funds in the custody  
4 of the township clerk" and inserting the following:  
5 "the township fund".

6 2. Page 1, by inserting after line 23 the follow-  
7 ing:

8 "Sec. \_\_\_\_\_. NEW SECTION. 359.17A TOWNSHIP FUND —  
9 TAX LEVY.

10 1. A township fund is created for each township.

11 The moneys credited to the township fund shall be used  
12 only to pay the following expenses:

13 a. The compensation of the township trustees as  
14 provided in section 359.46.

15 b. The compensation of the township clerk as  
16 provided in section 359.47.

17 c. The administrative expenses of the township.

18 d. Expenses related to fence disputes pursuant to  
19 section 113.4.

20 2. The board of trustees of a township may levy an  
21 annual tax on the assessed value of the taxable  
22 property in the township for the purposes specified in  
23 subsection 1. The tax revenue shall be credited to  
24 the township fund.

25 3. If the balance in a township fund is  
26 insufficient to pay the expenses authorized in  
27 subsection 1, the board of supervisors may transfer  
28 funds to the township fund from funds not otherwise  
29 appropriated in the rural services fund. The  
30 transferred funds shall be repaid within one year from  
31 the revenues received from the tax levied pursuant to  
32 subsection 2.

33 Sec. \_\_\_\_\_. Section 359.46, subsection 1, unnumbered  
34 paragraph 1, Code 1987, is amended to read as follows:

35 A township trustee while engaged in official  
36 business shall be compensated at an hourly rate  
37 established by the county board of supervisors.  
38 However, the county board of supervisors may establish  
39 a minimum daily pay rate for the time spent by a  
40 township trustee attending a scheduled meeting of  
41 township trustees. The compensation shall be paid by  
42 the county from the township fund except:

43 Sec. \_\_\_\_\_. Section 359.46, subsection 1, paragraph



- 44 b, Code 1987, is amended to read as follows:  
 45 b. When the trustee is acting as a fence viewer or  
 46 in a case where provision is made for payment from a  
 47 source other than the general township fund of the  
 48 county."  
 49 3. Title page, by striking line 1 and inserting  
 50 the following: "An Act relating to townships, by

**Page 2**

- 1 establishing a township fund, by providing for a tax  
 2 levy, by providing for the expenditure of township  
 3 funds, and by amending procedures regarding the".  
 4 4. By renumbering sections.

Amendment H—5173 was adopted.

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?" (H.F. 2280)

The ayes were, 93:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Black	Blanshan
Brammer	Branstad	Buhr	Carpenter
Chapman	Clark	Cohoon	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	Knapp	Koenigs	Lageschulte
Lundby	May	McKean	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	Swearingen	Tabor	Teaford
Tyrrell	Van Camp	Van Maanen	Wise
Mr. Speaker			

The nays were, 1:

Maulsby

Absent or not voting, 6:

Connolly  
McKinney

Doderer  
Parker

Hatch

Kremer

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 **House File 2294**, a bill for an act relating to testing for and confidentiality of human immunodeficiency virus-related matters and providing penalties, deferred February 25, 1988.

Hammond of Story offered the following amendment H—5201 filed by her:

H—5201

1 Amend House File 2294 as follows:

2 1. Page 3, by inserting after line 21 the  
3 following:

4 "d. A person engaged in the business of insurance  
5 who is subject to section 505.15."

6 2. By striking page 6, line 32, through page 7,  
7 line 12."

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

10 "Sec. \_\_\_\_\_. **NEW SECTION. 505.16 APPLICATIONS FOR**  
11 **INSURANCE — TEST RESTRICTIONS — DUTIES OF**  
12 **COMMISSIONER.**

13 1. A person engaged in the business of insurance  
14 shall not require a test of an individual in  
15 connection with an application for insurance for the  
16 presence of an antibody to the human immunodeficiency  
17 virus unless the individual provides a written release  
18 on a form approved by the insurance commissioner. The  
19 form shall include information regarding the purpose,  
20 content, use, and meaning of the test, disclosure of  
21 test results including information explaining the  
22 effect of releasing the information to a person  
23 engaged in the business of insurance, the purpose of  
24 which the test results may be used, and other  
25 information approved by the insurance commissioner.  
26 The form shall also authorize the person performing  
27 the test to provide the results of the test to the  
28 insurance company subject to rules of confidentiality,  
29 consistent with section 135I.3, approved by the  
30 insurance commissioner. As used in this section, "a  
31 person engaged in the business of insurance" includes  
32 hospital service corporations organized under chapter  
33 514 and health maintenance organizations subject to  
34 chapter 514B.

- 35 2. The insurance commissioner shall approve rules  
36 for carrying out this section including rules relating  
37 to the preparation of information to be provided  
38 before and after a test and the protection of  
39 confidentiality of personal and medical records of  
40 insurance applicants and policyholders.”  
41 4. By renumbering as necessary.

Wise of Lee in the chair at 10:58 a.m.

On motion by Hammond of Story, amendment H—5201 was adopted.

The House resumed consideration of amendment H—5154B, found on page 472 of the House Journal.

Hammond of Story asked and received unanimous consent to withdraw amendment H—5154B.

Mullins of Kossuth offered the following amendment H—5172 filed by her and moved its adoption:

H—5172

- 1 Amend House File 2294 as follows:  
2 1. Page 6, by striking lines 6 through 31.  
3 2. By renumbering as necessary.

Amendment H—5172 was adopted.

Hummel of Benton offered the following amendment H—5152 filed by Hummel, et al.:

H—5152

- 1 Amend House File 2294 as follows:  
2 1. Page 8, by inserting after line 7 the  
3 following:  
4 “Sec. \_\_\_\_\_. NEW SECTION. 139.43 MEDICAL CARE  
5 PROVIDER — RIGHT-TO-KNOW.  
6 1. For the purposes of this section, unless the  
7 context otherwise provides:  
8 a. “Medical providers” means paramedics, ambulance  
9 personnel, physicians, nurses, hospital personnel,  
10 first responders, peace officers, or firefighters who  
11 provide emergency care services to a patient.  
12 b. “Significant exposure” means direct skin or  
13 mucous membrane contact with body fluids, including  
14 blood, of a person with a communicable disease.  
15 2. The Iowa department of public health shall  
16 develop in accordance with section 1351.3, and  
17 hospitals shall adopt and implement a protocol for the  
18 notification of medical providers who have provided or

19 are about to provide emergency care or services to a  
20 patient who has been diagnosed as having a  
21 communicable disease. The notification shall not  
22 include the name of the patient and a person who  
23 receives notification shall treat the information as  
24 confidential.

25 3. The Iowa department of public health shall  
26 designate by rule adopted pursuant to chapter 17A,  
27 communicable diseases for which notification is  
28 required.

29 4. A hospital shall notify a medical provider by  
30 letter within seventy-two hours of a confirmed  
31 diagnosis of a communicable disease for which  
32 notification is required with the exception of  
33 notification of a confirmed diagnosis of acquired  
34 immune deficiency syndrome. In the case of a  
35 confirmed diagnosis of acquired immune deficiency  
36 syndrome the hospital shall provide a letter of  
37 notification only if the medical provider has  
38 indicated that a reasonable possibility exists that  
39 the medical provider sustained significant exposure to  
40 the patient or if the hospital providing notification  
41 is aware of a possible significant exposure.

42 5. The notification letter shall be sent to a  
43 designated contact person at the business office of  
44 the medical provider. The letter shall state the name  
45 of the medical provider involved and the communicable  
46 disease diagnosed. However, the letter shall not  
47 contain the name of the patient. Upon receipt of the  
48 letter of notification, the designated contact person  
49 shall contact all medical providers involved in the  
50 emergency care of life support services and transport

## Page 2

1 of the patient. The Iowa department of public health  
2 shall designate the form and content of the  
3 notification letter.

4 6. Upon discharge of a patient with a communicable  
5 disease, the hospital shall notify the applicable  
6 medical providers of appropriate precautions against  
7 the communicable disease, but the name of the specific  
8 disease shall not be disclosed.

9 7. A person providing or failing to provide  
10 notification under the established protocol shall have  
11 immunity, both civil and criminal, from any liability  
12 that might result by reason of any action or inaction  
13 in accordance with the protocol, unless the action or  
14 inaction is willful.

15 8. A person who willfully fails to provide the  
16 letter of notification required under this section is  
17 guilty of a simple misdemeanor. A person who commits

18 a second or subsequent offense is guilty of a serious  
19 misdemeanor.  
20 9. This section does not preclude a civil action  
21 by a medical provider against a person which fails to  
22 inform a medical provider of the receipt of a letter  
23 of notification."

Hummel of Benton offered the following amendment H—5183, to amendment H—5152, filed by him and moved its adoption:

H—5183

1 Amend the House amendment, H—5152, to House File  
2 2294 as follows:  
3 1. Page 1, line 14, by striking the words "a  
4 communicable disease" and inserting the following:  
5 "acquired immune deficiencies syndrome".  
6 2. Page 1, lines 20 and 21, by striking the words  
7 "a communicable disease" and inserting the following:  
8 "acquired immune deficiency syndrome".  
9 3. Page 1, by striking lines 25 through 28.  
10 4. Page 1, by striking lines 29 through 34 and  
11 inserting the following: "In the case of a".  
12 5. Page 1, line 36, by striking the word "the"  
13 and inserting the following: "a".  
14 6. Page 1, line 37, by inserting after the word  
15 "notification" the following: "to a medical  
16 provider".  
17 7. Page 1, lines 45 and 46, by striking the words  
18 "and the communicable disease diagnosed".  
19 8. Page 2, lines 4 and 5, by striking the words  
20 "a communicable disease" and inserting the following:  
21 "acquired immune deficiency syndrome".  
22 9. Page 2, by striking lines 6 through 8, and  
23 inserting the following: "medical providers of  
24 appropriate precautions to be taken but shall not  
25 state that the disease involved is acquired immune  
26 deficiency syndrome."

Amendment H—5183 was adopted.

Speaker Avenson in the chair at 11:43 a.m.

On motion by Hummel of Benton, amendment H—5152, as amended, was adopted.

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

On the question "Shall the bill pass?" (H.F. 2294)

The ayes were, 88:

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

The nays were, 6:

Branstad	Corey	Eddie	Maulsby
Royer	Van Maanen		

Absent or not voting, 6:

Connolly	Doderer	Hatch	McKinney
Platt	Svoboda		

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

### MOTION TO RECONSIDER (House File 2294)

I move to reconsider the vote by which House File 2294 passed the House on February 22, 1988.

SHERZAN of Polk

### EXPLANATION OF VOTE

I was necessarily absent from the House chamber on Thursday and Friday, February 25 and 26, 1988. Had I been present, I would have voted "aye" on House Files 2257, 2260 and 2283.

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 29th day of February, 1988: House Files 2011, 2128, 2193 and 2237.

**JOSEPH O'HERN**

Chief Clerk of the House

Report adopted.

**COMMUNICATION RECEIVED**

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

**DIVISION OF COMMUNITY ACTION AGENCIES**

The 1987 Annual Report on Community Action programs in Iowa, pursuant to chapter 601K.100, Code of Iowa.

**STUDY BILL COMMITTEE ASSIGNMENTS****H.S.B. 810 Education**

Relating to initiating and effecting whole-grade sharing agreements.

**H.S.B. 811 Small Business and Commerce**

Relating to uninsured and underinsured motor vehicles by mandating the offer or inclusion of certain coverage and providing an uninsured motorists' victim compensation fund.

**H.S.B. 812 Local Government**

Relating to the receipt and disbursement of state or federal funds by a city for economic development projects, and providing an effective date.

**SUBCOMMITTEE ASSIGNMENTS****House File 2165**

Appropriations: Peterson of Carroll, Chair; Jochum and Van Maanen.

**House File 2232**

Appropriations: Peterson of Carroll, Chair; Jochum and Van Maanen.

**House File 2273**

Appropriations: Peterson of Carroll, Chair; Jochum and Van Maanen.

**House File 2275**

Natural Resources and Outdoor Recreation: Diemer, Chair; Black and Koenigs.

**House File 2309**

Natural Resources and Outdoor Recreation: Koenigs, Chair; Black and Diemer.

**House Concurrent Resolution 115**

Appropriations: Hatch, Chair; Harbor, Maulsby, Poncey and Schrader.

**Senate File 393**

Natural Resources and Outdoor Recreation: Poncey, Chair; Gruhn and Royer.

**Senate File 2050**

Appropriations: Peterson of Carroll, Chair; Mullins and Swartz.

**Senate File 2126**

Natural Resources and Outdoor Recreation: Johnson, Chair; Black and Diemer.

**CERTIFICATES OF RECOGNITION**

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

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

- |         |  |
|---------|--|
| 1988-10 | Rose Birkicht, Cedar Rapids — Achieving and celebrating her 90th birthday March 13, 1988, for her years of hard work and dedication to the Democratic party.   |
| 1988-11 | Jason Samuel Grubisich, Sheldon — Attained the Boy Scouts of America Eagle Court of Honor Award.   |
| 1988-12 | The Brotherhood of Maintenance of Way Employees — Their significant contribution toward the betterment of America by their involvement in the construction of railroad tracks, bridges, and structures while attaining 100 years of service. |

**RESOLUTIONS FILED**

**HR 103**, by committee on ethics, a resolution to amend the rules governing lobbyists in the House of Representatives.

Laid over under **Rule 25**.

**HR 104**, by committee on ethics, a resolution to amend the House code of ethics.

Laid over under **Rule 25**.

**AMENDMENTS FILED**

- |        |           |                     |
|--------|-----------|---------------------|
| H—5212 | H.F. 2314 | Platt of Muscatine  |
| H—5213 | H.F. 2338 | Adams of Hamilton   |
| H—5214 | H.F. 278  | Senate Amendment    |
| H—5215 | H.F. 2328 | Koenigs of Mitchell |

On motion by Arnould of Scott, the House adjourned at 12:05 p.m. until 9:00 a.m., Tuesday, March 1, 1988.



# JOURNAL OF THE HOUSE

Fifty-first Calendar Day — Thirty-third Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Tuesday, March 1, 1988

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

Prayer was offered by the Honorable John Connors, state representative from Polk County.

The Journal of Monday, February 29, 1988 was approved.

## PETITIONS FILED

The following petitions were received and placed on file:

By Pavich of Pottawattamie, from five hundred forty-one citizens favoring highway repair of Route #183.

The following petitions were filed opposing any increase in beer, wine, or liquor taxing measures:

By Fogarty of Palo Alto from one hundred five constituents of the 11th District.

By Gruhn of Dickinson from sixty-eight constituents.

By Harbor of Mills from fifty-five constituents.

By Miller of Cherokee from fifty-five citizens of Cherokee and other counties.

By Pellett of Cass from fifty-five constituents of the 97th District.

## INTRODUCTION OF BILLS

**House File 2361**, by Holveck, a bill for an act relating to uninsured and underinsured motor vehicle coverage by mandating an offer to provide property damage coverage under similar conditions as uninsured and underinsured coverage.

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

**House File 2362**, by Carpenter, a bill for an act relating to the traits of an area which a city may designate as a revitalization area and providing for the applicability of the Act.

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

**House File 2363**, by committee on agriculture, a bill for an act relating to the control of certain parasitic infestations common to bees by the state apiarist.

Read first time and placed on the calendar.

## MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on February 29, 1988, insisted on its amendment to House File 666, a bill for an act to provide that a homestead tax credit claim need not be refilled when the homestead is transferred to one of the spouses pursuant to a dissolution of marriage, and the members of the conference committee on the part of the Senate are: The Senator from Marion, Senator Dieleman, Chair; the Senator from Woodbury, Senator Doyle; the Senator from Pottawattamie, Senator Gronstal; the Senator from Clay, Senator Holt; and the Senator from Polk, Senator Readinger.

Also: That the Senate has on February 26, 1988, passed the following bill in which the concurrence of the House is asked:

Senate File 2051, a bill for an act relating to the development of soil and water resource conservation plans by soil and water conservation districts and the division of soil conservation of the department of agriculture and land stewardship.

Also: That the Senate has on February 29, 1988, passed the following bill in which the concurrence of the House is asked:

Senate File 2058, a bill for an act exempting the withholding agent from the requirement to withhold state income taxes from payments made to a nonresident, if the payments are from the sale of federal commodity certificates or agricultural commodities or products and the withholding agent submits needed information.

Also: That the Senate has on February 29, 1988, passed the following bill in which the concurrence of the House is asked:

Senate File 2168, a bill for an act relating to the authority of the treasurer of state to invest in United States government obligations.

Also: That the Senate has on February 29, 1988, passed the following bill in which the concurrence of the House is asked:

Senate File 2171, a bill for an act making nonsubstantive, noncontroversial statutory corrections to comply with reorganization changes, improve clarity, remove conflicts and inconsistencies, correct references, and correct grammar and syntax.

Also: That the Senate has on February 29, 1988, passed the following bill in which the concurrence of the House is asked:

Senate File 2196, a bill for an act relating to transportation funding by providing for a network of commercial and industrial highways, increasing the excise taxes on motor fuel and special fuel, increasing the standing appropriation for public transit assistance, authorizing the transfer of RISE funds to the primary road fund, providing for a study of highway financing, providing for a performance and efficiency audit of state transportation and the RISE program as it relates to job creation and economic development, making appropriations from the road use tax fund, and providing effective dates.

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 Files 2233, 2306 and 2226.

## CONSIDERATION OF BILLS

### Regular Calendar

**House File 2233**, a bill for an act relating to work programs for inmates of state correctional institutions, with report of committee recommending passage was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 2233)

The ayes were, 98:

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	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
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	Shoultz	Siegrist
Skow	Spear	Stromer	Stueland
Svoboda	Swartz	Swearingen	Tabor
Teaford	Tyrrell	Van Camp	Van Maanen
Wise	Mr. Speaker		

The nays were, none.

Absent or not voting, 2:

Doderer

Jochum

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

**House File 2306**, a bill for an act relating to regulation of the extraction of coal for commercial purposes from a site of one-half acre or less, and making penalties applicable, was taken up for consideration.

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?" (H.F. 2306)

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	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	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	Running
Schneklath	Shoning	Shoultz	Siegrist
Skow	Spear	Stromer	Stueland
Svoboda	Swartz	Swearingen	Tabor
Teaford	Tyrrell	Van Camp	Van Maanen
Wise	Mr. Speaker		

The nays were, none.

Absent or not voting, 6:

Blanshan	Doderer	Jochum	Norrgard
Schrader	Sherzan		

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

**House File 2226**, a bill for an act relating to the calculation of budget enrollment of a reorganized school district, with report of committee recommending passage was taken up for consideration.

Corbett of Linn offered the following amendment H—5189 filed by him:

H—5189

1 Amend House File 2226 as follows:

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

4 "Section 1. Section 442.2, subsection 1,  
5 unnumbered paragraphs 2 and 3, Code 1987, are amended  
6 to read as follows:

7 However, commencing with the budget year beginning  
8 July 1, ~~1987~~ 1988, a reorganized school district shall  
9 cause a foundation property tax of four dollars and  
10 forty cents, or four dollars and ninety cents, per  
11 thousand dollars of assessed valuation to be levied on  
12 all taxable property which, in the year preceding the  
13 a reorganization, was within a school district  
14 affected by the reorganization as defined in section  
15 275.1, and which or in the year preceding a  
16 dissolution was a part of a school district that  
17 dissolved. In the year preceding the reorganization  
18 or dissolution, the school district affected by the  
19 reorganization or the school district that dissolved  
20 must have had a certified enrollment of less fewer  
21 than six hundred in order for the four dollar and  
22 forty cent levy to apply. If the school district  
23 affected or school district that dissolved has a  
24 certified enrollment of more than six hundred, the  
25 four dollar and ninety cent levy applies. In  
26 succeeding school years, the foundation property tax  
27 levy on that portion shall be increased twenty cents  
28 per year for the four dollar and forty cent levy, or  
29 ten cents per year for the four dollar and ninety cent  
30 levy, until it reaches the rate of five dollars and  
31 forty cents per thousand dollars of assessed  
32 valuation.

33 For purposes of this section, a reorganized school  
34 district is one in which reorganization or dissolution  
35 was approved in an election pursuant to sections  
36 275.18 and 275.20 or section 275.55, and will take the  
37 reorganization or dissolution takes effect on or after  
38 July 1, ~~1986~~ 1988."

39 2. Amend the title page, line 1, by inserting  
40 after the word "to" the following: "the state school  
41 foundation formula, including the amount of the  
42 foundation property tax levy and".

43 3. By renumbering sections as necessary.

Haverland of Polk rose on a point of order that amendment H—5189 was not germane.

The Speaker ruled the point well taken and amendment H—5189 not germane.

Corbett of Linn offered the following amendment H—5190 filed by him and moved its adoption:

H—5190

- 1 Amend House File 2226 as follows:
- 2 1. Page 1, by inserting before line 1 the
- 3 following:
- 4 "Section 1. Section 442.3, Code 1987, is amended
- 5 to read as follows:
- 6 442.3 STATE FOUNDATION BASE.
- 7 The state foundation base for the school year
- 8 beginning July 1, 1986, is eighty percent of the state
- 9 cost per pupil. The state foundation base for the
- 10 school year beginning July 1, 1987, is eighty-one and
- 11 one-half percent of the state cost per pupil. The
- 12 state foundation base for the school years beginning
- 13 July 1, 1988, and July 1, 1989, is eighty-two percent.
- 14 For each succeeding school year, the state foundation
- 15 base shall be increased by the amount of one-half
- 16 percent of the state cost per pupil, up to a maximum
- 17 of eighty-five percent of the state cost per pupil.
- 18 The district foundation base is the larger of the
- 19 state foundation base or the amount per pupil which
- 20 the district will receive from foundation property tax
- 21 and state school foundation aid."
- 22 2. Title page, line 1, by inserting after the
- 23 word "to" the following: "the state school foundation
- 24 formula, including the state foundation base and".
- 25 3. By renumbering sections as necessary.

Roll call was requested by Haverland of Polk and Blanshan of Greene.

Rule 75 was invoked.

On the question "Shall amendment H—5190 be adopted?"  
(H.F. 2226)

The ayes were, 31:

Bennett	Branstad	Carpenter	Corbett
Corey	Diemer	Eddie	Hanson, D. R.
Harbor	Hermann	Hummel	Kremer
Lundby	Maulsby	Metcalf	Miller
Paulin	Pellett	Petersen, D. F.	Plasier

Platt	Renken	Royer	Schnekloth
Shoning	Stromer	Stueland	Swearingen
Tyrrell	Van Camp	Van Maanen	

The nays were, 67:

Adams	Arnould	Beaman	Beatty
Bisignano	Black	Blanshan	Brammer
Buhr	Chapman	Clark	Cohoon
Connolly	Connors	Cooper	Daggett
De Groot	Dvorsky	Fey	Fogarty
Fuller	Garman	Groninga	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Hansen, S. D.
Harper	Hatch	Haverland	Hester
Holveck	Jay	Johnson	Knapp
Koenigs	Lageschulte	May	McKean
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	Wise	Mr. Speaker	

Absent or not voting, 2:

Doderer	Jochum
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Amendment H—5190 lost.

Corbett of Linn offered the following amendment H—5187 filed by him and moved its adoption:

H—5187

- 1 Amend House File 2226 as follows:
- 2 1. Page 1, line 20, by striking the figure "1988"
- 3 and inserting the following: "1989".
- 4 2. Page 1, by striking lines 21 through 27.

A non-record roll call was requested.

The ayes were 24, nays 38.

Amendment H—5187 lost.

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. 2226)

The ayes were, 66:

Adams	Arnould	Beaman	Beatty
Bisignano	Black	Blanshan	Brammer
Buhr	Chapman	Cohoon	Connolly

Connors	Cooper	Daggett	Dvorsky
Fey	Fogarty	Fuller	Groninga
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Hansen, S. D.	Harbor	Harper	Hatch
Haverland	Hester	Holveck	Jay
Johnson	Knapp	Koenigs	Lageschulte
May	McKean	McKinney	Muhlbauer
Mullins	Neuhauser	Norrgard	Ollie
Osterberg	Parker	Pavich	Peters
Peterson, M. K.	Platt	Poncy	Renaud
Rosenberg	Running	Schrader	Sherzan
Shoultz	Skow	Spear	Svoboda
Swartz	Tabor	Teaford	Van Camp
Wise	Mr. Speaker		

The nays were, 30:

Bennett	Branstad	Carpenter	Clark
Corbett	Corey	De Groot	Diemer
Eddie	Garman	Hanson, D. R.	Hummel
Kremer	Lundby	Maulsby	Metcalf
Miller	Paulin	Pellett	Petersen, D. F.
Plasier	Renken	Schnekloth	Shoning
Siegrist	Stromer	Stueland	Swearingen
Tyrrell	Van Maanen		

Absent or not voting, 4:

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

## RULES SUSPENDED

Arnould of Scott asked and received unanimous consent to suspend the rules and take up out of order Senate File 2060.

**Senate File 2060**, a bill for an act relating to the benefit ratio array system under the unemployment insurance law by making the benefit ratio array system permanent, by resolving potential federal conformity issues concerning new nonconstruction experience-based rates and access to job service information by business and labor organizations, by abolishing the special employer contribution rate for employers with certain negative balance account histories with retroactive applicability, and by providing an effective date, with report of committee recommending amendment and passage was taken up for consideration.

The House stood at ease at 10:11 a.m., until the fall of the gavel.



The House resumed session and consideration of Senate File 2060 at 11:25 a.m., Speaker Avenson in the chair.

Arnould of Scott asked and received unanimous consent that Senate File 2060 be deferred and that the bill retain its place on the calendar.

**House File 2296**, a bill for an act providing coverage under the Iowa life and health guaranty association to the holders of unallocated annuity contracts, was taken up for consideration.

Groninga of Cerro Gordo offered the following amendment H—5179 filed by him and moved its adoption:

H—5179

1 Amend House File 2296 as follows:

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

4 "Section 1. Section 508C.3, subsection 2, Code  
5 Supplement 1987, is amended to read as follows:

6 2. This chapter shall provide coverage to the  
7 persons specified in subsection 1 under direct life  
8 insurance policies, health insurance policies, annuity  
9 contracts, supplemental contracts, and certificates  
10 under group policies or contracts, and unallocated  
11 annuity contracts issued by member insurers."

12 2. Page 1, by striking lines 6 through 9 and  
13 inserting the following: "guaranty corporation, which  
14 is not issued to or in connection with a specific  
15 employee, union, or association of natural persons, or  
16 any portion of a financial guarantee.

17 Sec. \_\_\_\_\_. Section 508C.3, subsection 3, Code Sup-  
18 plement 1987, is amended by adding the following new  
19 paragraph:

20 NEW PARAGRAPH. h. An annuity contract issued to a  
21 government, lottery or to a liability insurer in con-  
22 nection with a structured settlement.

23 Sec. \_\_\_\_\_. Section 508C.5, subsection 1, Code  
24 Supplement 1987, is amended to read as follows:

25 1. "Account" means any of the ~~three~~ four accounts  
26 created under section 508C.6."

27 3. Page 1, by striking lines 17 through 22, and  
28 inserting the following: "considerations on contracts  
29 between insurers and reinsurers, or amounts received  
30 and held by a member insurer in an account or fund  
31 unless and until the amounts are applied by the member  
32 insurer to the purchase of an annuity or other benefit  
33 for a specific person."

34 4. Page 1, by striking lines 26 through 29 and  
35 inserting the following: "a guaranteed investment

36 contract, deposit administration contract, unallocated  
 37 funding agreement, or any other annuity contract which  
 38 is not issued to and owned by an individual, except to  
 39 the extent of any annuity benefits guaranteed to an  
 40 individual by an insurer under such a contract or  
 41 certificate.

42 Sec. \_\_\_\_\_. Section 508C.6, subsection 1, paragraph  
 43 c, Code Supplement 1987, is amended to read as  
 44 follows:

45 c. An annuity account. A plan established under  
 46 section 403(b) of the United States Internal Revenue  
 47 Code shall be covered by the annuity account."

Amendment H—5179 was adopted.

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

On the question "Shall the bill pass?" (H.F. 2296)

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	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.	Plasier	Platt	Poncy
Renaud	Renken	Rosenberg	Royer
Running	Schneklloth	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:

Hummel

Absent or not voting, 3:

Black

Doderer

Sherzan

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

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Black of Jasper, for a portion of the morning, on request of Skow of Guthrie.

**House File 2113**, a bill for an act relating to the dispensing of prescription drugs, with report of committee recommending amendment and passage was taken up for consideration.

Norrgard of Des Moines offered the following amendment H—5145 filed by the committee on human resources and moved its adoption:

H—5145

- 1 Amend House File 2113 as follows:
- 2 1. Page 1, line 10, by inserting after the word
- 3 "shall" the following: "offer to".

The committee amendment H—5145 was adopted.

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?" (H.F. 2113)

The ayes were, 98:

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	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	Schneklloth

Schrader	Shoning	Shoultz	Siegrist
Skow	Spear	Stromer	Stueland
Svoboda	Swartz	Swearingen	Tabor
Teaford	Tyrrell	Van Camp	Van Maanen
Wise	Mr. Speaker		

The nays were, none.

Absent or not voting, 2:

Doderer                      Sherzan

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

### MOTION TO RECONSIDER LOST (House File 2258)

Bennett of Ida called up for consideration the motion to reconsider House File 2258, filed on February 22, 1988, and moved to reconsider the vote by which House File 2258, a bill for an act relating to trespass upon the right-of-way of a public road or highway, passed the House and was placed on its last reading on February 22, 1988.

A non-record roll call was requested.

The ayes were 26, nays 53.

The motion lost, placing out of order amendment H—5141 filed by Bennett of Ida on February 22, 1988.

### HOUSE FILES DEFERRED

Arnould of Scott asked and received unanimous consent that House Files 2170, 2307 and 2314 be deferred and that the bills retain their place on the calendar.

**House File 2313**, a bill for an act relating to child day care for sick children, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 2313)

The ayes were, 98:

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	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	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	Swearingen	Tabor
Teaford	Tyrrell	Van Camp	Van Maanen
Wise	Mr. Speaker		

The nays were, none.

Absent or not voting, 2:

Doderer                      Norrgard

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

**House File 2315**, a bill for an act relating to commercial paper by modifying the definition of "sum certain", was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 2315)

The ayes were, 97:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Black	Blanshan
Brammer	Branstad	Buhr	Carpenter
Chapman	Clark	Cohon	Connolly
Connors	Cooper	Corbett	Corey
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	Osterberg	Parker
Paulin	Pavich	Pellett	Peters
Petersen, D. F.	Peterson, M. K.	Plasier	Platt
Poncy	Renaud	Renken	Rosenberg
Royer	Running	Schnekloth	Schrader
Shoning	Shoultz	Siegrist	Skow
Spear	Stromer	Stueland	Svoboda
Swartz	Swearingen	Tabor	Teaford
Tyrrell	Van Camp	Van Maanen	Wise
Mr. Speaker			

The nays were, none.

Absent or not voting, 3:

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

### RULES SUSPENDED

Arnould of Scott asked and received unanimous consent to suspend the rules and take up out of order House Files 2316, 2317 and 2138.

**House File 2316**, a bill for an act requiring gas and electric public utilities to provide annual gas or electric energy costs for certain properties to certain persons when requested in writing and making civil penalties applicable, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 2316)

The ayes were, 92:

Adams	Arnould	Beaman	Beatty
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
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	Maulsby	May
McKean	McKinney	Miller	Muhlbauer
Mullins	Neuhauser	Norrgard	Ollie
Osterberg	Parker	Paulin	Pavich
Pellett	Peters	Peterson, M. K.	Plasier
Poncy	Renaud	Rosenberg	Royer
Running	Schneklath	Schrader	Sherzan
Shoning	Shoultz	Siegrist	Skow
Spear	Stromer	Stueland	Swartz
Swearingen	Tabor	Teaford	Tyrrell
Van Camp	Van Maanen	Wise	Mr. Speaker

The nays were, 6:

Bennett	Hester	Metcalf	Petersen, D. F.
Platt	Renken		

Absent or not voting, 2:

Doderer	Svoboda
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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 2317**, a bill for an act relating to the repeal of the Iowa venture capital investment Act, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 2317)

The ayes were, 97:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Black	Blanshan
Brammer	Branstad	Buhr	Carpenter
Chapman	Clark	Cphoon	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	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	Swearingen	Tabor	Teaford
Tyrrell	Van Camp	Van Maanen	Wise
Mr. Speaker			

The nays were, none.

Absent or not voting, 3:

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

**House File 2138**, a bill for an act relating to judgment liens by providing for the filing of a written demand for acknowledgment of satisfaction and the filing of a verified statement denying satisfaction, providing for the award of expenses including attorney fees, and increasing a civil penalty, with report of committee recommending amendment and passage was taken up for consideration.

Chapman of Linn offered the following amendment H—5178 filed by the committee on judiciary and law enforcement and moved its adoption:

H—5178

- 1 Amend House File 2138 as follows:
- 2 1. Page 2, by inserting after line 17 the
- 3 following:
- 4 "A debtor shall not serve more than one written
- 5 demand on a creditor relating to the same judgment in
- 6 a single six-month period. A second (or more) written
- 7 demand relating to the same judgment served upon a
- 8 creditor within six months of the last effective
- 9 written demand has no force or effect, and the
- 10 creditor need not respond by filing a statement of
- 11 nonsatisfaction to preserve the judgment lien."
- 12 2. By striking page 2, line 31, through page 3,
- 13 line 2, and inserting the following: "the owner of
- 14 the judgment lien files a verified statement that the
- 15 judgment, or portion of a judgment, has not been paid
- 16 or satisfied as stated in the written demand and that
- 17 itemizes the balance owing on the judgment. The
- 18 verified statement shall be filed with the clerk of
- 19 court in which the judgment was entered or where the
- 20 written demand was filed, in order to preserve the
- 21 judgment lien in that jurisdiction. After the
- 22 expiration of".

The committee amendment H—5178 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. 2138)

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	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	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	Shultz	Siegrist	Skow
Spear	Stromer	Stueland	Svoboda
Swartz	Swearingen	Tabor	Teaford
Tyrrell	Van Camp	Van Maanen	Wise
Mr. Speaker			

The nays were, none.

Absent or not voting, 3:

Doderer                      Haverland                      Parker

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

### UNANIMOUS CONSENT

Pellett of Cass asked and received unanimous consent to change his vote from "nay" to "aye" on House File 2313 and the vote was so recorded.

### MOTION TO RECONSIDER (House File 2233)

I move to reconsider the vote by which House File 2233 passed the House on March 1, 1988.

HALVORSON of Clayton

## PRESENTATION OF VISITORS

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

Thirty-one sixth grade students from Lenox Community School, Lenox, accompanied by Mrs. Janet Reed, Mr. David Koets, Mrs. Laurie Fisher and Mrs. Bonnie Halligan. By Daggett of Adams.

## HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

### **H.S.B. 813 Economic Development**

Relating to establishing a case management assistance program to assist low-income persons in starting up or expanding small businesses.

### **H.S.B. 814 Agriculture**

Relating to the establishment of agricultural trade specialist positions and in-house coordinators within the department of agriculture and land stewardship.

### **H.S.B. 815 Transportation**

Relating to grain transportation by imposing an excise tax on grain, making appropriations, providing for applicability, and providing a penalty.

## SUBCOMMITTEE ASSIGNMENTS

### **House File 2310**

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

### **House File 2312**

Human Resources: Harper, Chair; Connors, Hester, Peters and Swearingen.

### **House File 2332**

Human Resources: Hammond, Chair; Harper, Hermann, Hester, Mullins, Norrgard and Teaford.

### **House File 2335**

Local Government: Connors, Chair; Bisignano and Diemer.

### **Senate File 456**

Human Resources: Hammond, Chair; Harper, Hermann, Hester, Mullins, Norrgard and Teaford.

### **Senate File 2002**

Rules and Administration: Blanshan, Chair; Petersen of Muscatine and Running.

**HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS****House Study Bill 764**

Local Government: Cooper, Chair; Fuller and Platt.

**House Study Bill 766**

Energy and Environmental Protection: Dvorsky, Chair; Adams, Holveck, Petersen of Muscatine and Van Camp.

**House Study Bill 775**

Local Government: Fuller, Chair; Cooper and Platt.

**House Study Bill 791**

Energy and Environmental Protection: Shoultz, Chair; Diemer, Dvorsky, Fuller, Harper, May, Petersen of Muscatine and Stueland.

**House Study Bill 797**

Local Government: Hatch, Chair; Muhlbauer and Platt.

**House Study Bill 798**

Local Government: Cooper, Chair; Royer and Spear.

**House Study Bill 799**

Energy and Environmental Protection: Dvorsky, Chair; Holveck, Lundby, McKean 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 ECONOMIC DEVELOPMENT**

**Committee Bill** (Formerly House Study Bill 543), relating to providing assistance to workers in existing businesses and providing an appropriation.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 29, 1988.

**COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT**

**House File 2278**, a bill for an act relating to the issuance of citations to juveniles, the detention of juveniles and restrictions on the detention of juveniles in adult facilities, and providing penalties.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H—5216** February 29, 1988.

**House File 2349**, a bill for an act establishing a pilot project for a peer review court as a diversion program for persons ten through seventeen years of age and making an appropriation.

Fiscal Note is not required.

Recommended **Do Pass** February 29, 1988.

**Pursuant to Rule 31.7, House File 2349 was referred to the committee on appropriations.**

**Committee Bill** (Formerly House Study Bill 608), relating to the indemnification of a present or former director, officer, employee, member, or volunteer of a cooperative association for certain judgments and expenses.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 29, 1988.

**Committee Bill** (Formerly House Study Bill 664), relating to the procedure under which the board of parole determines whether an alleged parole violation has occurred.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 29, 1988.

**Committee Bill** (Formerly House Study Bill 681), relating to the solemnization of marriage.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 29, 1988.

**Committee Bill** (Formerly House Study Bill 793), relating to the penalty for the sale of alcoholic beverages to persons under legal age by liquor control licensees or wine or beer permittees.

Fiscal Note is not required.

Committee Action: **Failed to Pass** February 29, 1988.

#### COMMITTEE ON LOCAL GOVERNMENT

**House File 2179**, a bill for an act extending civil service status to certain job classes funded by public grants or other temporary funds.

Fiscal Note is not required.

Recommended **Do Pass** February 29, 1988.

**Committee Bill** (Formerly House Study Bill 755), relating to the provision of sewer services to state agency buildings and providing an effective date.

Fiscal Note is not required.

Recommended **Do Pass** February 29, 1988.

**Committee Bill** (Formerly House Study Bill 798), authorizing the joint investment of funds by counties, cities, city utilities, and judicial district departments of correctional services, and providing an effective date.

Fiscal Note is not required.

Recommended **Do Pass** February 29, 1988.

#### COMMITTEE ON SMALL BUSINESS AND COMMERCE

**Committee Bill** (Formerly House Study Bill 733), relating to claims against public corporations for nonpayment of moneys due on public improvements.

Fiscal Note is required.

Recommended **Amend and Do Pass** February 29, 1988.

**Committee Bill** (Formerly House Study Bill 765), relating to title guaranty by removing the requirements that participation fees be charged, that lenders be participants, that persons or lenders not receive a portion of the charge for title guaranty, and that financial institutions disclose the availability of the program.

Fiscal Note is not required.

Committee Action: **Failed to Pass** February 29, 1988.

**Committee Bill** (Formerly House Study Bill 802), relating to the investment powers of state banks.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 29, 1988.

#### AMENDMENTS FILED

H—5216	H.F. 2278	Committee on Judiciary and Law Enforcement
H—5217	H.F. 2338	Adams of Hamilton
H—5218	H.F. 2252	Halvorson of Webster

On motion by Arnould of Scott, the House adjourned at 12:10 p.m., until 9:00 a.m., Wednesday, March 2, 1988.

# JOURNAL OF THE HOUSE

Fifty-second Calendar Day — Thirty-fourth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Wednesday, March 2, 1988

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

Prayer was offered by the Reverend Dr. William Hamm, president of Waldorf College, Forest City.

The Journal of Tuesday, March 1, 1988 was approved.

## INTRODUCTION OF BILLS

**House File 2364**, by Petersen of Muscatine, a bill for an act relating to the exemption from the state sales, services, and use taxes of the sale and rental of certain replacement parts, implements, and farm machinery or equipment, and the furnishing of certain repair services.

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

**House File 2365**, by Stromer, Diemer, Hester, Maulsby, Harbor and Van Camp, a bill for an act relating to medical malpractice and creating a patient compensation fund and appropriating moneys in the fund, providing for the qualification of health care providers, authorizing a surcharge on qualified health care providers, establishing a limit on the recovery of an injured party, providing for the discharge of liability by an immediate payment, establishing a medical review panel, providing for attorney fees, establishing reporting requirements, and establishing a time limitation within which certain minors must bring an action for medical malpractice.

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

**House File 2366**, by committee on small business and commerce, a bill for an act relating to claims against public corporations for non-payment of moneys due on public improvements.

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

**House File 2367**, by committee on human resources, a bill for an act relating to training for mandatory reporters of dependent adult abuse and child abuse.

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

**House File 2368**, by committee on judiciary and law enforcement, a bill for an act relating to indemnification and limitation of liability of directors and officers and to liability of persons who serve rural water districts, volunteer as guardians or conservators, or who provide child foster care.

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

**House File 2369**, by committee on judiciary and law enforcement, a bill for an act relating to the duties and authority of the board of parole.

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

**House File 2370**, by committee on local government, a bill for an act relating to the provision of sewer services to state agency buildings and providing an effective date.

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

**House File 2371**, by committee on local government, a bill for an act authorizing the joint investment of funds by counties, cities, city utilities, and judicial district departments of correctional services, and providing an effective date.

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

**House File 2372**, by committee on small business and commerce, a bill for an act relating to the investment powers of state banks.

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

#### SENATE MESSAGES CONSIDERED

**Senate File 2051**, by committee on agriculture, a bill for an act relating to the development of soil and water resource conservation plans by soil and water conservation districts and the division of soil conservation of the department of agriculture and land stewardship.

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

**Senate File 2058**, by Scott and Boswell, a bill for an act exempting the withholding agent from the requirement to withhold state income taxes from payments made to a nonresident, if the payments are from the sale of federal commodity certificates or agricultural commodities or products and the withholding agent submits needed information.

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

**Senate File 2168**, by committee on state government, a bill for an act relating to the authority of the treasurer of state to invest in United States government obligations.

Read first time and **passed on file**.

**Senate File 2171**, by committee on judiciary, a bill for an act making nonsubstantive, noncontroversial statutory corrections to comply with reorganization changes, improve clarity, remove conflicts and inconsistencies, correct references, and correct grammar and syntax.

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

**Senate File 2196**, by committee on ways and means, a bill for an act relating to transportation funding by providing for a network of commercial and industrial highways, increasing the excise taxes on motor fuel and special fuel, increasing the standing appropriation for public transit assistance, authorizing the transfer of RISE funds to the primary road fund, providing for a study of highway financing, providing for a performance and efficiency audit of state transportation and the RISE program as it relates to job creation and economic development, making appropriations from the road use tax fund, and providing effective dates.

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

### MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on February 29, 1988, 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 370, a bill for an act relating to museums, providing for the disposition of loaned or undocumented property in the possession of a museum, notice, reclamation of loaned or undocumented property and statutes of limitations for actions against museums; prescribing museum obligations; prescribing lender and claimant obligations to museums; and providing for the retroactive applicability of certain sections of the Act.

Also: That the Senate has on February 29, 1988, passed the following bill in which the concurrence of the House is asked:

Senate File 2172, a bill for an act relating to an appeal regarding the purchase of Iowa state industry products.

Also: That the Senate has on February 29, 1988, adopted the following resolution in which the concurrence of the House is asked:



Senate Concurrent Resolution 109, a concurrent resolution relating to the spending limitations placed on the highway program and the release of user fees for urgently needed highway improvements.

Also: That the Senate has on February 29, 1988, adopted the following resolution in which the concurrence of the House is asked:

Senate Concurrent Resolution 111, a concurrent resolution directing the Department of Education to develop criteria for the establishment of an internship program.

Also: That the Senate has on February 29, 1988, adopted the following resolution in which the concurrence of the House is asked:

Senate Concurrent Resolution 112, a concurrent resolution directing the Department of Education to develop criteria for enhancing the clinical experiences of prospective teachers.

Also: That the Senate has on February 29, 1988, adopted the following resolution in which the concurrence of the House is asked:

Senate Concurrent Resolution 113, a concurrent resolution calling upon the Congress of the United States to enact legislation to aid the parents of prospective college students in saving for future college costs.

Also: That the Senate has on February 29, 1988, adopted the following resolution in which the concurrence of the House is asked:

Senate Concurrent Resolution 114, a concurrent resolution urging that the United States Department of Agriculture reconsider proposals relating to modifying the grain reserve and special producer storage loan programs.

JOHN F. DWYER, Secretary

### CONFERENCE COMMITTEE APPOINTED

The Speaker announced the appointment of the conference committee to consider the differences between the House and Senate concerning House File 666: Chapman of Linn, chair; Branstad of Winnebago, Petersen of Muscatine, Rosenberg of Story and Tabor of Jackson.

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Corbett of Linn on request of Royer of Page.

### RULES SUSPENDED

Arnould of Scott asked and received unanimous consent to suspend the rules and take up out of order House File 2170.

The House stood at ease at 9:16 a.m., until the fall of the gavel.

The House resumed session at 9:30 a.m., Speaker Avenson in the chair.

## CONSIDERATION OF BILLS

### Regular Calendar

**House File 2170**, a bill for an act relating to foster care review, providing for the continued existence of the state and local foster care review boards, providing for the establishment of local foster care review boards throughout the state, providing for review in cases of children involuntarily hospitalized for mental illness, revising provisions relating to confidentiality and access to certain information, providing other procedural revisions, and providing properly related matters, (deferred March 1, 1988) with report of committee recommending amendment and passage was taken up for consideration.

Teaford of Black Hawk offered the following amendment H—5146 filed by the committee on human resources and moved its adoption:

H—5146

- 1 Amend House File 2170 as follows:
- 2 1. Page 1, by inserting after line 8 the fol-
- 3 lowing:
- 4 "Sec. \_\_\_\_\_. Section 237.15, subsection 6, Code
- 5 1987, is amended by adding the following new
- 6 paragraphs:
- 7 NEW PARAGRAPH. e. The efforts to place the child
- 8 with a relative.
- 9 NEW PARAGRAPH. f. The rationale for an out-of-
- 10 state placement, and the efforts to prevent such
- 11 placement, if the child has been placed out-of-state.
- 12 NEW PARAGRAPH. g. Time frames to meet the stated
- 13 permanency goal and short-term objectives."
- 14 2. Page 4, by inserting after line 7 the
- 15 following:
- 16 "Sec. \_\_\_\_\_. Section 237.22, Code 1987, is amended
- 17 by adding the following new subsections:
- 18 NEW SUBSECTION. 6. The efforts to place the child
- 19 with a relative.
- 20 NEW SUBSECTION. 7. The rationale for an out-of-
- 21 state placement, and the efforts to prevent such
- 22 placement, if the child has been placed out-of-state."
- 23 3. Page 4, by striking lines 16 through 19 and
- 24 inserting the following: "Act, shall establish local
- 25 boards in additional judicial districts as moneys
- 26 become available for that purpose."
- 27 4. Title page, line 7, by inserting after the
- 28 word "information," the following: "providing
- 29 additional requirements for case permanency plans,".
- 30 5. By numbering and renumbering as necessary.

The committee amendment H—5146 was adopted.

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

On the question "Shall the bill pass?" (H.F. 2170)

The ayes were, 97:

Adams	Arnould	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	Hermann
Hester	Holveck	Hummel	Jay
Jochum	Johnson	Knapp	Koenigs
Kremer	Lageschulte	Lundby	Maulsby
May	McKean	McKinney	Metcalf
Miller	Muhlbauer	Mullins	Neuhauser
Norrsgard	Ollie	Osterberg	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	Stromer	Stueland	Svoboda
Swartz	Swearingen	Tabor	Teaford
Tyrrell	Van Camp	Van Maanen	Wise

Mr. Speaker

The nays were, none.

Absent or not voting, 3:

Corbett                      Haverland                      Parker

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

### FURTHER CONSIDERATION OF MOTION TO OVERRIDE GOVERNOR'S ITEM VETO

The House resumed consideration of the motion to override the Governor's item veto on **House File 2082**, a bill for an act relating to and making appropriations to the department of human services and to the Iowa finance authority for the remainder of the fiscal year ending June 30, 1988, allowing carryover of certain funds to the next fiscal year, and providing an effective date (deferred February 25, 1988).

Fuller of Hardin in the chair at 10:53 a.m.

Speaker Avenson in the chair at 11:53 a.m.

On the question "Shall the House on reconsideration pass the bill, the objections of the Governor to the contrary notwithstanding?" (H.F. 2082)

The ayes were, 58:

Adams	Arnould	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.	Poncy
Renaud	Rosenberg	Running	Schrader
Sherzan	Shoultz	Skow	Spear
Svoboda	Swartz	Tabor	Teaford
Wise	Mr. Speaker		

The nays were, 41:

Beaman	Bennett	Branstad	Carpenter
Clark	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	Pellet	Petersen, D. F.
Plasier	Platt	Renken	Royer
Schnekloth	Shoning	Siegrist	Stromer
Stueland	Swearingen	Tyrrell	Van Camp
Van Maanen			

Absent or not voting, 1:

Corbett

The motion having failed to receive a two-thirds majority was declared to have lost and the Governor's item veto was sustained.

On motion by Arnould of Scott, the House was recessed at 12:12 p.m., until 1:15 p.m.

### AFTERNOON SESSION

The House reconvened, Speaker Avenson in the chair.

## QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed seventy-seven members present, twenty-three absent.

## MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on February 22, 1988, passed the following bill in which the concurrence of the House is asked:

Senate File 2159, a bill for an act relating to the provision of hospice care within health care facilities by Medicare certified hospice programs.

JOHN F. DWYER, Secretary

## ADOPTION OF SENATE CONCURRENT RESOLUTION 104

Arnould of Scott called up for consideration Senate Concurrent Resolution 104, relating to the federal conservation reserve program, with report of committee recommending amendment and passage.

May of Worth offered the following amendment H—5116 filed by the committee on agriculture and moved its adoption:

H—5116

- 1 Amend Senate Concurrent Resolution 104, as passed
- 2 by the Senate, as follows:
- 3 1. Page 1, line 19, by striking the word "only".

The committee amendment H—5116 was adopted.

On motion by May of Worth the resolution, as amended, was adopted.

## IMMEDIATE MESSAGE

(Senate Concurrent Resolution 104)

Arnould of Scott asked and received unanimous consent that Senate Concurrent Resolution 104 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 Files 2329 and 2341.

## CONSIDERATION OF BILLS

### Regular Calendar

**House File 2329**, a bill for an act relating to the Iowa sheep and wool promotion board, by providing that a member of the board may receive compensation from an organization receiving funds from the board, and providing for possible conflicts in interest, was taken up for consideration.

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

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

The ayes were, 98:

Adams	Arnould	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
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	Shoultz	Siegrist
Skow	Spear	Stromer	Stueland
Svoboda	Swartz	Swearingen	Tabor
Teaford	Tyrrell	Van Camp	Van Maanen
Wise	Mr. Speaker		

The nays were, none.

Absent or not voting, 2:

Corbett                      Garman

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

**House File 2341**, a bill for an act relating to the state employees disability insurance program, was taken up for consideration.

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. 2341)

The ayes were, 98:

Adams	Arnould	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
Hermann	Hester	Holveck	Hummel
Jay	Jochum	Johnson	Knapp
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	Running	Schneklath
Schrader	Sherzan	Shoning	Shoultz
Siegrist	Skow	Spear	Stromer
Stueland	Svoboda	Swearingen	Tabor
Teaford	Tyrrell	Van Camp	Van Maanen
Wise	Mr. Speaker		

The nays were, none.

Absent or not voting, 2:

Corbett                      Swartz

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

**House File 2046**, a bill for an act relating to student membership on the state board of regents, with report of committee recommending passage was taken up for consideration.

Arnould of Scott asked and received unanimous consent to temporarily defer action on amendment H—5125.

Diemer of Black Hawk offered the following amendment H—5148 filed by him and moved its adoption:

H—5148

- 1 Amend House File 2046 as follows:
- 2 1. Page 1, line 4, by striking the word "nine"
- 3 and inserting the following: "nine ten".
- 4 2. Page 1, line 5, by striking the word "eight"
- 5 and inserting the following: "nine".
- 6 3. Page 1, line 7, by striking the words "ninth
- 7 member" and inserting the following: "tenth member
- 8 who is an ex officio nonvoting member".
- 9 4. Page 1, line 20, by striking the words ", as
- 10 nearly as may be,".

Amendment H—5148 lost, placing out of order amendment H—5125 (temporarily deferred) filed by Corbett of Linn on February 18, 1988.

Diemer of Black Hawk offered the following amendment H—5131 filed by him:

H—5131

- 1 Amend House File 2046 as follows:
- 2 1. Page 1, line 5, by striking the word "eight"
- 3 and inserting the following: "seven".
- 4 2. Page 1, line 7, by inserting after the word
- 5 "office." the following: "The eighth member shall be
- 6 a member of the faculty at one of the institutions
- 7 listed in section 262.7, subsection 1, 2, or 3."
- 8 3. Page 1, line 22, by inserting after the figure
- 9 "69.19." the following: "The governor shall rotate
- 10 the appointments of faculty members among the
- 11 institutions."
- 12 4. Page 1, by inserting after line 34 the
- 13 following:
- 14 "Sec. \_\_\_\_\_. The governor shall appoint a faculty
- 15 member to fill a vacancy occurring on April 30, 1989."

Teaford of Black Hawk rose on a point of order that amendment H—5131 was not germane.

The Speaker ruled the point well taken and amendment H—5131 not germane.

Spear of Lee asked and received unanimous consent to withdraw amendment H—5130 filed by him on February 19, 1988.

Diemer of Black Hawk offered the following amendment H—5129 filed by him and moved its adoption:



H—5129

- 1 Amend House File 2046 as follows:
- 2 1. Page 1, by striking lines 27 and 28 and
- 3 inserting the following: "from the nominees. The
- 4 governor shall rotate appointments of student members
- 5 among the institutions so that during a six-year
- 6 period each institution has had one of its students as
- 7 a member for two years."

Amendment H—5129 was adopted.

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

On the question "Shall the bill pass?" (H.F. 2046)

The ayes were, 61:

Adams	Arnould	Beatty	Bisignano
Black	Blanshan	Brammer	Buhr
Carpenter	Chapman	Clark	Cohoon
Connolly	Connors	Diemer	Doderer
Dvorsky	Fey	Fogarty	Fuller
Groninga	Gruhn	Halvorson, R. N.	Hammond
Hansen, S. D.	Harper	Hatch	Haverland
Holveck	Jay	Jochum	Johnson
Knapp	May	McKean	McKinney
Neuhauser	Norrgard	Ollie	Osterberg
Parker	Peters	Peterson, M. K.	Platt
Renaud	Rosenberg	Running	Schrader
Sherzan	Shoning	Shoultz	Siegrist
Skow	Spear	Stueland	Svoboda
Swartz	Tabor	Teaford	Wise

Mr. Speaker

The nays were, 37:

Beaman	Bennett	Branstad	Cooper
Corey	Daggett	De Groot	Eddie
Garman	Halvorson, R. A.	Hanson, D. R.	Harbor
Hermann	Hester	Hummel	Koenigs
Lageschulte	Lundby	Maulsby	Metcalf
Miller	Muhlbauer	Mullins	Paulin
Pavich	Pellet	Petersen, D. F.	Plasier
Poncy	Renken	Royer	Schnekloth
Stromer	Swearingen	Tyrrell	Van Camp

Van Maanen

Absent or not voting, 2:

Corbett                      Kremer

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

**MOTION TO RECONSIDER  
(House File 2170)**

I move to reconsider the vote by which House File 2170 passed the House on March 2, 1988.

VAN CAMP of Scott

**BILLS SIGNED BY THE GOVERNOR**

A communication was received from the Governor announcing that on March 2, 1988, he approved and transmitted to the Secretary of State the following bills:

House File 2011, an act relating to the ownership of certain vessels by defining vessel, by requiring a certificate of origin for certain vessels, by requiring the purchaser of a registered vessel to obtain a certificate of title, by providing for the perfection of a security interest, and by providing an effective date.

House File 2128, an act relating to drugs, devices, and cosmetics.

House File 2193, an act to increase the time period for which in-transit stickers are valid.

**PRESENTATION OF VISITORS**

Stromer of Hancock presented to the House the Honorable John Pelton, former member of the House representing Clinton County.

**HOUSE STUDY BILL COMMITTEE ASSIGNMENTS**

**H.S.B. 816    Agriculture**

Relating to regulation of milk production and marketing by creating a fund for administration and appropriating the moneys in the fund, raising fees relating to the milk industry, and providing for the establishment of milk production and processing standards.

**H.S.B. 817    Local Government**

Relating to the designation of special impact areas within cities and counties.

**H.S.B. 818    Local Government**

Relating to surety bonds for county officers and employees.

**H.S.B. 819    Human Resources**

Relating to changes in the foster care and child welfare system.

**H.S.B. 820 Labor and Industrial Relations**

A joint resolution to nullify an administrative rule of the department of employment services relating to the eligibility for unemployment benefits, and providing an effective date.

**H.S.B. 821 Judiciary and Law Enforcement**

Relating to the dismissal of parking violations.

**H.S.B. 822 Judiciary and Law Enforcement**

Relating to ensuring the availability of physicians to all citizens of this state by establishing a medical care availability assistance plan, providing an appropriation, and establishing an effective date.

**SUBCOMMITTEE ASSIGNMENTS****House File 2311**

Agriculture: Norrgard, Chair; May and Stueland.

**House File 2349 (February 29, 1988)**

Judiciary and Law Enforcement: Renaud, Chair; Carpenter and Poncy.

**House File 2350**

Transportation: Cooper, Chair; Pavich and Platt.

**House File 2357**

Judiciary and Law Enforcement: Jay, Chair; Halvorson of Clayton, Hansen of Woodbury, Lageschulte and McKinney.

**House File 2360**

Judiciary and Law Enforcement: Rosenberg, Chair; Hansen of Woodbury, Kremer, Paulin, Peterson of Carroll and Sherzan.

**House File 2365**

Judiciary and Law Enforcement: Jay, Chair; Halvorson of Clayton, Hansen of Woodbury, Lageschulte and McKinney.

**Senate File 2142**

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

**Senate File 2144**

Transportation: Platt, Chair; Fey and Renaud.

**Senate File 2146**

Transportation: Koenigs, Chair; Beaman and Gruhn.

**Senate File 2148**

Energy and Environmental Protection: Johnson, Chair; McKean, Mullins, Osterberg, Paulin, Schrader and Svoboda.

**Senate File 2149**

Energy and Environmental Protection: Johnson, Chair; McKean, Mullins, Osterberg, Paulin, Schrader and Svoboda.

**Senate File 2171**

Judiciary and Law Enforcement: Jay, Chair; Halvorson of Clayton and McKinney.

**HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS****House Study Bill 806**

Agriculture: Muhlbauer, Chair; De Groot and Fogarty.

**House Study Bill 807**

Agriculture: Skow, Chair; Branstad and Johnson.

**House Study Bill 809**

State Government: Lundby, Chair; Blanshan and Buhr.

**House Study Bill 811**

Small Business and Commerce: Groninga, Chair; Brammer, Halvorson of Clayton, Schneklath and Shultz.

**House Study Bill 814**

Agriculture: Gruhn, Chair; Kremer and Muhlbauer.

**House Study Bill 815**

Transportation: Koenigs, Chair; Branstad and Fogarty.

**COMMITTEE RECOMMENDATIONS**

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

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

**COMMITTEE ON AGRICULTURE**

**Committee Bill** (Formerly House Study Bill 571), relating to carrying out sustainable soil and water conservation reserve projects, and providing an appropriation.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 1, 1988.

**Committee Bill** (Formerly House Study Bill 772), to grant the department of agriculture and land stewardship the authority to administer oaths and subpoenas and issue

injunctions in the course of administering the law regarding bovine brucellosis.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 1, 1988.

#### COMMITTEE ON EDUCATION

**House File 2038**, a bill for an act relating to the requirements for accreditation of certain colleges in order to participate in the Iowa tuition grant program.

Fiscal Note is not required.

Committee Action: **Failed to Pass** March 1, 1988.

**House Concurrent Resolution 114**, a concurrent resolution requesting that an interim study committee be appointed to review present and projected higher education needs and offerings.

Fiscal Note is not required.

Recommended **Do Pass** March 1, 1988 and **laid over under Rule 25**.

**Committee Bill** (Formerly House Study Bill 746), relating to the establishment of programs for paying for college costs.

Fiscal Note is required.

Recommended **Do Pass** March 1, 1988.

**Committee Bill** (Formerly House Study Bill 763), relating to school year duration and attendance requirements and providing for an effective date and interim study committee.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 1, 1988.

#### COMMITTEE ON ENERGY AND ENVIRONMENTAL PROTECTION

**Committee Bill** (Formerly House File 2195), a bill for an act relating to the sale and use of packaging products, providing sales and use tax incentives for the use of degradable or biodegradable packaging products, subjecting violators to a penalty, and providing an effective date.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 1, 1988.

**Committee Bill** (Formerly House File 2286), a bill for an act permitting certain water utilities to become cooperatives.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 1, 1988.

#### COMMITTEE ON HUMAN RESOURCES

**House File 2014**, a bill for an act relating to child and dependent adult care and making appropriations.

Fiscal Note is not required.

**Recommended Amend and Do Pass with amendment H—5221 March 1, 1988.**

**Pursuant to Rule 31.7, House File 2014 was referred to the committee on appropriations.**

**House File 2106**, a bill for an act prohibiting the advertisement, sale, or use in this state of home testing kits for human immunodeficiency virus antibody or antigen testing, and providing a penalty.

Fiscal Note is not required.

**Recommended Amend and Do Pass with amendment H—5219 March 1, 1988.**

**House File 2203**, a bill for an act relating to the dispensing of prescription drugs under group health insurance policies and group health maintenance organization plans.

Fiscal Note is not required.

**Recommended Amend and Do Pass with amendment H—5220 March 1, 1988.**

**Pursuant to Rule 31.7, House File 2203 was referred to the committee on small business and commerce.**

**Committee Bill** (Formerly House Study Bill 645), relating to training for mandatory reporters of dependent adult abuse and child abuse.

Fiscal Note is not required.

**Recommended Amend and Do Pass March 1, 1988.**

**Committee Resolution**, a concurrent resolution requesting an interim study of the grounds for civil commitment of mentally ill persons.

Fiscal Note is not required.

**Recommended Amend and Do Pass March 1, 1988.**

#### COMMITTEE ON STATE GOVERNMENT

**Committee Bill** (Formerly House File 2005), a bill for an act to create an Iowa-Wisconsin boundary commission.

Fiscal Note is not required.

**Recommended Amend and Do Pass March 1, 1988.**

**Committee Bill** (Formerly House Study Bill 580), relating to the administration and benefits for certain public retirement systems.

Fiscal Note is not required.

**Recommended Amend and Do Pass March 1, 1988.**

**Committee Bill** (Formerly House Study Bill 702), relating to closed meetings and records by governmental bodies on issues relating to economic development plans.

Fiscal Note is not required.

**Committee Action: Failed to Pass March 1, 1988.**

**Committee Bill** (Formerly House Study Bill 745), relating to the nomination of candidates for the office of lieutenant governor for the general election in the year 1990.

Fiscal Note is not required.

**Recommended Do Pass** March 1, 1988.

**Committee Bill** (Formerly House Study Bill 769), relating to rules of the state fire marshal for the above-ground storage and retail sale of petroleum products.

Fiscal Note is not required.

**Recommended Do Pass** March 1, 1988.

#### COMMITTEE ON TRANSPORTATION

**House File 2109**, a bill for an act relating to final stage manufacturing of vehicles, and making penalties applicable and providing an effective date.

Fiscal Note is not required.

**Committee Action: Failed to Pass** March 1, 1988.

**House File 2240**, a bill for an act to establish and fund a transportation subsidization program for certain physically handicapped persons, including increasing certain fees to fund the program.

Fiscal Note is required.

**Recommended Amend and Do Pass with amendment H—5224** March 1, 1988.

**House File 2276**, a bill for an act allowing the issuance of collegiate registration plates, providing user fees for the plates and appropriating the user fees for scholarships, and providing an effective date.

Fiscal Note is not required.

**Recommended Amend and Do Pass with amendment H—5225** March 1, 1988.

**Committee Bill** (Formerly House Study Bill 573), relating to the movement of vehicles of excess size and weight, subject to penalties provided by law.

Fiscal Note is not required.

**Recommended Amend and Do Pass** March 1, 1988.

#### RESOLUTIONS FILED

**HCR 117**, by committee on human resources, a concurrent resolution requesting an interim study of the grounds for civil commitment of mentally ill persons.

Laid over under **Rule 25**.

**SCR 109**, by committee on transportation, a concurrent resolution relating to the spending limitations placed on the highway program and the release of user fees for urgently needed highway improvements.

Referred to committee on **transportation**.

**SCR 111**, by committee on education, a concurrent resolution directing the Department of Education to develop criteria for the establishment of an internship program.

Laid over under **Rule 25**.

**SCR 112**, by committee on education, a concurrent resolution directing the Department of Education to develop criteria for enhancing the clinical experiences of prospective teachers.

Laid over under **Rule 25**.

**SCR 113**, by committee on education, a concurrent resolution calling upon the Congress of the United States to enact legislation to aid the parents of prospective college students in saving for future college costs.

Laid over under **Rule 25**.

**SCR 114**, by committee on agriculture, a concurrent resolution urging that the United States Department of Agriculture reconsider proposals relating to modifying the grain reserve and special producer storage loan programs.

Referred to committee on **agriculture**.

#### AMENDMENTS FILED

H—5219	H.F.	2106	Committee on Human Resources
H—5220	H.F.	2203	Committee on Human Resources
H—5221	H.F.	2014	Committee on Human Resources
H—5222	H.F.	2307	Connolly of Dubuque
H—5223	H.F.	2356	Lundby of Linn
H—5224	H.F.	2240	Committee on Transportation
H—5225	H.F.	2276	Committee on Transportation
H—5226	S.F.	370	Senate Amendment
H—5227	S.F.	2070	Muhlbauer of Crawford
H—5228	H.F.	431	Hanson of Delaware
H—5229	H.F.	2314	Halvorson of Clayton
			Harbor of Mills
H—5230	H.F.	2233	Halvorson of Clayton
			Sherzan of Polk
			Spear of Lee



H—5231	H.F. 2276	Harbor of Mills
H—5232	H.F. 2044	Lundby of Linn
H—5233	H.F. 2351	Halvorson of Webster

On motion by Arnould of Scott, the House adjourned at 2:38 p.m.  
until 9:00 a.m., Thursday, March 3, 1988.

# JOURNAL OF THE HOUSE

Fifty-third Calendar Day — Thirty-fifth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Thursday, March 3, 1988

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

Prayer was offered by T.C. "Dode" Poston, lay pastor from Wayne County.

The Journal of Wednesday, March 2, 1988 was approved.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Corbett of Linn on request of Royer of Page.

## SPECIAL PRESENTATION TO HOUSE PAGES

Speaker Avenson invited the House Pages to the Speaker's station for a special presentation and thanked them for their service to the House of Representatives.

Certificates of excellence for serving with honor and distinction as a House Page during the Second Regular Session of the Seventy-second General Assembly were presented to the following Pages by Speaker Avenson and Minority Leader Stromer of Hancock:

Angela Avenson  
Rachel Bly  
Darrin Bradley  
Janelle Finke  
Angela Hill  
Jody Hitchins  
Jeff Janda

Derek Larson  
La Lovan  
Jamie Palmer  
JuliAnne Seydell  
Vicki Soetmelk  
Tony Weis

The House rose and expressed its appreciation to the Pages.

## INTRODUCTION OF BILLS

**House File 2373**, by committee on agriculture, a bill for an act to grant the department of agriculture and land stewardship the authority to administer oaths and subpoenas and issue injunctions in the course of administering the law regarding bovine brucellosis.

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

**House File 2374**, by committee on state government, a bill for an act relating to the nomination of candidates for the office of lieutenant governor for the general election in the year 1990.

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

**House File 2375**, by committee on state government, a bill for an act relating to procedures of the Iowa boundary commission and providing for the appointment of subcommittees.

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

**House File 2376**, by committee on state government, a bill for an act relating to rules of the state fire marshal for the above-ground storage and retail sale of petroleum products.

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

**House File 2377**, by committee on education, a bill for an act relating to the establishment of programs for paying for college costs, including the provision for the state board of regents to issue revenue bonds that are payable at times determined by the board and the preparation of an educational program and marketing strategies by the college aid commission in cooperation with the state board of regents.

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

**House File 2378**, by committee on education, a bill for an act relating to school year duration and attendance requirements and providing for an effective date and interim study committee.

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

**House File 2379**, by Lundby, a bill for an act relating to pesticides and establishing fees and funds.

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

**House File 2380**, by committee on energy and environmental protection, a bill for an act relating to the sale and use of packaging products, providing sales and use tax incentives for the use of degradable packaging products, subjecting violators to a penalty, and providing an effective date.

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

**House File 2381**, by committee on agriculture, a bill for an act relating to carrying out water protection projects and practices within soil and water conservation districts, and providing for a water protection fund.

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

**House File 2382**, by committee on economic development, a bill for an act relating to providing assistance to workers in existing businesses, providing an appropriation, and providing for the repeal of this Act.

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

**House File 2383**, by committee on transportation, a bill for an act relating to the movement of vehicles of excess size and weight, subject to penalties provided by law.

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

### SENATE MESSAGES CONSIDERED

**Senate File 2159**, by committee on human resources, a bill for an act relating to the provision of hospice care within health care facilities by Medicare certified hospice programs.

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

**Senate File 2172**, by committee on judiciary, a bill for an act relating to an appeal regarding the purchase of Iowa state industry products.

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

### CONSIDERATION OF BILLS Regular Calendar

**House File 431**, a bill for an act relating to the education, practice, and supervision of cosmetologists and barbers, with report of committee recommending amendment and passage was taken up for consideration.

Beatty of Warren offered the following amendment H—5198 filed by the committee on state government:

H—5198

- 1 Amend House File 431 as follows:
- 2 1. Page 3, by inserting after line 3 the
- 3 following:
- 4 "Sec. \_\_\_\_\_. Section 258A.2, subsection 1, Code
- 5 1987, is amended to read as follows:
- 6 1. Each Except as provided in subsection 4, each
- 7 licensing board shall require and issue rules for
- 8 continuing education requirements as a condition to

- 9 license renewal.  
 10 Sec. \_\_\_\_\_. Section 258A.2, Code 1987, is amended by  
 11 adding the following new subsection:  
 12 NEW SUBSECTION. 4. The board of cosmetology  
 13 examiners and the board of barber examiners shall not  
 14 require continuing education as a condition of license  
 15 renewal."

Hanson of Delaware offered the following amendment H—5228, to the committee amendment H—5198, filed by him and moved its adoption:

H—5228

- 1 Amend the Committee amendment, H—5198, to House  
 2 File 431 as follows:  
 3 1. Page 1, line 6, by striking the words "Except  
 4 as" and inserting the following: "Subject to the  
 5 limitations".  
 6 2. Page 1, by striking lines 14 and 15 and  
 7 inserting the following: "require more than two  
 8 contact hours of continuing education as a condition  
 9 of license renewal. The continuing education classes  
 10 shall be limited to subject matter directly related to  
 11 the protection of the health and safety of the  
 12 public." "

Amendment H—5228 was adopted.

On motion by Beatty of Warren, the committee amendment H—5198, as amended, 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?" (H.F. 431)

The ayes were, 95:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Black	Blanshan
Brammer	Branstad	Buhr	Carpenter
Chapman	Clark	Cohoon	Connolly
Connors	Cooper	Corey	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	Knapp	Koenigs	Kremer
Lageschulte	Lundby	Maulsby	May

McKean	McKinney	Metcalf	Miller
Muhlbauer	Mullins	Neuhauser	Norrsgard
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	Spear	Stromer
Stueland	Svoboda	Swartz	Swearingen
Tabor	Teaford	Tyrrell	Van Camp
Van Maanen	Wise	Mr. Speaker	

The nays were, 2:

Daggett                      Hammond

Absent or not voting, 3:

Corbett                      Parker                      Skow

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 2060**, a bill for an act relating to the benefit ratio array system under the unemployment insurance law by making the benefit ratio array system permanent, by resolving potential federal conformity issues concerning new nonconstruction experience-based rates and access to job service information by business and labor organizations, by abolishing the special employer contribution rate for employers with certain negative balance account histories with retroactive applicability, and by providing an effective date, deferred March 1, 1988.

Running of Linn offered the following amendment H—5101 filed by the committee on labor and industrial relations:

H—5101

- 1 Amend Senate File 2060 as passed by the Senate as
- 2 follows:
- 3 1. Page 1, by inserting before line 1 the
- 4 following:
- 5 "Section 1. Section 96.3, subsection 5, Code
- 6 Supplement 1987, is amended to read as follows:
- 7 5. DURATION OF BENEFITS. The maximum total amount
- 8 of benefits payable to an eligible individual during a
- 9 benefit year shall not exceed the total of the wage
- 10 credits accrued to the individual's account during the
- 11 individual's base period, or twenty-six times the
- 12 individual's weekly benefit amount, whichever is the
- 13 lesser ~~less~~. The ~~commissioner~~ division shall maintain
- 14 a separate account for each individual who earns wages

15 in insured work. The ~~commissioner~~ division shall  
16 compute wage credits for each individual by crediting  
17 the individual's account with ~~one-third~~ forty percent  
18 of the wages for insured work paid to the individual  
19 during the individual's base period. However, the  
20 commissioner shall recompute wage credits for an  
21 individual who is laid off due to the individual's  
22 employer going out of business at the factory,  
23 establishment, or other premises at which the  
24 individual was last employed, by crediting the  
25 individual's account with one-half, instead of ~~one-~~  
26 third forty percent, of the wages for insured work  
27 paid to the individual during the individual's base  
28 period. Benefits paid to an eligible individual shall  
29 be charged against the base period wage credits in the  
30 individual's account which have not been previously  
31 charged, in the inverse chronological order as the  
32 wages on which the wage credits are based were paid.  
33 However, if the state extended benefit "off indicator"  
34 is in effect and if the individual is laid off due to  
35 the individual's employer going out of selling or  
36 closing a business at the factory, establishment, or  
37 other premises at which the individual was last  
38 employed, the maximum benefits payable shall be  
39 extended to ~~thirty-nine~~ fifty-two times the  
40 individual's weekly benefit amount, but not to exceed  
41 the total of the wage credits accrued to the  
42 individual's account."

Corey of Louisa rose on a point of order that the committee amendment H—5101 was not germane.

The Speaker ruled the point well taken and the committee amendment H—5101 not germane.

The House stood at ease at 9:35 a.m., until the fall of the gavel.

The House resumed session and consideration of Senate File 2060 at 10:58 a.m., Speaker Avenson in the chair.

Carpenter of Polk asked and received unanimous consent to withdraw amendment H—5128 filed by her on February 18, 1988.

Carpenter of Polk offered the following amendment H—5132 filed by her and Ollie of Clinton and moved its adoption:

H—5132

- 1 Amend Senate File 2060 as passed by the Senate as
- 2 follows:
- 3 1. Page 1, by inserting after line 10 the
- 4 following:

5 "Sec. 2. Section 96.7, subsection 2, paragraph c,  
6 subparagraph (2), Code Supplement 1987, is amended to  
7 read as follows:

8 (2) A construction contributory employer, as  
9 defined under rules adopted by the division, which is  
10 newly subject to this chapter shall pay contributions  
11 at the rate specified in the twenty-first benefit  
12 ratio rank until the end of the calendar year in which  
13 the employer's account has been chargeable with  
14 benefits for twelve consecutive calendar quarters  
15 immediately preceding the computation date."

16 2. By renumbering as required.

Amendment H—5132 was adopted.

Corey of Louisa asked and received unanimous consent to withdraw amendment H—5124 filed by him on February 18, 1988 and amendment H—5142, to amendment H—5124, filed by him on February 22, 1988.

The following amendment H—5269 filed by Ollie of Clinton from the floor was adopted by unanimous consent:

H—5269

- 1 Amend Senate File 2060 as passed by the Senate
- 2 as follows:
- 3 1. Title page, line 3, by inserting after the
- 4 word "permanent," the words "by making a change
- 5 related to new construction employers,".

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. 2060)

The ayes were, 98:

Adams	Arnould	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
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	Pellett	Peters
Petersen, D. F.	Peterson, M. K.	Plasier	Platt
Poncy	Renaud	Renken	Rosenberg
Royer	Running	Schnekloth	Schrader
Sherzan	Shoning	Shoultz	Siegrist
Skow	Spear	Stromer	Stueland
Svoboda	Swartz	Swearingen	Tabor
Teaford	Tyrrell	Van Camp	Van Maanen
Wise	Mr. Speaker		

The nays were, none.

Absent or not voting, 2:

Corbett                      Lageschulte

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

On motion by Arnould of Scott, the House was recessed at 11:35 a.m., until 1:00 p.m.

### AFTERNOON SESSION

The House reconvened, Speaker Avenson in the chair.

### MOTION TO RECONSIDER PREVAILED (House File 2233)

Halvorson of Clayton called up for consideration the motion to reconsider House File 2233, filed on March 1, 1988, and moved to reconsider the vote by which House File 2233, a bill for an act relating to work programs for inmates of state correctional institutions, passed the House and was placed on its last reading on March 1, 1988.

A non-record roll call was requested.

The ayes were 81, nays 1.

The motion prevailed and House File 2233 was taken up for reconsideration.

Halvorson of Clayton offered the following amendment H—5230 filed by Halvorson of Clayton, et al., and moved its adoption:

H—5230

- 1    Amend House File 2233 as follows:
- 2    1. Page 1, by inserting before line 1 the
- 3    following:
- 4    "Section 1. Section 85.59, Code Supplement 1987,
- 5    is amended by adding the following new unnumbered

- 6 paragraph after unnumbered paragraph two:  
 7 NEW UNNUMBERED PARAGRAPH. For purposes of this  
 8 chapter, an inmate on a work assignment under section  
 9 246.703 working in construction or maintenance at a  
 10 public or charitable facility, or under assignment to  
 11 another agency of state, county, or local government,  
 12 shall be considered an employee of the state."  
 13 2. By renumbering as necessary.

Amendment H—5230 was adopted.

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

On the question "Shall the bill pass?" (H.F. 2233)

The ayes were, 97:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Black	Blanshan
Brammer	Branstad	Buhr	Carpenter
Chapman	Clark	Cohoon	Connolly
Cooper	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	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	Shoultz	Siegrist	Skow
Spear	Stromer	Stueland	Svoboda
Swartz	Swearingen	Tabor	Teaford
Tyrrell	Van Camp	Van Maanen	Wise
Mr. Speaker			

The nays were, none.

Absent or not voting, 3:

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

## Regular Calendar

**House File 2336**, a bill for an act relating to the confidentiality of certain records of a library, was taken up for consideration.

Lundby 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. 2336)

The ayes were, 94:

Adams	Arnould	Beaman	Beatty
Bennett	Black	Blanshan	Brammer
Branstad	Buhr	Carpenter	Chapman
Clark	Cohoon	Connolly	Cooper
Corey	Daggett	De Groot	Diemer
Doderer	Dvorsky	Eddie	Fey
Fuller	Garman	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. R.
Harbor	Harper	Hatch	Haverland
Hermann	Hester	Holveck	Hummel
Jay	Jochum	Johnson	Knapp
Koenigs	Kremer	Lageschulte	Lundby
Maulsby	May	McKean	McKinney
Metcalf	Muhlbauer	Mullins	Neuhauser
Norrsgard	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	Swearingen	Tabor
Teaford	Tyrrell	Van Camp	Van Maanen
Wise	Mr. Speaker		

The nays were, none.

Absent or not voting, 6:

Bisignano	Connors	Corbett	Fogarty
Groninga	Miller		

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

## RULES SUSPENDED

Arnould of Scott asked and received unanimous consent to suspend the rules and take up out of order House File 2345.

**House File 2345**, a bill for an act relating to the certification of school personnel and approval of teacher education programs, including the establishment of a board of educational examiners and a teacher certification advisory committee, was taken up for consideration.

Cooper of Lucas in the chair at 1:48 p.m.

Speaker Avenson in the chair at 2:35 p.m.

Arnould of Scott asked and received unanimous consent that House File 2345 be deferred and that the bill retain its place on the calendar.

#### MOTIONS TO RECONSIDER (House File 431)

We move to reconsider the vote by which House File 431 passed the House on March 3, 1988.

DODERER of Johnson  
DE GROOT of Lyon

(House File 431)

I move to reconsider the vote by which House File 431 passed the House on March 3, 1988.

RUNNING of Linn

#### BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on March 3, 1988, he approved and transmitted to the Secretary of State the following bills:

House File 2237, a bill for an act providing that the records of the purchase of alcoholic liquor from the alcoholic beverages division by individual class "E" liquor control licensees are confidential and providing an effective date.

Senate File 348, a bill for an act authorizing a state agency or a political subdivision of the state to contract to provide medical services.

Senate File 2036, a bill for an act relating to moneys available to the first in the nation in education foundation.

Senate File 2069, a bill for an act relating to the organizational meeting of the state board of education.

## HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

### **H.S.B. 823 Ways and Means**

Relating to the imposition of the franchise tax on national banking associations doing business within the state and providing an effective date.

### **H.S.B. 824 Ways and Means**

Relating to the treatment of interest and dividends from state and other political subdivisions and from regulated investment companies in determining the alternative minimum tax for corporations and providing for retroactive applicability and effective dates.

## SUBCOMMITTEE ASSIGNMENTS

### **House File 2343**

Education: Tabor, Chair; Corey and Swartz.

### **House File 2349**

Appropriations: Peterson of Carroll, Chair; Halvorson of Clayton and McKinney.

### **House File 2358**

Appropriations: Peterson of Carroll, Chair; Jochum and Van Maanen.

### **Senate File 2119**

Education: Connolly, Chair; Beaman and Harper.

## HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS

### **House Study Bill 304**

Local Government: Diemer, Chair; Black and Fuller.

### **House Study Bill 760 (Reassigned)**

Economic Development: Connolly, Chair; Bennett, Corbett, Groninga and Parker.

### **House Study Bill 808**

Education: Adams, Chair; Hester and Wise.

### **House Study Bill 810**

Education: Neuhauser, Chair; Black and Corey.

### **House Study Bill 813**

Economic Development: Neuhauser, Chair; Lundby and Svoboda.

### **House Study Bill 818**

Local Government: Cooper, Chair; Peters and Platt.

**House Study Bill 819**

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

**House Study Bill 821**

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

**House Study Bill 822**

Judiciary and Law Enforcement: Jay, Chair; Halvorson of Clayton, Hansen of Woodbury, Lageschulte and McKinney.

**COMMITTEE RECOMMENDATIONS**

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

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

**COMMITTEE ON APPROPRIATIONS**

**Senate File 2050**, a bill for an act appropriating funds to the office of the attorney general to fund the legal assistance for farmers program and providing an effective date.

Fiscal Note is not required.

Recommended **Do Pass** March 3, 1988.

**COMMITTEE ON ECONOMIC DEVELOPMENT**

**Senate File 2164**, a bill for an act relating to the composition of the Iowa economic development board.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H—5270** March 3, 1988.

**Committee Bill** (Formerly House Study Bill 516), relating to the establishment of economic development finance corporations to assist in providing financing for small business development by providing loan guarantees, letters of credit, equity financing, underwriting for public offerings, and providing state matching funds.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 2, 1988.

**Committee Bill** (Formerly House Study Bill 736), relating to additional criteria, standards, guidelines, and requirements under state grant, loan, or other assistance programs.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 2, 1988.

**Committee Bill** (Formerly House Study Bill 813), relating to establishing a case management assistance program to assist low-income persons in starting up or expanding small businesses.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 3, 1988.

#### COMMITTEE ON HUMAN RESOURCES

**House File 2189**, a bill for an act relating to child abuse investigation reports made to subjects of reports by the department of human services.

Fiscal Note is not required.

Recommended **Do Pass** March 2, 1988.

**House Concurrent Resolution 110**, a concurrent resolution urging the Department of Human Services to apply to the federal Medicaid program for a waiver to change the prescription drug reimbursement formula which applies to aged persons.

Fiscal Note is not required.

Recommended **Do Pass and Laid over under Rule 25** March 2, 1988.

**Committee Bill** (Formerly House Study Bill 617), relating to parental liability for costs of a child in foster care.

Fiscal Note is not required.

Committee Action: **Failed to Pass** March 2, 1988.

**Committee Bill** (Formerly House Study Bill 687), relating to the election of a board of trustees of a public hospital.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 2, 1988.

**Committee Bill** (Formerly House Study Bill 718), relating to licensing and personnel requirements for health care facilities and providing a penalty.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 2, 1988.

**Committee Bill** (Formerly House Study Bill 779), relating to the licensing, rulemaking, and enforcement authority of the department of inspections and appeals and the state board of health regarding health care facilities.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 2, 1988.

#### COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT

**Committee Bill** (Formerly House Study Bill 63), relating to relief under bankruptcy for a judgment debtor from suspension of license, registration, or nonresident operating privilege under the motor vehicle financial responsibility requirements.

Fiscal Note is not required.

Recommended **Do Pass** March 2, 1988.

**Committee Bill** (Formerly House Study Bill 560), relating to grandparent visitation rights.

Fiscal Note is not required.

Recommended **Do Pass** March 2, 1988.

**Committee Bill** (Formerly House Study Bill 781), relating to the notice to be given to a judgment debtor when the debtor's property is levied upon.

Fiscal Note is not required.

Recommended **Do Pass** March 2, 1988.

**Committee Bill** (Formerly House Study Bill 792), relating to the admission of a report or findings of the criminalistics laboratory as evidence in a civil proceeding.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 2, 1988.

**Committee Bill** (Formerly House Study Bill 793), relating to the penalty for the sale of alcoholic beverages to persons under legal age by liquor control licensees or wine or beer permittees.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 2, 1988.

**Committee Bill** (Formerly House Study Bill 794), relating to the rights and duties of the sheriff regarding service of legal process and levy of execution.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 2, 1988.

**Committee Bill** (Formerly House Study Bill 800), to prohibit the use of public funds for lobbying and to provide a penalty.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 3, 1988.

**Committee Bill** (Formerly House File 2122), relating to the receipt and disbursement of support payments, providing for the Act's applicability, and providing effective dates.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 3, 1988.

**Committee Bill** (Formerly House File 2246), relating to the judicial sentencing option of deferred judgment.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 3, 1988.



## COMMITTEE ON LOCAL GOVERNMENT

**House File 2050**, a bill for an act providing that assessments for services provided by a sanitary district have equal precedence with ordinary taxes and are not divested by judicial sale.

Fiscal Note is not required.

Recommended **Do Pass** March 2, 1988.

**House File 2063**, a bill for an act exempting certain bed and breakfast homes and bed and breakfast inns from regulation under the state building code and local building regulations, providing for the Act's applicability, and providing an effective date.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H—5277** March 2, 1988.

**House File 2288**, a bill for an act relating to the maximum per diem cost for state hospital schools and mental health institute patients chargeable to counties in a fiscal year.

Fiscal Note is not required.

Recommended **Do Pass** March 2, 1988.

**House File 2335**, a bill for an act providing for the regulation of dogs, including vicious dogs, cats, and other animals, repealing a certain provision, and providing penalties and an effective date.

Fiscal Note is not required.

Recommended **Do Pass** March 2, 1988.

**Committee Bill** (Formerly House Study Bill 738), relating to the survey of land including the practice of land surveying and the preparation, recording, and vacation of plats, and subjecting violators to civil penalties.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 2, 1988.

**Committee Bill** (Formerly House Study Bill 753), relating to limitations on total annual expenditures by counties under lease or lease-purchase contracts.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 2, 1988.

**Committee Bill** (Formerly House File 2245), relating to the petition signatures required to call an election to fill a vacancy in an elective city office.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 2, 1988.

## COMMITTEE ON NATURAL RESOURCES AND OUTDOOR RECREATION

**Committee Resolution** (Formerly House Study Bill 80), a concurrent resolution to double the acres of woodland in Iowa.

Fiscal Note is not required.

Recommended **Do Pass** March 2, 1988.

**Committee Bill** (Formerly House Study Bill 575), relating to the establishment of a statewide trails system, by providing for the retention and acquisition of abandoned railroad rights-of-way for recreational trails and other public transportation or utility purposes, by creating a state trails advisory council, and by making corresponding amendments to the Code.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 2, 1988.

**Committee Bill** (Formerly House Study Bill 618), relating to the sale of protected wetlands and providing a civil penalty for violations.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 2, 1988.

**Committee Bill** (Formerly House Study Bill 707), relating to the reporting of accidents involving vessels and subjecting violators to a penalty.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 2, 1988.

#### COMMITTEE ON SMALL BUSINESS AND COMMERCE

**Committee Bill** (Formerly House Study Bill 254), relating to the development, requirements, operation, and local option funding for 911 emergency telephone communication systems, providing a funding mechanism, and providing penalties.

Fiscal Note is required.

Recommended **Amend and Do Pass** March 2, 1988.

**Committee Bill** (Formerly House Study Bill 540), relating to the regulation of securities by amending the Iowa uniform securities Act to provide that registrations filed by coordination become effective when the federal registration becomes effective.

Fiscal Note is required.

Recommended **Amend and Do Pass** March 2, 1988.

**Committee Bill** (Formerly House Study Bill 690), relating to the construction of cable systems and telegraph and telephone lines in the state.

Fiscal Note is not required.

Recommended **Do Pass** March 2, 1988.

**Committee Bill** (Formerly House Study Bill 734), limiting the time in which the prior owner of agricultural land may exercise the right of first refusal to purchase agricultural land held by a state bank.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 2, 1988.

**Committee Bill** (Formerly House Study Bill 765), relating to title guaranty by removing the requirements that participation fees be charged, that lenders be participants, that persons or lenders not receive a portion of the charge for title guaranty, and that financial institutions disclose the availability of the program.

Fiscal Note is required.

Recommended **Amend and Do Pass** March 2, 1988.

**Committee Bill** (Formerly House Study Bill 801), relating to the enforcement of laws concerning motor vehicle fraud and salvage, rebuilt, or junking designations on motor vehicle titles, and making penalties applicable.

Fiscal Note is required.

Recommended **Amend and Do Pass** March 2, 1988.

**Committee Bill** (Formerly House File 2187), relating to the use of automatic dialing-announcing device (ADAD) equipment and providing a penalty.

Fiscal Note is not required.

Committee Action: **Failed to Pass** March 2, 1988.

#### AMENDMENTS FILED

H—5234	H.F.	2307	Groninga of Cerro Gordo
H—5235	S.F.	2108	Skow of Guthrie
H—5236	S.F.	2108	Skow of Guthrie
H—5237	S.F.	2108	Skow of Guthrie
H—5238	S.F.	2108	Skow of Guthrie
H—5239	S.F.	2108	Skow of Guthrie
H—5240	S.F.	2108	Skow of Guthrie
H—5241	S.F.	2108	Skow of Guthrie
H—5242	S.F.	2108	Skow of Guthrie
H—5243	S.F.	2108	Skow of Guthrie
H—5244	S.F.	2108	Skow of Guthrie
H—5245	S.F.	2108	Skow of Guthrie
H—5246	S.F.	2108	Skow of Guthrie
H—5247	S.F.	2108	Skow of Guthrie
H—5248	S.F.	2108	Skow of Guthrie
H—5249	S.F.	2108	Skow of Guthrie
H—5250	S.F.	2108	Skow of Guthrie
H—5251	S.F.	2108	Skow of Guthrie
H—5252	S.F.	2108	Skow of Guthrie
H—5253	S.F.	2108	Skow of Guthrie
H—5254	S.F.	2108	Skow of Guthrie
H—5255	S.F.	2108	Skow of Guthrie
H—5256	S.F.	2108	Skow of Guthrie
H—5257	S.F.	2108	Skow of Guthrie

H-5258	S.F.	2108	Skow of Guthrie
H-5259	S.F.	2108	Skow of Guthrie
H-5260	S.F.	2108	Skow of Guthrie
H-5261	S.F.	2108	Skow of Guthrie
H-5262	S.F.	2108	Skow of Guthrie
H-5263	S.F.	2108	Skow of Guthrie
H-5264	S.F.	2108	Skow of Guthrie
H-5265	S.F.	2108	Schnekloth of Scott
H-5266	S.F.	2108	Schnekloth of Scott
H-5267	S.F.	2108	Schnekloth of Scott
H-5268	S.F.	2108	Skow of Guthrie
H-5270	S.F.	2164	Committee on Economic Development
H-5271	H.F.	2345	Stromer of Hancock
H-5272	H.F.	2345	Stromer of Hancock
H-5273	H.F.	2345	Stromer of Hancock
H-5274	H.F.	2345	Daggett of Adams
H-5275	H.F.	2345	Daggett of Adams
H-5276	H.F.	2345	Daggett of Adams
H-5277	H.F.	2063	Committee on Local Government
H-5278	H.F.	2339	Connors of Polk
H-5279	H.F.	2338	Adams of Hamilton
			Mullins of Kossuth
H-5280	H.F.	2338	Paulin of Plymouth
H-5281	H.F.	2278	Bisignano of Polk
			Connors of Polk
			Sherzan of Polk
H-5282	H.F.	2345	Tyrrell of Iowa
H-5283	H.F.	2345	Harbor of Mills
			Halvorson of Clayton
			Garman of Story
H-5284	H.F.	2345	Maulsby of Calhoun
			Harbor of Mills
			Halvorson of Clayton
			Garman of Story
H-5285	H.F.	2345	Halvorson of Clayton
			Harbor of Mills
H-5286	H.F.	2345	Halvorson of Clayton
H-5287	H.F.	2345	Daggett of Adams
H-5288	H.F.	2345	Stromer of Hancock
H-5289	H.F.	2345	Stromer of Hancock

H—5290	H.F. 2345	Van Camp of Scott
H—5291	H.F. 2345	Daggett of Adams
H—5292	H.F. 2345	Daggett of Adams
H—5293	H.F. 2345	Daggett of Adams
H—5294	H.F. 2345	Daggett of Adams
H—5295	H.F. 2345	Swartz of Marshall
H—5296	H.F. 2344	Tyrrell of Iowa

On motion by Arnould of Scott, the House adjourned at 2:38 p.m., until 10:00 a.m., Friday, March 4, 1988.

# JOURNAL OF THE HOUSE

Fifty-fourth Calendar Day — Thirty-sixth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Friday, March 4, 1988

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

Prayer was offered by the Honorable Phil Wise, state representative from Lee County.

The Journal of Thursday, March 3, 1988 was approved.

## PETITION FILED

The following petition was received and placed on file:

By Stromer of Hancock, from one hundred twenty-seven Iowans opposing any increase in beer, wine or liquor taxing measures.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Corbett of Linn on request of Royer of Page; Lageschulte of Bremer on request of Pellett of Cass; Brammer of Linn on request of Doderer of Johnson; McKean of Jones, until his arrival, on request of Daggett of Adams.

## IMMEDIATE MESSAGE

(Senate File 2060)

Arnould of Scott asked and received unanimous consent that Senate File 2060 be immediately messaged to the Senate.

## INTRODUCTION OF BILLS

**House File 2384**, by committee on judiciary and law enforcement, a bill for an act relating to the notice to be given to a judgment debtor when the debtor's property is levied upon.

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

**House File 2385**, by Hammond and Mullins, a bill for an act relating to medical care by revising the procedures for the delivery of medical and obstetrical care to indigent persons, requiring that the care be provided at a licensed hospital or health facility closest and most available to the residence of the indigent person, except as otherwise provided; providing for the education of providers of medical care in the state; providing for the collection of statistics regarding medical care; and establishing a pilot rural health clinic.

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

**House File 2386**, by committee on economic development, a bill for an act relating to additional factors, requirements, and guidelines for providing assistance under the community economic betterment account of the Iowa plan fund and RISE program.

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

**House File 2387**, by committee on small business and commerce, a bill for an act relating to the construction of cable systems and telegraph and telephone lines in the state.

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

**House File 2388**, by committee on local government, a bill for an act relating to the petition signatures required to call an election to fill a vacancy in an elective city office.

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

**House File 2389**, by committee on judiciary and law enforcement, a bill for an act relating to the solemnization of marriage.

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

**House File 2390**, by committee on judiciary and law enforcement, a bill for an act relating to grandparent visitation rights.

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

**House File 2391**, by committee on judiciary and law enforcement, a bill for an act relating to the collection of fees for and the rights and duties of the sheriff regarding service of legal process and levy of execution.

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

**House File 2392**, by committee on judiciary and law enforcement, a bill for an act relating to the admission of a report or findings of the criminalistics laboratory as evidence in a civil proceeding.

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

**House File 2393**, by committee on judiciary and law enforcement, a bill for an act relating to the penalty for the sale of alcoholic beverages to persons under legal age by liquor control licensees or wine or beer permittees.

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

**House File 2394**, by committee on natural resources and outdoor recreation, a bill for an act relating to the establishment of a statewide trails system, by providing for the retention and acquisition of railroad rights-of-way for interim uses as recreational trails and other public transportation or utility purposes, and by creating a state trails advisory council.

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

**House File 2395**, by committee on energy and environmental protection, a bill for an act permitting certain water utilities to become cooperatives.

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

**House File 2396**, by committee on economic development, a bill for an act relating to the establishment of the economic development finance corporation to assist in providing financing for small business development by providing loan guarantees, letters of credit, equity financing, underwriting for public offerings, and creating a state assistance fund.

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

**House File 2397**, by committee on local government, a bill for an act relating to limitations on total costs of lease or lease-purchase contracts to counties.

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

**House File 2398**, by committee on natural resources and outdoor recreation, a bill for an act relating to the operation of vessels, by providing for the reporting of accidents, and by providing for the testing of vessel operators for operating vessels under the influence of alcohol or drugs, and subjecting violators to penalties.

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

**House File 2399**, by committee on natural resources and outdoor recreation, a bill for an act relating to the designation, inventory, sale, and protection of protected wetlands, and providing a civil penalty for violations.

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

**House File 2400**, by committee on small business and commerce, a bill for an act relating to enhanced 911 emergency telephone communication systems, by requiring each county to prepare an enhanced 911 service plan to be implemented on or before July 1, 1992, by requir-



ing conversion of pay telephones to accept 911 calls without charge, and by providing a limited privacy waiver to permit nonlisted or unpublished numbers to be included in E911 service.

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

**House File 2401**, by committee on human resources, a bill for an act relating to the licensing, rulemaking, and enforcement authority of the department of inspections and appeals and the state board of health regarding health care facilities.

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

**House File 2402**, by committee on human resources, a bill for an act relating to licensing and personnel requirements for health care facilities and providing a penalty.

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

**House File 2403**, by committee on human resources, a bill for an act relating to the election and selection of a board of trustees of a public hospital.

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

**House File 2404**, by committee on judiciary and law enforcement, a bill for an act relating to relief under bankruptcy for a judgment debtor from suspension of license, registration, or nonresident operating privilege under the motor vehicle financial responsibility requirements.

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

**House File 2405**, by committee on state government, a bill for an act relating to the administration and benefits for certain public retirement systems.

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

**House File 2406**, by committee on state government, a bill for an act relating to access by the citizens' aide to confidential records and proceedings.

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

**House File 2407**, by committee on small business and commerce, a bill for an act relating to the Iowa housing finance authority, by modifying the title guaranty program requirements that participation fees be charged, that lenders be participants, that persons or lenders

not receive a portion of the charge for title guaranty, and that financial institutions disclose the availability of the program, and by expanding the purposes of and renaming the commitment cost fund.

Read first time and placed on the calendar.

### MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 3, 1988, refused to concur in the House amendment to the following bill in which the concurrence of the Senate was asked:

Senate File 394, a bill for an act relating to care of animals in commercial establishments.

Also: That the Senate has on March 3, 1988, passed the following bill in which the concurrence of the House is asked:

Senate File 2170, a bill for an act relating to the membership of the commission on the status of women.

Also: That the Senate has on March 3, 1988, passed the following bill in which the concurrence of the House is asked:

Senate File 2192, a bill for an act to establish a child development coordinating council for the promotion of child development services to certain at-risk children and to prescribe its duties.

Also: That the Senate has on March 3, 1988, passed the following bill in which the concurrence of the House is asked:

Senate File 2225, a bill for an act relating to the establishment of a family development and self-sufficiency council and the council's duties.

JOHN F. DWYER, Secretary

### ADOPTION OF HOUSE CONCURRENT RESOLUTION 27

Doderer of Johnson called up for consideration House Concurrent Resolution 27, to approve and confirm the appointment of the citizens' aide, and moved its adoption.

A non-record roll call was requested.

The ayes were 82, nays none.

The motion prevailed and the resolution was adopted.

### HOUSE FILES 2338, 2345 AND 2327 DEFERRED

Arnould of Scott asked and received unanimous consent that House Files 2338, 2345 and 2327 be deferred and that the bills retain their place on the calendar.

## CONSIDERATION OF BILLS

### Regular Calendar

**House File 2339**, a bill for an act relating to grievances and discipline resolution in the state personnel system, was taken up for consideration.

Connors of Polk offered the following amendment H—5278 filed by him and moved its adoption:

H—5278

1 Amend House File 2339 as follows:

2 1. Page 1, by striking lines 27 through 29 and  
3 inserting the following:

4 "2. DISCIPLINE RESOLUTION. A merit system  
5 employee, except an".

6 2. Page 2, by inserting after line 17 the  
7 following:

8 "Sec. \_\_\_\_\_. Section 80.15, Code 1987, is amended to  
9 read as follows:

10 80.15 EXAMINATION — OATH — PROBATION —  
11 DISMISSAL.

12 An applicant for membership in the department of  
13 public safety, except clerical workers and special  
14 agents appointed under section 80.7, shall not be  
15 appointed as a member until the applicant has passed a  
16 satisfactory physical and mental examination. In  
17 addition, the applicant must be a citizen of the  
18 United States, of good moral character, and be not  
19 less than twenty-two years of age. The mental  
20 examination shall be conducted under the direction or  
21 supervision of the director of public safety and may  
22 be oral or written or both. Each applicant shall take  
23 an oath on becoming a member of the force, to uphold  
24 the laws and Constitution of the United States and of  
25 the state of Iowa. During the period of twelve months  
26 after appointment, any member of the department of  
27 public safety, except members of the present Iowa  
28 highway safety patrol who have served more than six  
29 months, is subject to dismissal at the will of the  
30 director. After the twelve months' service, a member  
31 of the department, who was appointed after having  
32 passed the examinations, is not subject to dismissal,  
33 suspension, disciplinary demotion, or other  
34 disciplinary action resulting in the loss of pay  
35 unless charges have been filed with the department of  
36 inspections and appeals and a hearing held by the  
37 employment appeal board created by section 10A.601, if  
38 requested by the member, at which the member has an

39 opportunity to present a defense to the charges. The  
 40 decision of the appeal board is final, subject to the  
 41 right of judicial review in accordance with the terms  
 42 of the Iowa administrative procedure Act. However,  
 43 these procedures as to dismissal, suspension,  
 44 demotion, or other discipline do not apply to a member  
 45 who is covered by a collective bargaining agreement  
 46 which provides otherwise nor to the demotion of a  
 47 division head to the rank which the division head held  
 48 at the time of appointment as division head, if any.  
 49 A division head who is demoted has the right to return  
 50 to the rank which the division head held at the time

## Page 2

1 of appointment as division head, if any. All rules,  
 2 except employment provisions negotiated pursuant to  
 3 chapter 20, regarding the enlistment, appointment, and  
 4 employment affecting the personnel of the department  
 5 shall be established by the director in consultation  
 6 with the director of the department of personnel,  
 7 subject to approval by the governor."  
 8 3. By numbering and renumbering as necessary.  
 9 4. Title page, lines 1 and 2, by striking the  
 10 words "in the state personnel system" and inserting  
 11 the following: "for certain employees of the state".

Amendment H — 5278 was adopted.

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

On the question "Shall the bill pass?" (H.F. 2339)

The ayes were, 95:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Black	Blanshan
Branstad	Buhr	Carpenter	Chapman
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	Kremer
Lundby	Maulsby	May	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	Running	Schneklloth
Schrader	Sherzan	Shoning	Shoultz
Siegrist	Skow	Spear	Stromer
Stueland	Svoboda	Swartz	Swearingen
Tabor	Teaford	Tyrrell	Van Camp
Van Maanen	Wise	Mr. Speaker	

The nays were, none.

Absent or not voting, 5:

Brammer	Clark	Corbett	Lageschulte
McKean			

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

**House File 2344**, a bill for an act relating to the civil rights of persons with a condition relating to acquired immune deficiency syndrome, by prohibiting the testing, with respect to the employment of persons, for a condition related to acquired immune deficiency syndrome, and by making remedial provisions of the civil rights law applicable, was taken up for consideration.

Tyrrell of Iowa offered the following amendment H—5296 filed by him:

H—5296

- 1 Amend House File 2344 as follows:
- 2 1. Page 1, by inserting before line 1, the
- 3 following:
- 4 "Section 1. **NEW SECTION. 139.43 EXPOSING TO**
- 5 **HUMAN IMMUNODEFICIENCY VIRUS.**
- 6 Notwithstanding the penalty established in section
- 7 139.32, a person who knowingly exposes another to the
- 8 human immunodeficiency virus, or knowingly subjects
- 9 another to the danger of contracting human
- 10 immunodeficiency virus from an irresponsible person,
- 11 is guilty of a class "C" felony."
- 12 2. Title page, line 1, by inserting after the
- 13 word "to" the following: "acquired immune deficiency
- 14 syndrome by protecting".
- 15 3. Title page, line 5, by inserting after the
- 16 word "syndrome," the following: "by providing a
- 17 penalty for knowingly exposing another to the human
- 18 immunodeficiency virus,".
- 19 4. By renumbering as necessary.

Hammond of Story rose on a point of order that amendment H—5296 was not germane.

The Speaker ruled the point well taken and amendment H — 5296 not germane.

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

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

The ayes were, 67:

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

The nays were, 28:

Beaman	Bennett	Branstad	Corey
Daggett	De Groot	Eddie	Garman
Halvorson, R. A.	Harbor	Hermann	Hummel
Kremer	Maulsby	Metcalf	Miller
Paulin	Pellett	Petersen, D. F.	Poncy
Renken	Royer	Schneklloth	Stromer
Stueland	Swearingen	Tyrrell	Van Maanen

Absent or not voting, 5:

Brammer	Corbett	Halvorson, R. N.	Lageschulte
Svoboda			

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

**House File 2346**, a bill for an act relating to the coordination of rural development programs by creating a rural development coordinating committee and the office of rural resources coordinator, was taken up for consideration.

Wise of Lee moved that the bill be read a last time now and placed

upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2346)

The ayes were, 97:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Black	Blanshan
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
Kremer	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	Stromer	Stueland	Svoboda
Swartz	Swearingen	Tabor	Teaford
Tyrrell	Van Camp	Van Maanen	Wise

Mr. Speaker

The nays were, none.

Absent or not voting, 3:

Brammer	Corbett	Lageschulte
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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 2347**, a bill for an act relating to the calculation of special assessment installments, interest on unpaid installments, and interest penalties, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 2347)

The ayes were, 90:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Blanshan	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	Haverland
Hermann	Hester	Holveck	Hummel
Jay	Jochum	Johnson	Knapp
Koenigs	Kremer	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
Renken	Rosenberg	Royer	Running
Schnekloth	Schrader	Sherzan	Shoning
Shoultz	Siegrist	Skow	Spear
Stromer	Stueland	Svoboda	Swartz
Swearingen	Teaford	Tyrrell	Van Camp
Van Maanen	Mr. Speaker		

The nays were, 2:

Black                      Branstad

Absent or not voting, 8:

Brammer	Corbett	Hatch	Lageschulte
Parker	Renaud	Tabor	Wise

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

**House File 2320**, a bill for an act relating to credit unions by amending the power to sell, participate in, or discount, or purchase the obligations of certain credit union members; by amending the authorization to appoint credit and auditing committees; and by permitting the superintendent to prescribe by rule the period of preservation of records or files for credit unions, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 2320)



The ayes were, 92:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Black	Blanshan
Branstad	Buhr	Carpenter	Chapman
Clark	Cohoon	Connolly	Connors
Cooper	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
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	Renken	Rosenberg
Royer	Running	Schnekloth	Schrader
Sherzan	Shoning	Shoultz	Siegrist
Skow	Spear	Stromer	Stueland
Swartz	Swearingen	Teaford	Tyrrell
Van Camp	Van Maanen	Wise	Mr. Speaker

The nays were, none.

Absent or not voting, 8:

Brammer	Corbett	Daggett	Lageschulte
Parker	Renaud	Svoboda	Tabor

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

**House File 2139**, a bill for an act establishing the eligibility of Iowans for inclusion of their names on the Iowa Vietnam veterans memorial, with report of committee recommending passage was taken up for consideration.

#### SENATE FILE 2089 SUBSTITUTED FOR HOUSE FILE 2139

Fuller of Hardin asked and received unanimous consent to substitute Senate File 2089 for House File 2139.

**Senate File 2089**, a bill for an act establishing the eligibility of Iowans for inclusion of their names on the Iowa Vietnam veterans memorial, was taken up for consideration.

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

## On the question "Shall the bill pass?" (S.F. 2089)

The ayes were, 89:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Black	Blanshan
Branstad	Buhr	Carpenter	Chapman
Clark	Cohoon	Connolly	Connors
Cooper	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	Hester	Holveck
Hummel	Jay	Jochum	Johnson
Knapp	Koenigs	Kremer	Lundby
Maulsby	May	McKean	McKinney
Metcalf	Miller	Muhlbauer	Mullins
Neuhauser	Norrgard	Ollie	Osterberg
Paulin	Pavich	Pellett	Petersen, D. F.
Peterson, M. K.	Plasier	Platt	Poncy
Renken	Rosenberg	Royer	Running
Schneklath	Schrader	Shoning	Shoultz
Siegrist	Skow	Spear	Stromer
Stueland	Swartz	Swearingen	Teaford
Tyrrell	Van Camp	Van Maanen	Wise
Mr. Speaker			

The nays were, none.

Absent or not voting, 11:

Brammer	Corbett	Daggett	Hermann
Lageschulte	Parker	Peters	Renaud
Sherzan	Svoboda	Tabor	

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

**House File 2318**, a bill for an act providing for the acknowledgment of delivery of certain debt documents, was taken up for consideration.

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

## On the question "Shall the bill pass?" (H.F. 2318)

The ayes were, 93:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Black	Blanshan
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
Kremer	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	Renken
Rosenberg	Royer	Running	Schnekloth
Schrader	Shoning	Shoultz	Siegrist
Skow	Spear	Stromer	Stueland
Svoboda	Swartz	Swearingen	Teaford
Tyrrell	Van Camp	Van Maanen	Wise
Mr. Speaker			

The nays were, none.

Absent or not voting, 7:

Brammer	Corbett	Lageschulte	Parker
Renaud	Sherzan	Tabor	

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

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Beatty of Warren, for the remainder of the day, on request of Spear of Lee.

**House File 2322**, a bill for an act relating to schedule I and schedule III controlled substances, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 2322)

The ayes were, 92:

Adams	Arnould	Beaman	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	Kremer	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	Renken	Rosenberg	Royer
Running	Schneklath	Schrader	Sherzan
Shoning	Shoultz	Siegrist	Skow
Spear	Stromer	Stueland	Svoboda
Swartz	Swearingen	Teaford	Tyrrell
Van Camp	Van Maanen	Wise	Mr. Speaker

The nays were, none.

Absent or not voting, 8:

Beatty	Blanshan	Brammer	Corbett
Lageschulte	Parker	Renaud	Tabor

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

**House File 2328**, a bill for an act relating to the licensing of grain producers as bonded grain sellers by the department of agriculture and land stewardship, was taken up for consideration.

Koenigs of Mitchell offered the following amendment H—5215 filed by him and moved its adoption:

H—5215

- 1 Amend House File 2328 as follows:
- 2 1. Title page, line 1, by inserting after the
- 3 word "the" the words "repeal of the".

Amendment H—5215 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?" (H.F. 2328)

The ayes were, 91:

Adams	Arnould	Beaman	Bennett
Bisignano	Black	Blanshan	Branstad

Buhr	Carpenter	Chapman	Clark
Cohoon	Connolly	Connors	Cooper
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	Jay	Jochum	Johnson
Knapp	Koenigs	Kremer	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	Renken	Rosenberg	Royer
Running	Schneklloth	Schrader	Sherzan
Shoning	Shoultz	Skow	Spear
Stromer	Stueland	Svoboda	Swartz
Swearingen	Teaford	Tyrrell	Van Camp
Van Maanen	Wise	Mr. Speaker	

The nays were, none.

Absent or not voting, 9:

Beatty	Brammer	Corbett	Groninga
Lageschulte	Parker	Renaud	Siegrist
Tabor			

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:

Siegrist of Pottawattamie on request of Shoning of Woodbury; Harbor of Mills on request of Pavich of Pottawattamie, both for the remainder of the day.

### HOUSE FILE 2348 DEFERRED

Arnould of Scott asked and received unanimous consent that House File 2348 be deferred and that the bill retain its place on the calendar.

**House File 2351**, a bill for an act relating to conflicts between civil service laws and the terms and conditions of a collective bargaining agreement subject to mandatory negotiation, was taken up for consideration.

Halvorson of Webster offered the following amendment H—5233 filed by him and moved its adoption:

H—5233

- 1 Amend House File 2351 as follows:
- 2 1. Page 1, by inserting after line 15 the
- 3 following:
- 4 "Sec. \_\_\_\_\_. This Act applies only to collective
- 5 bargaining agreements negotiated before January 1,
- 6 1988."
- 7 2. Title page, line 3, by inserting after the
- 8 word "negotiation" the following: "and providing for
- 9 the retroactive applicability of the Act".

A non-record roll call was requested.

The ayes were 33, nays 39.

Amendment H—5233 lost.

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

On the question "Shall the bill pass?" (H.F. 2351)

The ayes were, 52:

Adams	Arnould	Bisignano	Black
Blanshan	Buhr	Chapman	Cohoon
Connolly	Connors	Cooper	Corey
Dvorsky	Fey	Fogarty	Fuller
Groninga	Gruhn	Hansen, S. D.	Harper
Hatch	Haverland	Holveck	Jay
Jochum	Johnson	Knapp	Koenigs
May	McKinney	Muhlbauer	Neuhauser
Norrgard	Ollie	Osterberg	Pavich
Peters	Peterson, M. K.	Poncy	Rosenberg
Running	Schrader	Sherzan	Shoultz
Skow	Spear	Svoboda	Swartz
Teaford	Van Camp	Wise	Mr. Speaker

The nays were, 39:

Beaman	Bennett	Branstad	Carpenter
Clark	Daggett	De Groot	Diemer
Doderer	Eddie	Garman	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hanson, D. R.	Hermann
Hester	Hummel	Kremer	Lundby
Maulsby	McKean	Metcalf	Miller
Mullins	Paulin	Pellett	Petersen, D. F.
Plasier	Platt	Renken	Royer
Schnekloth	Shoning	Stromer	Stueland
Swearingen	Tyrrell	Van Maanen	

Absent or not voting, 9:

Beatty  
Lageschulte  
Tabor

Brammer  
Parker

Corbett  
Renaud

Harbor  
Siegrist

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

### MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 4, 1988, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2060, a bill for an act relating to the benefit ratio array system under the unemployment insurance law by making the benefit ratio array system permanent, by resolving potential federal conformity issues concerning new nonconstruction experience-based rates and access to job service information by business and labor organizations, by abolishing the special employer contribution rate for employers with certain negative balance account histories with retroactive applicability, and by providing an effective date.

JOHN F. DWYER, Secretary

### MOTIONS TO RECONSIDER

(House File 2344)

I move to reconsider the vote by which House File 2344 passed the House on March 4, 1988.

ROSENBERG of Story

(House File 2351)

I move to reconsider the vote by which House File 2351 passed the House on March 4, 1988.

NEUHAUSER of Johnson

### PRESENTATION OF VISITORS

Muhlbauer of Crawford presented to the House the Honorable Loran Schmit, State Senator from Bellwood, Nebraska.

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

One hundred fifty fourth and fifth grade students from Rolling Green Elementary School, Urbandale, accompanied by Mary Ann Rosonke. By Metcalf of Polk.

## 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>Class of Appoint- ment</u>	<u>Eff. Date</u>
Doorkeeper	Dwight H. Dugan	10-1 to 10-2	S-O	03-04-88
Doorkeeper	Alfred H. Edwards	10-1 to 10-2	S-O	03-04-88
Assistant	Marvin	13-1	S-O	02-26-88
Sergeant-at-Arms	Hollingshead			
Legislative Research	Janet Roewe	27-1	P-FT	03-01-88
Analyst I	Saldanha			
Legislative Secretary	Grace R. Branstad	16-1 to 16-1 + 2	S-O	02-19-88

CHAPMAN of Linn, Chair

### SUBCOMMITTEE ASSIGNMENTS

#### Senate File 2172

State Government: Knapp, Chair; Fuller and Garman.

#### Senate Concurrent Resolution 109

Transportation: Fey, Chair; Harbor and Pavich.

### HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENT

#### House Study Bill 816

Agriculture: Johnson, Chair; De Groot and May.

### COMMITTEE RECOMMENDATIONS

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

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

### COMMITTEE ON EDUCATION

**House File 566**, a bill for an act to require completion of an approved course of driver education to qualify for a minor's school license.



Fiscal Note is not required.

**Recommended Amend and Do Pass with amendment H—5309** March 3, 1988.

**House File 2190**, a bill for an act to provide for whole grade sharing between a school district located in this state and a contiguous school district located in a contiguous state.

Fiscal Note is required.

**Recommended Amend and Do Pass with amendment H—5305** March 3, 1988.

**House File 2282**, a bill for an act to stay reclassification of schools from area vocational to area community college until a fiscal impact study is completed and reviewed, and providing an effective date.

Fiscal Note is not required.

**Recommended Amend and Do Pass with amendment H—5304** March 3, 1988.

**Committee Bill** (Formerly House Study Bill 500), relating to the director of the department of education, including the director's salary and appointment, and providing an effective date.

Fiscal Note is required.

**Recommended Amend and Do Pass** March 3, 1988.

**Committee Bill** (Formerly House Study Bill 501), to appropriate moneys for a study of the literacy of Iowa's young adults.

Fiscal Note is required.

**Recommended Amend and Do Pass** March 3, 1988.

**Committee Bill** (Formerly House Study Bill 808), relating to funding for the education costs of certain shelter care homes and juvenile detention homes.

Fiscal Note is required.

**Recommended Amend and Do Pass** March 3, 1988.

**Committee Bill** (Formerly House Study Bill 810), relating to initiating and effecting whole-grade sharing agreements.

Fiscal Note is not required.

**Recommended Amend and Do Pass** March 3, 1988.

#### COMMITTEE ON ENERGY AND ENVIRONMENTAL PROTECTION

**Committee Bill** (Formerly House Study Bill 662), relating to the certification of laboratories which perform analyses of specimens for the department of natural resources.

Fiscal Note is not required.

**Recommended Amend and Do Pass** March 3, 1988.

**Committee Bill** (Formerly House Study Bill 670), relating to residential water treatment systems, incorporating a penalty, and providing an effective date.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 3, 1988.

**Committee Bill** (Formerly House Study Bill 799), establishing a sewage treatment works financing program including appropriation of moneys to be deposited in a revolving loan fund and an administration fund.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 3, 1988.

#### COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT

**House File 2247**, a bill for an act relating to an action for slander or libel for a report or statement made to the division of job service of the department of employment services.

Fiscal Note is not required.

Recommended **Do Pass** March 4, 1988.

#### COMMITTEE ON LABOR AND INDUSTRIAL RELATIONS

**Committee Bill** (Formerly House Study Bill 795), relating to the test for determining whether an individual's employment is deemed to be employment for purposes of the Iowa employment security law, and providing for the applicability of the Act.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 3, 1988.

#### COMMITTEE ON LOCAL GOVERNMENT

**House File 2290**, a bill for an act restricting the time period for the initiation of administrative or judicial actions to enforce a zoning ordinance or regulation.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H-5303** March 4, 1988.

#### COMMITTEE ON STATE GOVERNMENT

**House File 2090**, a bill for an act relating to the display of POW and MIA flags and making an appropriation to purchase and distribute the flags.

Fiscal Note is not required.

Recommended **Do Pass** March 3, 1988.

**Pursuant to Rule 31.7, House File 2090 was referred to the committee on appropriations.**

**House File 2173**, a bill for an act relating to the eligibility date of certain military veterans for membership on a county commission of veterans affairs and certain military veteran benefits.

Fiscal Note is not required.

Recommended **Do Pass** March 3, 1988.

**House File 2221**, a bill for an act relating to state purchasing by defining bidder competence and providing a penalty.

Fiscal Note is required.

**Recommended Amend and Do Pass with amendment H—5300** March 3, 1988.

**House File 2255**, a bill for an act relating to the confidentiality of records of clients of advocacy services offered by the department of human rights.

Fiscal Note is not required.

**Recommended Amend and Do Pass with amendment H—5301** March 3, 1988.

**Committee Bill** (Formerly House Study Bill 599), to allow the board of dental examiners to revoke or suspend a license of a licensee where the licensee has been disciplined in another state, territory, or country.

Fiscal Note is not required.

**Recommended Amend and Do Pass** March 3, 1988.

**Committee Bill** (Formerly House Study Bill 700), relating to the state registrar of voters.

Fiscal Note is not required.

**Recommended Do Pass** March 3, 1988.

**Committee Bill** (Formerly House Study Bill 703), relating to incentives to encourage certain state and local government employees to retire from employment by providing for monetary or insurance payment incentives, and providing an effective date.

Fiscal Note is required.

**Recommended Amend and Do Pass** March 3, 1988.

**Committee Bill** (Formerly House Study Bill 739), relating to the registration and regulation of persons seeking to represent a student athlete for compensation in negotiations intended to result in employment with a professional sports team and providing penalties.

Fiscal Note is not required.

**Recommended Amend and Do Pass** March 3, 1988.

**Committee Bill** (Formerly House Study Bill 759), relating to the health data commission, renaming the commission and providing additional powers and duties, providing for the development of an overall state health policy, providing for review and evaluation of specific proposals relating to the health care professions, deleting provisions for the future termination of the commission, providing properly related matters, and providing for the applicability of the Act.

Fiscal Note is not required.

**Recommended Do Pass** March 3, 1988.

**Committee Bill** (Formerly House Study Bill 809), relating to access by the citizens' aide to confidential records and proceedings.

Fiscal Note is not required.

Recommended **Do Pass** March 3, 1988.

#### COMMITTEE ON TRANSPORTATION

**Committee Bill** (Formerly House Study Bill 564), relating to regional and public transit systems by providing a definition of a regional transit system, by permitting the state department of transportation to redirect unused federal funds from one public transit system to another, and by requiring compliance to certain Code provisions.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 3, 1988.

**Committee Resolution**, a concurrent resolution commemorating the accomplishments of Wesley Smith and Richard Van Gundy.

Fiscal Note is not required.

Recommended **Do Pass** March 3, 1988.

#### RESOLUTION FILED

**HCR 118**, by committee on natural resources and outdoor recreation, a concurrent resolution to double the acres of woodland in Iowa.

Laid over under **Rule 25**.

#### AMENDMENTS FILED

H—5297	H.F.	2345	Daggett of Adams
H—5298	H.F.	2327	Daggett of Adams
H—5299	H.F.	2348	Hammond of Story
H—5300	H.F.	2221	Committee on State Government
H—5301	H.F.	2255	Committee on State Government
H—5302	H.F.	2378	Spear of Lee
H—5303	H.F.	2290	Committee on Local Government
H—5304	H.F.	2282	Committee on Education
H—5305	H.F.	2190	Committee on Education
H—5306	S.F.	2108	Tyrrell of Iowa Renken of Grundy Kremer of Buchanan
H—5307	S.F.	2108	Tyrrell of Iowa Renken of Grundy Kremer of Buchanan
H—5308	H.F.	2380	Tyrrell of Iowa
H—5309	H.F.	566	Committee on Education

H-5310	S.F.	2108	Svoboda of Tama
			Renken of Grundy
			Royer of Page
H-5311	S.F.	2108	Tyrrell of Iowa
H-5312	S.F.	2108	Svoboda of Tama
			Renken of Grundy
			Royer of Page
H-5313	H.R.	104	Holveck of Polk
			De Groot of Lyon
H-5314	H.R.	103	Holveck of Polk
			De Groot of Lyon
H-5315	S.F.	2108	Renken of Grundy
			Eddie of Buena Vista
			Miller of Cherokee
			McKean of Jones
			Maulsby of Calhoun
			Halvorson of Clayton
			Blanshan of Greene
			Harbor of Mills
			Van Maanen of Mahaska
			Tyrrell of Iowa
			Peterson of Carroll
			Petersen of Muscatine
H-5316	S.F.	2108	Renken of Grundy
			Royer of Page
			Norrsgard of Des Moines
			Eddie of Buena Vista
			Miller of Cherokee
			Branstad of Winnebago
			Halvorson of Clayton
			Van Maanen of Mahaska
			Tyrrell of Iowa
			Peterson of Carroll
			Petersen of Muscatine
			McKean of Jones
			Osterberg of Linn
H-5317	H.F.	2378	Daggett of Adams
H-5318	S.F.	2108	Svoboda of Tama
			Osterberg of Linn
H-5319	H.F.	2327	Daggett of Adams
H-5320	H.F.	2378	Swartz of Marshall

On motion by Arnould of Scott, the House adjourned at 12:10 p.m., until 10:00 a.m., Monday, March 7, 1988.

# JOURNAL OF THE HOUSE

Fifty-seventh Calendar Day — Thirty-seventh Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Monday, March 7, 1988

The House met pursuant to adjournment, Speaker Avenson in the chair.

Prayer was offered by the Reverend Paul Fredericksen, pastor of the Ventura United Methodist Church, Ventura.

The Journal of Friday, March 4, 1988 was approved.

## PETITION FILED

The following petition was received and placed on file:

By Doderer of Johnson, from one hundred twelve constituents of the 45th District, opposing any increase in beer, wine, or liquor taxing measures.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Hammond of Story on request of Holveck of Polk; Dvorsky of Johnson on request of Cohoon of Des Moines; Corey of Louisa on request of Royer of Page; Running of Linn on request of Poncy of Wapello; Sherzan of Polk on request of Swartz of Marshall, all until their arrival; Petersen of Muscatine on request of Platt of Muscatine; Norrgard of Des Moines on request of Adams of Hamilton; Brammer of Linn on request of Doderer of Johnson; Lageschulte of Bremer, for March 7 and 8, 1988, on request of Stromer of Hancock; Hanson of Delaware, for March 7, 8, 9 and 10, 1988, on request of Metcalf of Polk.

## INTRODUCTION OF BILLS

**House File 2408**, by committee on transportation, a bill for an act relating to regional and public transit systems by providing a definition of a regional transit system, by permitting the state department of transportation to redirect unused federal funds from one public transit system to another, by requiring the establishment of an interim study committee and by requiring compliance to certain Code provisions.

Read first time and placed on the **calendar**.

**House File 2409**, by committee on state government, a bill for an act relating to the state registrar of voters.

Read first time and placed on the **calendar**.

**House File 2410**, by committee on labor and industrial relations, a bill for an act relating to the test for determining whether an individual's employment is deemed to be employment for purposes of the Iowa employment security law, and providing for the applicability of the Act.

Read first time and placed on the **calendar**.

**House File 2411**, by committee on state government, a bill for an act relating to the health data commission, renaming the commission and providing additional powers and duties, providing for the development of an overall state health policy, providing for review and evaluation of specific proposals relating to the health care professions, deleting provisions for the future termination of the commission, providing properly related matters, and providing for the applicability of the Act.

Read first time and placed on the **calendar**.

**House File 2412**, by committee on judiciary and law enforcement, a bill for an act relating to judicial sentencing options.

Read first time and placed on the **calendar**.

**House File 2413**, by committee on education, a bill for an act to appropriate moneys for a study of the literacy of Iowa's young adults.

Read first time and referred to committee on **appropriations**.

**House File 2414**, by committee on education, a bill for an act relating to funding for the education costs of certain shelter care homes and juvenile detention homes and providing an effective date.

Read first time and placed on the **calendar**.

**House File 2415**, by committee on state government, a bill for an act relating to incentives to encourage certain state government employees to retire from employment by providing for monetary or insurance payment incentives, and providing an effective date.

Read first time and placed on the **calendar**.

#### SENATE MESSAGES CONSIDERED

**Senate File 2170**, by committee on state government, a bill for an act relating to the membership of the commission on the status of women.

Read first time and referred to committee on **state government**.

**Senate File 2225**, by committee on human resources, a bill for an act relating to the establishment of a family development and self-sufficiency council and the council's duties.

Read first time and referred to committee on **human resources**.

### MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 3, 1988, concurred in the House amendment and adopted the following resolution in which the concurrence of the Senate was asked:

Senate Concurrent Resolution 104, a concurrent resolution relating to the federal conservation reserve program.

JOHN F. DWYER, Secretary

### HOUSE FILES 2307 AND 2354 DEFERRED

Arnould of Scott asked and received unanimous consent that House Files 2307 and 2354 be deferred and that the bills retain their place on the calendar.

### CONSIDERATION OF BILLS

#### Regular Calendar

**House File 2352**, a bill for an act relating to right-of-way and relocation assistance provided to persons displaced by highway projects, was taken up for consideration.

Renaud of Polk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2352)

The ayes were, 88:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Black	Blanshan
Branstad	Buhr	Carpenter	Chapman
Clark	Cohoon	Connors	Cooper
Corbett	Daggett	De Groot	Diemer
Doderer	Eddie	Fey	Fogarty
Fuller	Garman	Groninga	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hansen, S. D.	Harbor
Harper	Hatch	Haverland	Hermann
Hester	Holveck	Hummel	Jochum
Johnson	Knapp	Koenigs	Kremer
Lundby	Maulsby	May	McKean
McKinney	Metcalf	Miller	Muhlbauer



Mullins	Neuhauser	Ollie	Osterberg
Parker	Paulin	Pavich	Pellett
Peters	Peterson, M. K.	Plasier	Platt
Poncy	Renaud	Renken	Rosenberg
Royer	Schneklloth	Schrader	Shoning
Shoultz	Siegrist	Skow	Spear
Stromer	Stueland	Svoboda	Swartz
Swearingen	Tabor	Teaford	Tyrrell
Van Camp	Van Maanen	Wise	Mr. Speaker

The nays were, none.

Absent or not voting, 12:

Brammer	Connolly	Corey	Dvorsky
Hammond	Hanson, D. R.	Jay	Lageschulte
Norrgard	Petersen, D. F.	Running	Sherzan

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**House File 2353**, a bill for an act relating to the condemnation payment process, was taken up for consideration.

Muhlbauer of Crawford moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2353)

The ayes were, 61:

Adams	Arnould	Beatty	Bisignano
Black	Blanshan	Buhr	Chapman
Cohoon	Connolly	Connors	Cooper
Diemer	Doderer	Eddie	Fey
Fogarty	Fuller	Groninga	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hansen, S. D.	Harper
Hatch	Haverland	Holveck	Jochum
Johnson	Knapp	Koenigs	Kremer
May	McKinney	Miller	Muhlbauer
Neuhauser	Ollie	Osterberg	Parker
Paulin	Pavich	Peters	Peterson, M. K.
Platt	Poncy	Renaud	Rosenberg
Royer	Running	Schrader	Sherzan
Skow	Spear	Svoboda	Swartz
Tabor	Teaford	Van Camp	Wise
Mr. Speaker			

The nays were, 28:

Beaman	Bennett	Branstad	Carpenter
Clark	Corbett	Daggett	De Groot
Garman	Harbor	Hester	Hummel

Lundby	Maulsby	McKean	Metcalf
Mullins	Pellett	Plasier	Renken
Schnekloth	Shoning	Siegrist	Stromer
Stueland	Swearingen	Tyrrell	Van Maanen

Absent or not voting, 11:

Brammer	Corey	Dvorsky	Hammond
Hanson, D. R.	Hermann	Jay	Lageschulte
Norrsgard	Petersen, D. F.	Shoultz	

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**House File 2355**, a bill for an act relating to cooperative associations by providing for their purposes and powers, was taken up for consideration.

Gruhn of Dickinson moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2355)

The ayes were, 88:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Black	Blanshan
Branstad	Buhr	Carpenter	Chapman
Clark	Cohoon	Connolly	Connors
Cooper	Corbett	Daggett	De Groot
Diemer	Doderer	Eddie	Fey
Fogarty	Fuller	Garman	Groninga
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hansen, S. D.
Harper	Hatch	Haverland	Hermann
Hester	Holveck	Jochum	Johnson
Knapp	Koenigs	Kremer	Lundby
Maulsby	May	McKean	McKinney
Metcalf	Muhlbauer	Mullins	Neuhauser
Ollie	Osterberg	Parker	Paulin
Pavich	Pellett	Peters	Peterson, M. K.
Plasier	Platt	Poncy	Renaud
Renken	Rosenberg	Royer	Running
Schnekloth	Schrader	Sherzan	Shoning
Shoultz	Siegrist	Skow	Spear
Stromer	Stueland	Svoboda	Swartz
Swearingen	Tabor	Teaford	Tyrrell
Van Camp	Van Maanen	Wise	Mr. Speaker

The nays were, 1:

Hummel

Absent or not voting, 11:

Brammer	Corey	Dvorsky	Hammond
Hanson, D. R.	Harbor	Jay	Lageschulte
Miller	Norrgard	Petersen, D. F.	

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**House File 2371**, a bill for an act authorizing the joint investment of funds by counties, cities, city utilities, and judicial district departments of correctional services, and providing an effective date, was taken up for consideration.

Cooper of Lucas moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2371)

The ayes were, 90:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Black	Blanshan
Branstad	Buhr	Carpenter	Chapman
Clark	Cohoon	Connolly	Connors
Cooper	Corbett	Daggett	De Groot
Diemer	Doderer	Eddie	Fey
Fogarty	Fuller	Garman	Groninga
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hansen, S. D.
Harbor	Harper	Hatch	Haverland
Hermann	Hester	Holveck	Hummel
Jochum	Johnson	Knapp	Koenigs
Kremer	Lundby	Maulsby	May
McKean	McKinney	Metcalf	Miller
Muhlbauer	Mullins	Neuhauser	Ollie
Osterberg	Parker	Paulin	Pavich
Pellett	Peters	Peterson, M. K.	Plasier
Platt	Poncy	Renaud	Renken
Rosenberg	Royer	Running	Schneklloth
Schrader	Sherzan	Shoning	Siegrist
Skow	Spear	Stromer	Stueland
Svoboda	Swartz	Swearingen	Tabor
Teaford	Tyrrell	Van Camp	Van Maanen
Wise	Mr. Speaker		

The nays were, none.

Absent or not voting, 10:

Brammer	Corey	Dvorsky	Hammond
Hanson, D. R.	Jay	Lageschulte	Norrgard
Petersen, D. F.	Shultz		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**House File 2337**, a bill for an act relating to the jurisdiction of the employment appeal board, was taken up for consideration.

Connors of Polk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2337)

The ayes were, 90:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Black	Blanshan
Branstad	Buhr	Carpenter	Chapman
Clark	Cphoon	Connolly	Connors
Cooper	Corbett	Daggett	De Groot
Diemer	Doderer	Eddie	Fey
Fogarty	Fuller	Garman	Groninga
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hansen, S. D.
Harper	Hatch	Haverland	Hermann
Hester	Holveck	Hummel	Jay
Jochum	Johnson	Knapp	Koenigs
Kremer	Lundby	Maulsby	May
McKean	McKinney	Metcalf	Miller
Muhlbauer	Mullins	Neuhauser	Ollie
Osterberg	Parker	Paulin	Pavich
Pellett	Peters	Peterson, M. K.	Plasier
Platt	Poncy	Renaud	Renken
Rosenberg	Royer	Running	Schnekloth
Schrader	Shoning	Shultz	Siegrist
Skow	Spear	Stromer	Stueland
Svoboda	Swartz	Swearingen	Tabor
Teaford	Tyrrell	Van Camp	Van Maanen
Wise	Mr. Speaker		

The nays were, none.

Absent or not voting, 10:

Brammer	Corey	Dvorsky	Hammond
Hanson, D. R.	Harbor	Lageschulte	Norrgard
Petersen, D. F.	Sherzan		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**House File 2319**, a bill for an act to exclude Saturday as a banking day, was taken up for consideration.

Parker of Jasper moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2319)

The ayes were, 92:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Black	Blanshan
Branstad	Buhr	Carpenter	Chapman
Clark	Cohoon	Connolly	Connors
Cooper	Corbett	Daggett	De Groot
Diemer	Doderer	Eddie	Fey
Fogarty	Fuller	Garman	Groninga
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hansen, S. D.
Harbor	Harper	Hatch	Haverland
Hermann	Hester	Holveck	Hummel
Jay	Jochum	Johnson	Knapp
Koenigs	Kremer	Lundby	Maulsby
May	McKean	McKinney	Metcalf
Miller	Muhlbauer	Mullins	Neuhauser
Ollie	Osterberg	Parker	Paulin
Pavich	Pellett	Peters	Peterson, M. K.
Plasier	Platt	Poncy	Renaud
Renken	Rosenberg	Royer	Running
Schneklloth	Schrader	Sherzan	Shoning
Shoultz	Siegrist	Skow	Spear
Stromer	Stueland	Svoboda	Swartz
Swearingen	Tabor	Teaford	Tyrrell
Van Camp	Van Maanen	Wise	Mr. Speaker

The nays were, none.

Absent or not voting, 8:

Brammer	Corey	Dvorsky	Hammond
Hanson, D. R.	Lageschulte	Norrgard	Petersen, D. F.

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**House File 2307**, a bill for an act relating to the regulation of the state's insurance industry and the administration of the insurance division of the department of commerce, previously deferred and deferred March 2, 1988, was taken up for consideration.

Groninga of Cerro Gordo offered the following amendment H—5234 filed by him:

H—5234

1 Amend House File 2307 as follows:

- 2 1. Page 11, line 16, by inserting after the word
- 3 "insurance" the following: ", except a policy or
- 4 contract for crop hail or multiperil insurance."
- 5 2. Page 11, line 20, by inserting after the word
- 6 "insurance" the following: ", except a policy or
- 7 contract for crop hail or multiperil insurance."
- 8 3. Page 12, line 2, by inserting after the word
- 9 "insurance" the following: ", except a policy or
- 10 contract for crop hail or multiperil insurance."
- 11 4. Page 12, line 19, by inserting after the word
- 12 "insurance" the following: ", except a policy or
- 13 contract for crop hail or multiperil insurance."

Groninga of Cerro Gordo offered the following amendment H—5322, to amendment H—5234, filed by him from the floor and moved its adoption:

H—5322

- 1 Amend the amendment, H—5234, to House File 2307 as
- 2 follows:
- 3 1. Page 1, by inserting before line 1 the
- 4 following:
- 5 "\_\_\_\_\_. Page 10, line 10, by inserting after the
- 6 word "notwithstanding." the following: "A post office
- 7 department receipt of certified mailing shall be proof
- 8 of receipt of the registered mailing. However, notice
- 9 of cancellation of a workers' compensation policy due
- 10 to nonpayment of the premium may be made in person, or
- 11 by mail, as otherwise provided, but need not be served
- 12 by certified mail." "
- 13 2. By renumbering as necessary.

Amendment H—5322 was adopted.

On motion by Groninga of Cerro Gordo, amendment H—5234, as amended, was adopted.

Connolly of Dubuque offered the following amendment H—5222 filed by him and moved its adoption:

H—5222

- 1 Amend House File 2307 as follows:
- 2 1. Page 20, line 17, by inserting after the word
- 3 "organization" the following: "or mutual fund".
- 4 2. Page 20, line 20, by striking the words
- 5 "dealer or salesperson" and inserting the following:
- 6 "dealer, salesperson, or mutual fund".

Amendment H—5222 was adopted.

Groninga of Cerro Gordo moved that the bill be read a last time

now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2307)

The ayes were, 92:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Black	Blanshan
Branstad	Buhr	Carpenter	Chapman
Clark	Cohoon	Connolly	Connors
Cooper	Corbett	Daggett	De Groot
Diemer	Doderer	Eddie	Fey
Fogarty	Fuller	Garman	Groninga
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hansen, S. D.
Harbor	Harper	Hatch	Haverland
Hermann	Hester	Holveck	Hummel
Jay	Jochum	Johnson	Knapp
Koenigs	Kremer	Lundby	Maulsby
May	McKean	McKinney	Metcalf
Miller	Muhlbauer	Mullins	Neuhauser
Ollie	Osterberg	Parker	Paulin
Pavich	Pellett	Peters	Peterson, M. K.
Plasier	Platt	Poncy	Renaud
Renken	Rosenberg	Royer	Running
Schnekloth	Schrader	Sherzan	Shoning
Shoultz	Siegrist	Skow	Spear
Stromer	Stueland	Svoboda	Swartz
Swearingen	Tabor	Teaford	Tyrrell
Van Camp	Van Maanen	Wise	Mr. Speaker

The nays were, none.

Absent or not voting, 8:

Brammer	Corey	Dvorsky	Hammond
Hanson, D. R.	Lageschulte	Norrgard	Petersen, D. F.

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

### RULES SUSPENDED

Arnould of Scott asked and received unanimous consent to suspend the rules and take up out of order House Files 2323 and 2340.

**House File 2323**, a bill for an act relating to the pledge of United States government obligations or their functional equivalents as security for the deposit of public funds, was taken up for consideration.

Parker of Jasper moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

## On the question "Shall the bill pass?" (H.F. 2323)

The ayes were, 91:

Adams	Beaman	Beatty	Bennett
Bisignano	Black	Blanshan	Branstad
Buhr	Carpenter	Chapman	Clark
Cohoon	Connolly	Connors	Cooper
Corbett	Daggett	De Groot	Diemer
Doderer	Eddie	Fey	Fogarty
Fuller	Garman	Groninga	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Hansen, S. D.
Harbor	Harper	Hatch	Haverland
Hermann	Hester	Holveck	Hummel
Jay	Jochum	Johnson	Knapp
Koenigs	Lundby	Maulsby	May
McKean	McKinney	Metcalf	Miller
Muhlbauer	Mullins	Neuhauser	Ollie
Osterberg	Parker	Paulin	Pavich
Pellett	Peters	Peterson, M. K.	Plasier
Platt	Poncy	Renaud	Renken
Rosenberg	Royer	Running	Schnekloth
Schrader	Sherzan	Shoning	Shoultz
Siegrist	Skow	Spear	Stromer
Stueland	Svoboda	Swartz	Swearingen
Tabor	Teaford	Tyrrell	Van Camp
Van Maanen	Wise	Mr. Speaker	

The nays were, none.

Absent or not voting, 9:

Arnould	Brammer	Corey	Dvorsky
Hanson, D. R.	Kremer	Lageschulte	Norrgard
Petersen, D. F.			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**House File 2340**, a bill for an act relating to the authority of the treasurer of state to invest in United States government obligations, was taken up for consideration.

**SENATE FILE 2168 SUBSTITUTED FOR HOUSE FILE 2340**

Knapp of Dubuque asked and received unanimous consent to substitute Senate File 2168 for House File 2340.

Arnould of Scott asked and received unanimous consent that Senate File 2168 be deferred and that the bill retain its place on the calendar.



## RULES SUSPENDED

Arnould of Scott asked and received unanimous consent to suspend the rules and take up out of order House Files 2363, 2367, 2189, 2373, 2375, 2377, 2376 and 2383.

**House File 2363**, a bill for an act relating to the control of certain parasitic infestations common to bees by the state apiarist, was taken up for consideration.

Gruhn of Dickinson moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2363)

The ayes were, 92:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Black	Blanshan
Branstad	Buhr	Carpenter	Chapman
Clark	Cohoon	Connolly	Connors
Cooper	Corbett	Daggett	De Groot
Diemer	Doderer	Eddie	Fey
Fogarty	Fuller	Garman	Groninga
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Hansen, S. D.	Harbor	Harper	Hatch
Haverland	Hermann	Hester	Holveck
Hummel	Jay	Jochum	Johnson
Knapp	Koenigs	Kremer	Lundby
Maulsby	May	McKean	McKinney
Metcalf	Miller	Muhlbauer	Mullins
Neuhauser	Ollie	Osterberg	Parker
Paulin	Pavich	Pellett	Peters
Peterson, M. K.	Plasier	Platt	Poncy
Renaud	Renken	* Rosenberg	Royer
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, none.

Absent or not voting, 8:

Brammer	Corey	Dvorsky	Hanson, D. R.
Lageschulte	Norrgard	Petersen, D. F.	Sherzan

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**House File 2367**, a bill for an act relating to training for mandatory reporters of dependent adult abuse and child abuse, was taken up for consideration.

Harper of Black Hawk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2367)

The ayes were, 92:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Black	Blanshan
Branstad	Buhr	Carpenter	Chapman
Clark	Cohoon	Connolly	Connors
Cooper	Corbett	Daggett	De Groot
Diemer	Doderer	Eddie	Fey
Fogarty	Fuller	Garman	Groninga
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Hansen, S. D.	Harbor	Harper	Hatch
Haverland	Hermann	Hester	Holveck
Hummel	Jay	Jochum	Johnson
Knapp	Koenigs	Kremer	Lundby
Maulsby	May	McKean	McKinney
Metcalf	Miller	Muhlbauer	Mullins
Neuhauser	Ollie	Osterberg	Parker
Paulin	Pavich	Pellett	Peters
Peterson, M. K.	Plasier	Platt	Poncy
Renaud	Renken	Rosenberg	Royer
Running	Schnekloth	Schrader	Shoning
Shoultz	Siegrist	Skow	Spear
Stromer	Stueland	Svoboda	Swartz
Swearingen	Tabor	Teaford	Tyrrell
Van Camp	Van Maanen	Wise	Mr. Speaker

The nays were, none.

Absent or not voting, 8:

Brammer	Corey	Dvorsky	Hanson, D. R.
Lageschulte	Norrsgard	Petersen, D. F.	Sherzan

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**House File 2189**, a bill for an act relating to child abuse investigation reports made to subjects of reports by the department of human services, with report of committee recommending passage was taken up for consideration.

Bennett of Ida asked and received unanimous consent to suspend Rule 31.8, relating to the timely filing of amendments, for consideration of amendment H—5326 filed by him from the floor as follows:

H—5326

- 1 Amend House File 2189 as follows:
- 2 1. Page 1, by striking line 14 and inserting the
- 3 following: "investigation within ten calendar days of
- 4 the time the juvenile court is".

On motion by Bennett of Ida, amendment H—5326 was adopted.

Clark of Cerro Gordo moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2189)

The ayes were, 91:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Black	Blanshan
Branstad	Buhr	Carpenter	Chapman
Clark	Cphoon	Connolly	Connors
Cooper	Corbett	Daggett	De Groot
Diemer	Doderer	Eddie	Fey
Fogarty	Fuller	Garman	Groninga
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Hansen, S. D.	Harper	Hatch	Haverland
Hermann	Hester	Holveck	Hummel
Jay	Jochum	Johnson	Knapp
Koenigs	Kremer	Lundby	Maulsby
May	McKean	McKinney	Metcalf
Miller	Muhlbauer	Mullins	Neuhauser
Ollie	Osterberg	Parker	Paulin
Pavich	Pellett	Peters	Peterson, M. K.
Plasier	Platt	Poncy	Renaud
Renken	Rosenberg	Royer	Running
Schnekloth	Schrader	Shoning	Shoultz
Siegrist	Skow	Spear	Stromer
Stueland	Svoboda	Swartz	Swearingen
Tabor	Teaford	Tyrrell	Van Camp
Van Maanen	Wise	Mr. Speaker	

The nays were, none.

Absent or not voting, 9:

Brammer	Corey	Dvorsky	Hanson, D. R.
Harbor	Lageschulte	Norrgard	Petersen, D. F.
Sherzan			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**House File 2373**, a bill for an act to grant the department of agriculture and land stewardship the authority to administer oaths and subpoenas and issue injunctions in the course of administering the law regarding bovine brucellosis, was taken up for consideration.

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?" (H.F. 2373)

The ayes were, 83:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Black	Blanshan
Buhr	Carpenter	Chapman	Clark
Cohoon	Connolly	Connors	Cooper
Corbett	Daggett	De Groot	Diemer
Doderer	Eddie	Fey	Fogarty
Fuller	Groninga	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Harbor
Harper	Haverland	Hermann	Hester
Holveck	Jay	Jochum	Johnson
Knapp	Koenigs	Kremer	Lundby
May	McKean	McKinney	Metcalf
Miller	Muhlbauer	Mullins	Neuhauser
Ollie	Osterberg	Parker	Paulin
Pavich	Pellett	Peters	Peterson, M. K.
Platt	Poncy	Renaud	Rosenberg
Royer	Running	Schrader	Sherzan
Shoning	Shoultz	Siegrist	Skow
Spear	Stromer	Stueland	Svoboda
Swartz	Swearingen	Tabor	Teaford
Van Camp	Wise	Mr. Speaker	

The nays were, 8:

Branstad	Garman	Hummel	Maulsby
Renken	Schneklath	Tyrrell	Van Maanen

Absent or not voting, 9:

Brammer	Corey	Dvorsky	Hanson, D. R.
Hatch	Lageschulte	Norrsgard	Petersen, D. F.
Plasier			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**House File 2375**, a bill for an act relating to procedures of the Iowa boundary commission and providing for the appointment of subcommittees, was taken up for consideration.

Knapp of Dubuque moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2375)

The ayes were, 91:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Black	Blanshan
Branstad	Buhr	Carpenter	Chapman
Clark	Cohoon	Connolly	Connors
Cooper	Corbett	Daggett	De Groot
Diemer	Doderer	Eddie	Fey
Fogarty	Fuller	Groninga	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Hansen, S. D.
Harbor	Harper	Hatch	Haverland
Hermann	Hester	Holveck	Hummel
Jay	Jochum	Johnson	Knapp
Koenigs	Kremer	Lundby	Maulsby
May	McKean	McKinney	Metcalf
Miller	Muhlbauer	Mullins	Ollie
Osterberg	Parker	Paulin	Pavich
Pellett	Peters	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	Tyrrell	Van Camp
Van Maanen	Wise	Mr. Speaker	

The nays were, 1:

Garman

Absent or not voting, 8:

Brammer	Corey	Dvorsky	Hanson, D. R.
Lageschulte	Neuhauser	Norrgard	Petersen, D. F.

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**House File 2377**, a bill for an act relating to the establishment of programs for paying for college costs, including the provision for the state board of regents to issue revenue bonds that are payable at times determined by the board and the preparation of an educational pro-

gram and marketing strategies by the college aid commission in cooperation with the state board of regents, was taken up for consideration.

Arnould of Scott asked and received unanimous consent that House File 2377 be deferred and that the bill retain its place on the calendar.

On motion by Arnould of Scott, the House was recessed at 11:59 a.m., until 1:00 p.m.

### AFTERNOON SESSION

The House reconvened, Speaker Avenson in the chair.

### MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 7, 1988, passed the following bill in which the concurrence of the House is asked:

Senate File 2093, a bill for an act relating to the transfer of rights, title and interest in a rail line which a railway corporation has received authorization to abandon.

JOHN F. DWYER, Secretary

### CONSIDERATION OF BILLS

#### Regular Calendar

The House resumed consideration of **House File 2377**, a bill for an act relating to the establishment of programs for paying for college costs, including the provision for the state board of regents to issue revenue bonds that are payable at times determined by the board and the preparation of an educational program and marketing strategies by the college aid commission in cooperation with the state board of regents, previously deferred.

Adams of Hamilton in the chair at 1:20 p.m.

Bennett of Ida rose on a point of order and invoked Joint Rule 17, requiring a fiscal note on House File 2377.

Speaker Avenson in the chair at 1:51 p.m.

The Speaker ruled the point well taken and a fiscal note required.

Arnould of Scott asked and received unanimous consent that House File 2377 be deferred and that the bill retain its place on the calendar.

**House File 2376**, a bill for an act relating to rules of the state fire marshal for the above-ground storage and retail sale of petroleum products, was taken up for consideration.

Renaud of Polk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2376)

The ayes were, 90:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Black	Blanshan
Branstad	Buhr	Carpenter	Chapman
Clark	Cphoon	Connolly	Connors
Corbett	Daggett	De Groot	Diemer
Doderer	Eddie	Fey	Fogarty
Fuller	Garman	Groninga	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Hansen, S. D.
Harbor	Harper	Hatch	Haverland
Hermann	Hester	Holveck	Hummel
Jay	Jochum	Johnson	Knapp
Koenigs	Kremer	Lundby	May
McKean	McKinney	Metcalf	Miller
Muhlbauer	Mullins	Neuhauser	Ollie
Osterberg	Parker	Paulin	Pavich
Pellett	Peters	Peterson, M. K.	Plasier
Platt	Poncy	Renaud	Renken
Rosenberg	Royer	Running	Schneklloth
Schrader	Sherzan	Shoning	Shoultz
Siegrist	Skow	Spear	Stromer
Stueland	Svoboda	Swartz	Swearingen
Tabor	Teaford	Tyrrell	Van Camp
Wise	Mr. Speaker		

The nays were, 2:

Maulsby                      Van Maanen

Absent or not voting, 8:

Brammer	Cooper	Corey	Dvorsky
Hanson, D. R.	Lageschulte	Norrgard	Petersen, D. F.

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**House File 2383**, a bill for an act relating to the movement of vehicles of excess size and weight, subject to penalties provided by law, was taken up for consideration.

Muhlbauer of Crawford moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2383)

The ayes were, 74:

Adams	Arnould	Beaman	Bennett
Bisignano	Black	Blanshan	Branstad
Chapman	Clark	Cohoon	Connolly
Connors	Cooper	Daggett	De Groot
Eddie	Fey	Fogarty	Fuller
Garman	Groninga	Halvorson, R. A.	Hansen, S. D.
Harbor	Harper	Hatch	Haverland
Hermann	Hester	Jay	Jochum
Johnson	Knapp	Koenigs	Kremer
Lundby	Maulsby	May	McKinney
Metcalf	Miller	Muhlbauer	Ollie
Osterberg	Parker	Paulin	Pavich
Pellett	Peters	Peterson, M. K.	Plasier
Platt	Poney	Renaud	Renken
Royer	Schnekloth	Schrader	Shoning
Siegrist	Skow	Spear	Stromer
Stueland	Svoboda	Swartz	Swearingen
Tabor	Tyrrell	Van Camp	Van Maanen
Wise	Mr. Speaker		

The nays were, 16:

Buhr	Carpenter	Corbett	Diemer
Doderer	Gruhn	Halvorson, R. N.	Hammond
Holveck	Hummel	McKean	Neuhauser
Rosenberg	Running	Shoultz	Teaford

Absent or not voting, 10:

Beatty	Brammer	Corey	Dvorsky
Hanson, D. R.	Lageschulte	Mullins	Norrgard
Petersen, D. F.	Sherzan		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

## RULES SUSPENDED

Arnould of Scott asked and received unanimous consent to suspend the rules and take up out of order House File 2345.

The House resumed consideration of **House File 2345**, a bill for an act relating to the certification of school personnel and approval of teacher education programs, including the establishment of a board



of educational examiners and a teacher certification advisory committee, deferred March 3 and 4, 1988.

Swartz of Marshall offered the following amendment H—5295 filed by him and moved its adoption:

H—5295

1 Amend House File 2345 as follows:

2 1. Page 1, by inserting before line 1 the  
3 following:

4 "Section 1. INTENT OF GENERAL ASSEMBLY. The  
5 general assembly believes that in today's  
6 interdependent world, it is more important than ever  
7 for Iowa's citizens to be able to communicate with  
8 individuals from other countries and to understand  
9 other cultures. Teacher education programs need to  
10 provide prospective teachers with exposure to  
11 international, comparative, and intercultural courses  
12 prior to their graduation."

13 2. Page 1, by striking lines 12 through 14 and  
14 inserting the following: "development of requirements  
15 for approved teacher education institutions and for  
16 certification of elementary and secondary school  
17 personnel that will include, but not be limited to,  
18 skills that integrate subject matter of academic  
19 classes with instruction contrasting the institutions,  
20 culture, and customs of the United States with those  
21 of other countries. The advisory committee".

22 3. Page 1, by striking lines 15 through 34 and  
23 inserting the following: "shall consist of nine  
24 members who are electors of the state. Not more than  
25 four of the members shall possess certificates issued  
26 under chapter 260 and be employed by an education  
27 agency or institution."

28 4. Page 7, by striking lines 11 through 17.

Amendment H—5295 lost.

Action on amendment H—5290 was temporarily deferred.

Stromer of Hancock offered the following amendment H—5288 filed by him and moved its adoption:

H—5288

1 Amend House File 2345 as follows:

2 1. Page 1, by inserting after line 2 the  
3 following:

4 "Sec. \_\_\_\_\_. Section 256.7, Code 1987, is amended by  
5 adding the following new subsection:

6 NEW SUBSECTION. Appoint a merged area school board  
7 of educational examiners to perform the duties

8 prescribed in section 280A.29."

9 2. Page 6, by inserting after line 23 the  
10 following:

11 "Sec. \_\_\_\_\_. NEW SECTION. 280A.29 BOARD OF AREA  
12 SCHOOL EDUCATIONAL EXAMINERS.

13 The board of area school educational examiners  
14 appointed by the state board of education is the board  
15 for the certification of individuals actually involved  
16 in teaching in the area schools. The board shall  
17 prescribe types and classes of certificates to be  
18 issued, the subjects and fields and positions which  
19 certificates cover, and determine the requirements for  
20 certificates; establish fees for the issuance and  
21 renewal of certificates; prescribe the terms of years  
22 and expiration dates of certificates; prescribe the  
23 requirements for renewal of certificates; enter into  
24 reciprocity agreements with other states and countries  
25 that have similar certification requirements; suspend  
26 or revoke a certificate for any cause that would have  
27 authorized or required a refusal to grant a  
28 certificate; establish standards for the acceptance of  
29 degrees, credits, courses, and other evidences of  
30 training and preparation from public and private  
31 institutions of higher learning, junior colleges, or  
32 other training institutions located inside and outside  
33 the state. Those individuals actively teaching on an  
34 emergency basis for less than thirty days during a  
35 school year need not possess certification under this  
36 section. The board shall adopt rules under chapter  
37 17A to implement this section. Fees collected under  
38 this section shall be deposited in the general fund of  
39 the state.

40 Sec. \_\_\_\_\_. NEW SECTION. 280A.30 EMPLOYMENT OF  
41 PERSONNEL.

42 The board of directors of each merged area shall  
43 employ instructional personnel for the area school who  
44 hold certificates valid for the types of positions in  
45 which the personnel are employed."

A non-record roll call was requested.

The ayes were 34, nays 43.

Amendment H—5288 lost.

Van Camp of Scott offered the following amendment H—5290,  
temporarily deferred, filed by him and moved its adoption:

H—5290

1 Amend House File 2345 as follows:

2 1. Page 1, line 2, by inserting after the word  
3 "subsection" the following: "and inserting in lieu

- 4 thereof the following:
- 5 3. Approve or disapprove of the rules proposed by
- 6 the board of educational examiners."
- 7 2. Page 1, line 5, by striking the words "Appoint
- 8 an" and inserting the following: "Serve as".
- 9 3. Page 1, line 6, by striking the figure "260,"
- 10 and inserting the following: "260."
- 11 4. Page 1, by striking line 7.
- 12 5. Page 3, line 34, by inserting after the word
- 13 "shall" the following: "develop and recommend to the
- 14 state board of education".
- 15 6. Page 3, line 35, by striking the words
- 16 "Prescribe the" and inserting the following: "The".
- 17 7. Page 4, line 1, by striking the words
- 18 "Prescribe requirements" and inserting the following:
- 19 "Requirements".
- 20 8. Page 4, line 2, by striking the words
- 21 "Prescribe standards" and inserting the following:
- 22 "Standards".
- 23 9. Page 4, line 6, by striking the words
- 24 "Prescribe requirements" and inserting the following:
- 25 "Requirements".
- 26 10. Page 4, line 7, by striking the words
- 27 "Prescribe standards" and inserting the following:
- 28 "Standards".
- 29 11. Page 4, by striking lines 10 and 11.
- 30 12. Page 4, line 12, by striking the words
- 31 "Develop criteria" and inserting the following:
- 32 "Criteria".
- 33 13. Page 4, by striking lines 14 through 25.
- 34 14. Page 6, by striking lines 18 through 31.
- 35 15. Page 7, by striking line 10.

Roll call was requested by Stromer of Hancock and Bennett of Ida.

On the question "Shall amendment H—5290 be adopted?"  
(H.F. 2345)

The ayes were, 32:

Branstad	Carpenter	Corbett	Daggett
De Groot	Diemer	Eddie	Garman
Halvorson, R. A.	Harbor	Hermann	Hester
Hummel	Kremer	Lundby	Maulsby
Metcalf	Mullins	Paulin	Pellett
Plasier	Platt	Renken	Royer
Schnekloth	Shoning	Stromer	Stueland
Swearingen	Tyrrell	Van Camp	Van Maanen

The nays were, 57:

Adams	Arnould	Beatty	Bennett
Bisignano	Black	Blanshan	Buhr

Chapman	Clark	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	Koenigs
May	McKean	McKinney	Muhlbauer
Neuhauser	Ollie	Osterberg	Parker
Pavich	Peters	Poncy	Renaud
Rosenberg	Running	Schrader	Sherzan
Shoultz	Siegrist	Skow	Spear
Svoboda	Tabor	Teaford	Wise
Mr. Speaker			

Absent or not voting, 11:

Beaman	Brammer	Connors	Corey
Hanson, D. R.	Lageschulte	Miller	Norrgard
Petersen, D. F.	Peterson, M. K.	Swartz	

Amendment H — 5290 lost.

Hansen of Woodbury in the chair at 2:49 p.m.

Daggett of Adams offered amendment H — 5297 filed by him. Division was requested as follows:

H — 5297

1 Amend House File 2345 as follows:

H — 5297A

2 1. Page 1, by inserting after line 2 the  
 3 following:  
 4 "Sec. \_\_\_\_\_. Section 256.7, Code Supplement 1987, is  
 5 amended by adding the following new subsection:  
 6 NEW SUBSECTION. 13. Maintain a list of qualified  
 7 persons to serve as hearing officers who are  
 8 experienced in the educational system of this state  
 9 when a hearing is requested under section 279.24.  
 10 When requested under section 279.24, the state board  
 11 shall submit a list of five qualified hearing officers  
 12 to the parties. The hearing shall be held pursuant to  
 13 chapter 17A relating to contested cases. The full  
 14 costs of the hearing shall be shared equally by the  
 15 parties. A person who is employed as a teacher or  
 16 administrator by a school district is not eligible to  
 17 serve as a hearing officer."

H — 5297B

18 2. Page 4, by striking lines 18 through 20.

H—5297A

- 19 3. Page 6, by striking lines 6 through 17.  
20 4. By renumbering as necessary.

Daggett of Adams moved the adoption of amendment H—5297A.

A non-record roll call was requested.

The ayes were 33, nays 44.

Amendment H—5297A lost.

Daggett of Adams offered the following amendment H—5291 filed by him and moved its adoption:

H—5291

- 1 Amend House File 2345 as follows:  
2 1. Page 1, by striking line 7 and inserting the  
3 following: "subject to the approval of the state  
4 board of education".

Amendment H—5291 was adopted.

Stromer of Hancock offered the following amendment H—5273 filed by him and moved its adoption:

H—5273

- 1 Amend House File 2345 as follows:  
2 1. Page 1, by striking lines 1 through 7.  
3 2. By striking page 2, line 9, through page 7,  
4 line 10.  
5 3. Page 7, by striking lines 18 through 26.

Roll call was requested by Stromer of Hancock and Maulsby of Calhoun.

Rule 75 was invoked.

On the question "Shall amendment H—5273 be adopted?"  
(H.F. 2345)

The ayes were, 39:

Beaman	Bennett	Branstad	Carpenter
Clark	Corbett	Daggett	De Groot
Diemer	Eddie	Fogarty	Garman
Halvorson, R. A.	Harbor	Hermann	Hester
Hummel	Kremer	Lundby	Maulsby
McKean	Metcalf	Miller	Mullins
Paulin	Pellett	Plasier	Platt
Renken	Royer	Schnekloth	Sherzan
Stromer	Stueland	Swartz	Swearingen
Tyrrell	Van Camp	Van Maanen	

The nays were, 54:

Adams	Arnould	Avenson	Beatty
Bisignano	Black	Blanshan	Buhr
Chapman	Cohoon	Connolly	Connors
Cooper	Doderer	Dvorsky	Fey
Fuller	Groninga	Gruhn	Halvorson, R. N.
Hammond	Harper	Hatch	Haverland
Holveck	Jay	Jochum	Johnson
Knapp	Koenigs	May	McKinney
Muhlbauer	Neuhauser	Ollie	Osterberg
Parker	Pavich	Peters	Peterson, M. K.
Poncy	Renaud	Rosenberg	Running
Schrader	Shoning	Shoultz	Siegrist
Skow	Spear	Tabor	Teaford
Wise	Mr. Speaker (Hansen of Woodbury)		

Absent or not voting, 7:

Brammer	Corey	Hanson, D. R.	Lageschulte
Norrgard	Petersen, D. F.	Svoboda	

Amendment H—5273 lost.

The House stood at ease at 3:10 p.m., until the fall of the gavel.

The House resumed session and consideration of House File 2345 at 4:50 p.m., Speaker Avenson in the chair.

Arnould of Scott asked and received unanimous consent that House File 2345 be deferred and that the bill retain its place on the calendar.

The House resumed consideration of **House File 2377**, a bill for an act relating to the establishment of programs for paying for college costs, including the provision for the state board of regents to issue revenue bonds that are payable at times determined by the board and the preparation of an educational program and marketing strategies by the college aid commission in cooperation with the state board of regents, previously deferred.

Connors of Polk in the chair at 4:52 p.m.

McKean of Jones asked for unanimous consent to suspend Rule 31.8, relating to the timely filing of amendments, for consideration of amendment H—5350.

Objection was raised.

McKean of Jones moved to suspend Rule 31.8 for consideration of amendment H—5350 filed from the floor by McKean, Osterberg, Van Maanen and Daggett as follows:

H—5350

1 Amend House File 2377 as follows:

2 1. Page 1, by striking lines 18 and 19 and in-  
3 serting the following: "million dollars, so that they  
4 may be purchased only by residents of this state and  
5 shall be used only for paying future higher education  
6 costs. For the purpose of this section, future higher  
7 education costs includes tuition, fees, and room and  
8 board, at a not for profit educational institution  
9 approved by a recognized accrediting agency as deter-  
10 mined by the college aid commission."

11 2. Page 2, line 27, by striking the words  
12 "semiannually" and inserting the following:  
13 "semiannually or if used for the purposes of section  
14 262A.5 for purchase by residents of this state for  
15 educational purposes, the negotiable bonds may be  
16 payable".

17 3. Page 4, by inserting after line 2 the  
18 following:

19 "Sec. \_\_\_\_\_. Section 262A.8, Code 1987, is amended  
20 to read as follows:

21 262A.8 STUDENT FEES TO PAY BONDS.

22 Whenever bonds are issued by the state board of  
23 regents, it shall be the duty of said the state board  
24 to establish, impose, and collect student fees and  
25 charges at the institution on behalf of which such the  
26 bonds are issued, and to adjust such student fees and  
27 charges from time to time, in order always to provide  
28 amounts which, together with the institutional income,  
29 will be sufficient to pay the principal of and  
30 interest on such the bonds as the same they become due  
31 and to maintain a reserve therefor, and said the state  
32 board is authorized to pledge a sufficient amount of  
33 the student fees and charges and institutional income  
34 received by such the institution for this purpose.  
35 Student fees and charges and institutional income  
36 received by one institution shall not be used to  
37 discharge bonds issued for or on account of another  
38 institution. All bonds issued under the terms of this  
39 chapter ~~shall be~~ are exempt from taxation by the state  
40 of Iowa and the interest ~~thereon shall be on the bonds~~  
41 is exempt from the state income tax, except that the  
42 bonds, and interest on the bonds, purchased by  
43 residents of this state under section 262A.5 for  
44 educational purposes and not used for educational  
45 purposes are not exempt from the state income tax."

46 4. By numbering and renumbering sections as  
47 necessary.

A non-record roll call was requested.

Rule 75 was invoked.

The ayes were 49, nays 42.

The motion to suspend the rules, having failed to receive a constitutional majority, lost.

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Adams of Hamilton, for the remainder of the day, on request of Dvorsky of Johnson.

Shoultz of Black Hawk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

Rule 75 was invoked.

On the question "Shall the bill pass?" (H.F. 2377)

The ayes were, 52:

Arnould	Beatty	Bisignano	Black
Blanshan	Buhr	Chapman	Cohoon
Connolly	Cooper	Dvorsky	Fey
Fogarty	Fuller	Groninga	Gruhn
Hammond	Hansen, S. D.	Harper	Hatch
Haverland	Holveck	Jay	Jochum
Knapp	Koenigs	May	McKinney
Muhlbauer	Neuhauser	Ollie	Osterberg
Parker	Pavich	Peters	Peterson, M. K.
Platt	Poncy	Renaud	Rosenberg
Running	Schrader	Sherzan	Shoning
Shoultz	Skow	Svoboda	Swartz
Teaford	Van Camp	Wise	Mr. Speaker (Connors)

The nays were, 41:

Beaman	Bennett	Branstad	Carpenter
Clark	Corbett	Corey	Daggett
De Groot	Diemer	Doderer	Eddie
Garman	Halvorson, R. A.	Halvorson, R. N.	Harbor
Hermann	Hester	Hummel	Johnson
Kremer	Lundby	Maulsby	McKean
Metcalf	Miller	Mullins	Paulin
Pellett	Plasier	Renken	Royer
Schnekloth	Siegrist	Spear	Stromer
Stueland	Swearingen	Tabor	Tyrrell
Van Maanen			

Absent or not voting, 7:

Adams	Avenson	Brammer	Hanson, D. R.
Lageschulte	Norrgard	Petersen, D. F.	



The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**MOTIONS TO RECONSIDER**  
(House File 2355)

I move to reconsider the vote by which House File 2355 passed the House on March 7, 1988.

CHAPMAN of Linn

(House File 2376)

I move to reconsider the vote by which House File 2376 passed the House on March 7, 1988.

STROMER of Hancock

(Amendment H—5290 to House File 2345)

I move to reconsider the vote by which amendment H—5290 to House File 2345 failed to be adopted by the House on March 7, 1988.

BENNETT of Ida

(Amendment H—5288 to House File 2345)

I move to reconsider the vote by which amendment H—5288 to House File 2345 failed to be adopted by the House on March 7, 1988.

HUMMEL of Benton

**EXPLANATIONS OF VOTE**

I was necessarily absent from the House chamber the morning of March 7, 1988. Had I been present, I would have voted "aye" on House Files 2189, 2307, 2319, 2323, 2337, 2352, 2353, 2355, 2363, 2367, 2371, 2373, 2375, 2383 and "nay" on House File 2376.

COREY of Louisa

I was necessarily absent from the House chamber on Friday afternoon, March 4, 1988. Had I been present, I would have voted "aye" on House Files 2328 and 2351.

SIEGRIST of Pottawattamie

**COMMUNICATIONS RECEIVED**

The following communications were received and are on file in the office of the Chief Clerk:

## DEPARTMENT OF HUMAN SERVICES

A Report on Funding Decategorization an Approach to Child Welfare Reform, pursuant to Chapter 234.203 (9)(i) of the Acts of the Seventy-second General Assembly, 1987 Regular Session.

A Study of the Economic and Administrative Impact of a Separate Reimbursement Policy for Unit Dose Drug Distribution Systems in Long Term Care Facilities, pursuant to Chapter 234.203 (2) of the Acts of the Seventy-second General Assembly, 1987 Regular Session.

## CERTIFICATES OF RECOGNITION

MR. SPEAKER: The Chief Clerk of the House respectfully reports that certificates of recognition have been issued as follows.

JOSEPH O'HERN  
Chief Clerk of the House

- |         |  |
|---------|--|
| 1988-13 | Doug Knotek, Lewis Central High School — For winning the 112 lb. Class 3-A State Wrestling Championship.         |
| 1988-14 | Jason Glattfelder, New London — For his heroic act which saved the life of a drowning child.                     |
| 1988-15 | Stacey Rice, Storm Lake Community School — For winning the 132 lb. Class 2-A State Wrestling Championship.       |
| 1988-16 | Tim Griffin, Laurens-Marathon Community School — For winning the 119 lb. Class 1-A State Wrestling Championship. |
| 1988-17 | John Oostendorp, West Liberty High School — For winning the Class 2-A Heavyweight State Wrestling Championship.  |

## COMMITTEE RECOMMENDATIONS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

JOSEPH O'HERN  
Chief Clerk of the House

## COMMITTEE ON AGRICULTURE

**Committee Bill** (Formerly House Study Bill 615), to repeal certain health-related regulation responsibilities of the department of agriculture and land stewardship.

Fiscal Note is not required.

Recommended **Do Pass** March 3, 1988.

**Committee Bill** (Formerly House Study Bill 806), relating to public school vocational education in agriculture technology and creating a council for agricultural education.

Fiscal Note is not required.

**Recommended Amend and Do Pass** March 3, 1988.

**Committee Bill** (Formerly House Study Bill 807), relating to the immediately prior landowner's right of first refusal to reobtain agricultural land held by a state bank upon foreclosure; upon judgment for debt due; upon conveyance in satisfaction of debt, including conveyance under alternative nonjudicial voluntary foreclosure; or through redemption.

Fiscal Note is not required.

**Recommended Do Pass** March 3, 1988.

**Committee Bill** (Formerly House Study Bill 814), relating to the establishment of agricultural trade specialist positions and in-house coordinators within the department of agriculture and land stewardship.

Fiscal Note is required.

**Recommended Do Pass** March 3, 1988.

**Committee Bill** (Formerly House Study Bill 816), relating to regulation of milk production and marketing by creating a fund for administration and appropriating the moneys in the fund, raising fees relating to the milk industry, and providing for the establishment of milk production and processing standards.

Fiscal Note is not required.

**Recommended Do Pass** March 4, 1988.

**Committee Resolution**, a resolution relating to developing the state's aquaculture industry.

Fiscal Note is not required.

**Recommended Do Pass** March 3, 1988.

#### COMMITTEE ON EDUCATION (Corrected)

**Committee Bill** (Formerly House Study Bill 810), relating to initiating and effecting whole-grade sharing agreements.

Fiscal Note is not required.

**Recommended Do Pass** March 3, 1988.

#### COMMITTEE ON ENERGY AND ENVIRONMENTAL PROTECTION

**Committee Bill** (Formerly House Study Bill 694), relating to the implementation of energy conservation measures and class "A" energy audits.

Fiscal Note is not required.

**Recommended Amend and Do Pass** March 4, 1988.

**Committee Bill** (Formerly House Study Bill 675), relating to and making appropriations of the petroleum overcharge funds.

Fiscal Note is required.

**Recommended Amend and Do Pass** March 4, 1988.

**Committee Bill** (Formerly House Study Bill 791), relating to waste volume reduction and recycling, establishing taxes and fees, and providing for appropriation and expenditure of the tax and fee receipts.

Fiscal Note is required.

Committee Action: **Failed to Pass** March 4, 1988.

#### COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT

**House File 2088**, a bill for an act relating to work release for prisoners in county jails by providing for intermittent sentencing and by providing that a gainfully employed prisoner on work release is liable for the cost of the prisoner's lodging.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H-5341** March 4, 1988.

**Committee Bill** (Formerly House Study Bill 311), to designate hearing officers as administrative law judges.

Fiscal Note is not required.

Recommended **Do Pass** March 4, 1988.

**Committee Bill** (Formerly House Study Bill 717), increasing and establishing certain court filing fees.

Fiscal Note is not required.

Recommended **Do Pass** March 4, 1988.

**Committee Bill** (Formerly House Study Bill 822), relating to ensuring the availability of physicians to all citizens of this state by establishing a medical care availability assistance plan, providing an appropriation, and establishing an effective date.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 4, 1988.

#### COMMITTEE ON LOCAL GOVERNMENT

**Committee Bill** (Formerly House Study Bill 304), restricting the burning of vegetation or debris within rights-of-way of public roads and providing a penalty for violation.

Fiscal Note is not required.

Recommended **Do Pass** March 4, 1988.

**Committee Bill** (Formerly House Study Bill 775), relating to payments for local school districts, area schools, counties, cities, local conference boards, county hospitals, and county agricultural extension councils.

Fiscal Note is not required.

Recommended **Do Pass** March 4, 1988.

**Committee Bill** (Formerly House Study Bill 797), relating to fire safety standards for subsidized rental housing, and subjecting violators to penalties.

Fiscal Note is not required.

Recommended **Do Pass** March 4, 1988.

**Committee Bill** (Formerly House Study Bill 818), relating to surety bonds for county officers and employees.

Fiscal Note is not required.

Recommended **Do Pass** March 4, 1988.

**Committee Bill** (Formerly House File 478), relating to the annexation of territory within certain special districts.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 4, 1988.

#### COMMITTEE ON STATE GOVERNMENT

**House File 2211**, a bill for an act relating to political campaigns, providing partial public financing of political campaigns, appropriating funds, providing penalties, and providing effective dates.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H-5321** March 3, 1988.

#### COMMITTEE ON TRANSPORTATION

**Committee Bill** (Formerly House Study Bill 815), relating to grain transportation by imposing an excise tax on grain, making appropriations, providing for applicability, and providing a penalty.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 4, 1988.

#### AMENDMENTS FILED

H-5321	H.F.	2211	Committee on State Government
H-5323	H.F.	2387	Maulsby of Calhoun
H-5324	H.F.	2399	Koenigs of Mitchell
			Fogarty of Palo Alto
			Branstad of Winnebago
			Royer of Page
			De Groot of Lyon
			Maulsby of Calhoun
			Muhlbauer of Crawford
H-5325	H.F.	2338	Adams of Hamilton
			Holveck of Polk
H-5327	H.F.	2402	Spear of Lee
H-5328	H.F.	2403	Spear of Lee
H-5329	H.F.	2327	Daggett of Adams
H-5330	H.F.	2403	Spear of Lee

H-5331	H.F.	2403	Blanshan of Greene
H-5332	S.F.	2196	Kremer of Buchanan
H-5333	S.F.	2108	Swartz of Marshall
H-5334	H.F.	2389	Spear of Lee
H-5335	H.F.	2389	Spear of Lee
H-5336	H.F.	2389	Spear of Lee
H-5337	H.F.	2394	Van Maanen of Mahaska
			Pellett of Cass
			Maulsby of Calhoun
H-5338	H.F.	2394	Van Maanen of Mahaska
			Pellett of Cass
			Maulsby of Calhoun
H-5339	H.F.	2389	Spear of Lee
H-5340	H.F.	2282	Kremer of Buchanan
			Connolly of Dubuque
H-5341	H.F.	2088	Committee on Judiciary and Law Enforcement
H-5342	H.F.	2390	Van Maanen of Mahaska
			Clark of Cerro Gordo
H-5343	H.F.	2390	Tyrrell of Iowa
H-5344	H.F.	2348	Cooper of Lucas
H-5345	H.F.	2389	Spear of Lee
H-5346	H.F.	2294	Sherzan of Polk
H-5347	H.F.	2338	Adams of Hamilton
			Holveck of Polk
H-5348	H.F.	2389	Spear of Lee
H-5349	H.F.	2400	Schnekloth of Scott
			Pellett of Cass
			Stromer of Hancock
			Garman of Story
			Renken of Grundy
			Branstad of Winnebago
			Plasier of Sioux
			Van Maanen of Mahaska
			Corey of Louisa
			Tyrrell of Iowa
H-5351	H.F.	2389	Spear of Lee
H-5352	H.F.	2399	Johnson of Winneshiek
H-5353	H.F.	2396	Bennett of Ida
H-5354	H.F.	2393	Stromer of Hancock
H-5355	H.F.	2396	Schnekloth of Scott
H-5356	H.F.	2400	Blanshan of Greene
			Kremer of Buchanan
H-5357	H.F.	2376	Maulsby of Calhoun

H—5358	H.F. 2345	Holveck of Polk Hammond of Story
H—5359	H.F. 2400	Swartz of Marshall Sherzan of Polk Platt of Muscatine

On motion by Arnould of Scott, the House adjourned at 5:42 p.m., until 9:00 a.m., Tuesday, March 8, 1988.

# JOURNAL OF THE HOUSE

Fifty-eighth Calendar Day — Thirty-eighth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Tuesday, March 8, 1988

The House met pursuant to adjournment, Speaker pro tempore Connors of Polk in the chair.

Prayer was offered by the Honorable Bill Harbor, state representative from Mills County.

The Journal of Monday, March 7, 1988 was approved.

## PETITIONS FILED

The following petitions were received and placed on file opposing any increase in beer, wine or liquor taxing measures:

By Fogarty of Palo Alto, from thirty-six constituents.

By Gruhn of Dickinson, from fifty-five constituents.

By Jochum of Dubuque, from one hundred ten constituents of the 36th District.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Schrader of Marion and Dvorsky of Johnson, until their arrival, on request of Cohoon of Des Moines; Norrgard of Des Moines on request of Adams of Hamilton.

## INTRODUCTION OF BILLS

**House File 2416**, by committee on economic development, a bill for an act relating to establishing a case management assistance program to assist low-income persons in starting up or expanding small businesses.

Read first time and placed on the **calendar**.

**House File 2417**, by committee on energy and environmental protection, a bill for an act relating to residential water treatment systems, incorporating a penalty, and providing effective dates.

Read first time and placed on the **calendar**.

**House File 2418**, by committee on energy and environmental protection, a bill for an act relating to the certification of laboratories which perform analyses of specimens for the department of natural resources.



Read first time and placed on the **calendar**.

**House File 2419**, by committee on education, a bill for an act relating to initiating and effecting whole-grade sharing agreements.

Read first time and placed on the **calendar**.

**House File 2420**, by committee on local government, a bill for an act relating to the survey of land including the practice of land surveying and the preparation, recording, and vacation of plats, and subjecting violators to civil penalties.

Read first time and placed on the **calendar**.

**House File 2421**, by committee on energy and environmental protection, a bill for an act establishing a sewage treatment works financing program including appropriation of moneys to be deposited in a revolving loan fund and an administration fund.

Read first time and placed on the **calendar**.

**House File 2422**, by committee on state government, a bill for an act relating to the suspension and revocation of licenses by the board of dental examiners.

Read first time and placed on the **calendar**.

**House File 2423**, by committee on local government, a bill for an act relating to surety bonds for county officers and employees.

Read first time and placed on the **calendar**.

**House File 2424**, by committee on local government, a bill for an act relating to fire safety standards for subsidized rental housing, and subjecting violators to penalties.

Read first time and placed on the **calendar**.

**House File 2425**, by committee on local government, a bill for an act restricting the burning of vegetation or debris within rights-of-way of public roads and providing a penalty for violation.

Read first time and placed on the **calendar**.

**House File 2426**, by committee on local government, a bill for an act relating to the provision of municipal services within an annexed area.

Read first time and placed on the **calendar**.

**House File 2427**, by committee on agriculture, a bill for an act to

repeal certain health-related regulation responsibilities of the department of agriculture and land stewardship.

Read first time and placed on the **calendar**.

**House File 2428**, by committee on judiciary and law enforcement, a bill for an act increasing and establishing certain court filing fees.

Read first time and placed on the **calendar**.

#### SENATE MESSAGES CONSIDERED

**Senate File 2093**, by committee on transportation, a bill for an act relating to the transfer of rights, title and interest in a rail line which a railway corporation has received authorization to abandon.

Read first time and referred to committee on **transportation**.

**Senate File 2192**, by committee on education, a bill for an act to establish a child development coordinating council for the promotion of child development services to certain at-risk children and to prescribe its duties.

Read first time and referred to committee on **education**.

#### RULE 34 SUSPENDED

Arnould of Scott asked for unanimous consent to suspend Rule 34, relating to the Weekly Debate Calendar, to allow an addendum to the addendum for the week of March 7, 1988.

Objection was raised.

Arnould of Scott moved to suspend Rule 34 to allow an addendum to the addendum for the week of March 7, 1988.

A non-record roll call was requested.

The ayes were 51, nays 38.

The motion prevailed and Rule 34 was suspended.

#### MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 7, 1988, passed the following resolution in which the concurrence of the House is asked:

Senate Joint Resolution 2005, a joint resolution to designate "TAMA SOIL" as the official state soil for the state of Iowa.

Also: That the Senate has on March 7, 1988, passed the following bill in which the concurrence of the House is asked:

Senate File 2068, a bill for an act to require a public hearing before the issuance of a permit to construct and operate a sanitary landfill.

Also: That the Senate has on March 7, 1988, passed the following bill in which the concurrence of the House is asked:

Senate File 2102, a bill for an act relating to payment for supplies of uniform citations.

Also: That the Senate has on March 7, 1988, passed the following bill in which the concurrence of the House is asked:

Senate File 2180, a bill for an act relating to the eligibility policies established by the commission of elder affairs.

Also: That the Senate has on March 7, 1988, passed the following bill in which the concurrence of the House is asked:

Senate File 2182, a bill for an act to provide for the payment of costs of improvements in drainage districts by special assessment.

Also: That the Senate has on March 7, 1988, passed the following bill in which the concurrence of the House is asked:

Senate File 2230, a bill for an act relating to the sale of part of a gravel pit owned by a county.

Also: That the Senate has on March 7, 1988, adopted the following resolution in which the concurrence of the House is asked:

Senate Concurrent Resolution 117, a concurrent resolution to honor the Iowa Agriculture and Home Economics Experiment Station.

JOHN F. DWYER, Secretary

Speaker Avenson in the chair at 9:14 a.m.

## CONSIDERATION OF BILLS

### Regular Calendar

**House File 2338**, a bill for an act relating to environmental quality by creating an emergency response fund and by establishing and increasing fines and penalties, deferred March 4, 1988, was taken up for consideration.

Adams of Hamilton asked and received unanimous consent to withdraw amendment H—5325 filed by her and Holveck of Polk on March 7, 1988.

Adams of Hamilton offered the following amendment H—5347 filed by her and Holveck of Polk and moved its adoption:

H—5347

1 Amend House File 2338 as follows:

2 1. Page 1, by striking lines 12 through 16 and  
3 inserting the following: "treasury. Following the  
4 deposit of the first one hundred thousand dollars  
5 received annually by the treasurer of state for the  
6 civil penalties and fines imposed by the court  
7 pursuant to sections 455B.146, 455B.191, 455B.386,  
8 455B.417, 455B.454, 455B.466, and 455B.477 in the  
9 general fund of the state. The next hundred thousand  
10 dollars shall be deposited in the emergency response  
11 fund and any additional moneys shall be deposited in  
12 the household hazardous waste account. All moneys  
13 received annually by the treasurer of the state for  
14 the fines imposed by sections 716B.2, 716B.3, and  
15 716B.4 shall also be deposited in the emergency  
16 response fund."

17 2. Page 4, by striking lines 20 through 22 and  
18 inserting the following: "who shall deposit the  
19 initial one hundred thousand dollars collected in the  
20 general fund of the state, the next one hundred  
21 thousand dollars collected in the emergency response  
22 fund created under section 29C.8A, and the remainder  
23 of the moneys collected in the household hazardous  
24 waste account of the groundwater protection fund."

25 3. Page 4, by striking lines 31 through 33 and  
26 inserting the following: "treasurer of state for who  
27 shall deposit the initial one hundred thousand dollars  
28 collected in the general fund of the state, the next  
29 one hundred thousand dollars collected in the  
30 emergency response fund created under section 29C.8A,  
31 and the remainder of the moneys collected in the  
32 household hazardous waste account of the groundwater  
33 protection fund."

34 4. Page 5, by striking lines 11 and 12 and  
35 inserting the following: "household hazardous waste  
36 account. Except for the first one hundred thousand  
37 dollars received annually for deposit in the general  
38 fund, and the next one hundred thousand dollars  
39 received annually for deposit in the emergency  
40 response fund, the treasurer of".

Amendment H—5347 was adopted.

Adams of Hamilton offered the following amendment H—5217  
filed by her and moved its adoption:

H—5217

1 Amend House File 2338 as follows:

2 1. Page 2, line 2, by striking the word "five"  
3 and inserting the following: "five twenty-five".

A non-record roll call was requested.

The ayes were 44, nays 32.

Amendment H—5217 was adopted.

Adams of Hamilton offered the following amendment H—5279 filed by her and Mullins of Kossuth and moved its adoption:

H—5279

- 1 Amend House File 2338 as follows:
- 2 1. Page 2, line 17, by inserting after the word
- 3 "permits," the following: "or who".
- 4 2. Page 2, line 25, by inserting after the word
- 5 "dollars" the following: "for each day of violation".
- 6 3. Page 2, line 26, by striking the words ", for
- 7 each day of violation".
- 8 4. Page 2, line 28, by striking the word
- 9 "section" and inserting the following: "subsection".
- 10 5. Page 2, line 30, by inserting after the word
- 11 "dollars" the following: "for each day of violation".
- 12 6. Page 2, line 31, by striking the words ", for
- 13 each day of violation".
- 14 7. Page 2, line 33, by inserting after the word
- 15 "dollars" the following: "for each day of violation".
- 16 8. Page 2, line 34, by striking the words ", for
- 17 each day of violation".
- 18 9. Page 3, line 1, by striking the word "section"
- 19 and inserting the word "subsection".
- 20 10. Page 3, line 2, by inserting after the word
- 21 "dollars" the following: "for each day of violation".
- 22 11. Page 3, lines 3 and 4, by striking the words
- 23 ", for each day of violation".

Amendment H—5279 was adopted.

Paulin of Plymouth offered the following amendment H—5280 filed by him and moved its adoption:

H—5280

- 1 Amend House File 2338 as follows:
- 2 1. Page 4, line 2, by striking the word "twenty-
- 3 five" and inserting the following: "five".

A non-record roll call was requested.

Rule 75 was invoked.

The ayes were 43, nays 51.

Amendment H—5280 lost.

Adams of Hamilton offered the following amendment H—5213 filed by her and moved its adoption:

H—5213

- 1 Amend House File 2338 as follows:
- 2 1. Page 8, by inserting after line 1 the
- 3 following:
- 4 "Sec. \_\_\_\_\_. NEW SECTION. 716B.5 ENFORCEMENT
- 5 POWERS.
- 6 The attorney general or the county attorney for the
- 7 county in which a violation occurs is responsible for
- 8 enforcement of the provisions of this chapter."

Amendment H—5213 was adopted.

Tabor of Jackson in the chair at 10:41 a.m.

Speaker Avenson in the chair at 11:15 a.m.

Adams of Hamilton moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2338)

The ayes were, 70:

Adams	Arnould	Beaman	Beatty
Bisignano	Black	Blanshan	Brammer
Buhr	Chapman	Clark	Cohoon
Connolly	Connors	Cooper	Corbett
Diemer	Doderer	Dvorsky	Eddie
Fey	Fogarty	Fuller	Groninga
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Hansen, S. D.	Harper	Hatch	Haverland
Holveck	Jay	Jochum	Johnson
Knapp	Koenigs	May	McKean
McKinney	Muhlbauer	Mullins	Neuhauser
Ollie	Osterberg	Parker	Pavich
Peters	Peterson, M. K.	Plasier	Platt
Poncy	Renaud	Rosenberg	Running
Schrader	Sherzan	Shoning	Shoultz
Siegrist	Skow	Spear	Svoboda
Swartz	Tabor	Teaford	Van Camp
Wise	Mr. Speaker		

The nays were, 27:

Bennett	Branstad	Carpenter	Corey
Daggett	De Groot	Garman	Harbor
Hermann	Hester	Hummel	Kremer
Lundby	Maulsby	Metcalf	Miller
Paulin	Pellett	Petersen, D. F.	Renken

Royer  
Swearingen

Schnekloth  
Tyrrell

Stromer  
Van Maanen

Stueland

Absent or not voting, 3:

Hanson, D. R.

Lageschulte

Norrgard

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

### RULE 57 SUSPENDED

Arnould of Scott asked for unanimous consent to suspend Rule 57, relating to committee notice and agenda, for a meeting of the committee on ways and means upon recess.

On motion by Arnould of Scott, the House was recessed at 11:27 a.m., until 3:00 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 2399.

### CONSIDERATION OF BILLS

#### Regular Calendar

**House File 2399**, a bill for an act relating to the designation, inventory, sale, and protection of protected wetlands, and providing a civil penalty for violations, was taken up for consideration.

Johnson of Winneshiek offered amendment H—5352 filed by him. Division was requested as follows:

H—5352

1 Amend House File 2399 as follows:

H—5352A

- 2 1. Page 1, line 3, by inserting after the word
- 3 "means" the following: "two or more acres of".
- 4 2. Page 1, by striking lines 4 and 5, and
- 5 inserting the following: "marshes, or sloughs defined
- 6 pursuant to rule of the department. The "protected
- 7 wetlands" shall include type 3, type 4, and type 5
- 8 wetlands as described in Circular 39, Wetlands of the
- 9 United States, 1971 Edition, published by the United
- 10 States department of interior."

H—5352A

- 11 3. By striking page 1, line 35 through page 2,
- 12 line 1 and inserting the following: "department shall
- 13 file at least one copy of the list and map with the
- 14 county conservation board and the county recorder.
- 15 The department shall notify the landowners affected by
- 16 the preliminary wetlands designation by certified
- 17 mail. The notice shall state".

H—5352B

- 18 4. Page 2, line 6, by striking the word "notice"
- 19 and inserting the following: "the postmark".

On motion by Johnson of Winneshiek, amendment H—5352A was adopted.

Johnson of Winneshiek asked and received unanimous consent to withdraw amendment H—5352B.

Koenigs of Mitchell offered the following amendment H—5324 filed by Koenigs, et al.:

H—5324

- 1 Amend House File 2399 as follows:
- 2 1. Page 2, by striking lines 16 through 31.
- 3 2. Page 2, line 34, by striking the words "or the
- 4 permit requirement of section 108.14".
- 5 3. By renumbering sections.

Groninga of Cerro Gordo in the chair at 3:47 p.m.

Speaker Avenson in the chair at 3:57 p.m.

Koenigs of Mitchell moved the adoption of amendment H—5324.

Roll call was requested by Koenigs of Mitchell and Black of Jasper.

On the question "Shall amendment H—5324 be adopted?"  
(H.F. 2399)

The ayes were, 35:

Beaman	Bennett	Branstad	Clark
Corey	De Groot	Fogarty	Garman
Hansen, S. D.	Hester	Hummel	Koenigs
Kremer	Maulsby	McKinney	Miller
Muhlbauer	Mullins	Pellett	Peters
Petersen, D. F.	Plasier	Renken	Royer
Schnekloth	Sherzan	Shoning	Siegrist
Skow	Stromer	Svoboda	Swearingen
Tabor	Van Camp	Van Maanen	



The nays were, 52:

Adams	Arnould	Bisignano	Black
Blanshan	Brammer	Buhr	Chapman
Cohoon	Connors	Corbett	Diemer
Doderer	Dvorsky	Eddie	Fey
Fuller	Groninga	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Harbor	Harper
Hatch	Haverland	Holveck	Jay
Jochum	Johnson	Lundby	May
McKean	Metcalf	Neuhauser	Ollie
Osterberg	Pavich	Peterson, M. K.	Platt
Poncy	Renaud	Rosenberg	Running
Schrader	Shoultz	Spear	Stueland
Swartz	Tyrrell	Wise	Mr. Speaker

Absent or not voting, 13:

Beatty	Carpenter	Connolly	Cooper
Daggett	Hanson, D. R.	Hermann	Knapp
Lageschulte	Norrgard	Parker	Paulin
Teaford			

Amendment H—5324 lost.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Paulin of Plymouth, for the remainder of the day, on request of Corbett of Linn.

Fogarty of Palo Alto asked and received unanimous consent to suspend Rule 31.8, relating to the timely filing of amendments, for consideration of amendment H—5360 filed by him from the floor as follows:

H—5360

- 1 Amend House File 2399 as follows:
- 2 1. Page 1, line 12, by striking the word "sixty"
- 3 and inserting the following: "thirty".
- 4 2. Page 1, line 16, by striking the word "sixty"
- 5 and inserting the following: "thirty".
- 6 3. Page 1, line 22, by striking the word "sixty"
- 7 and inserting the following: "thirty".

On motion by Fogarty of Palo Alto, amendment H—5360 was adopted.

Maulsby of Calhoun asked for unanimous consent to defer action on House File 2399.

Objection was raised.

Maulsby of Calhoun moved to defer action on House File 2399.

The motion to defer lost.

Johnson of Winneshiek moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2399)

The ayes were, 62:

Adams	Arnould	Beatty	Bisignano
Black	Blanshan	Brammer	Buhr
Carpenter	Cohoon	Connolly	Cooper
Corbett	Diemer	Doderer	Dvorsky
Eddie	Fey	Fuller	Groninga
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Hansen, S. D.	Harper	Hatch	Haverland
Holveck	Jay	Jochum	Johnson
Kremer	Lundby	May	McKean
McKinney	Metcalf	Neuhauser	Ollie
Osterberg	Pavich	Peterson, M. K.	Platt
Poncy	Renaud	Rosenberg	Running
Schrader	Sherzan	Shoning	Shoultz
Siegrist	Skow	Spear	Stueland
Swartz	Tabor	Teaford	Tyrrell
Wise	Mr. Speaker		

The nays were, 30:

Beaman	Bennett	Branstad	Clark
Corey	Daggett	De Groot	Fogarty
Garman	Harbor	Hermann	Hester
Hummel	Koenigs	Maulsby	Miller
Muhlbauer	Mullins	Pellett	Peters
Petersen, D. F.	Plasier	Renken	Royer
Schneklath	Stromer	Svoboda	Swearingen
Van Camp	Van Maanen		

Absent or not voting, 8:

Chapman	Connors	Hanson, D. R.	Knapp
Lageschulte	Norrgard	Parker	Paulin

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

#### MOTION TO RECONSIDER WITHDRAWN (House File 2344)

Rosenberg of Story asked and received unanimous consent to withdraw the motion to reconsider House File 2344, a bill for an act relating to the civil rights of persons with a condition relating to acquired immune deficiency syndrome, by prohibiting the testing, with

respect to the employment of persons, for a condition related to acquired immune deficiency syndrome, and by making remedial provisions of the civil rights law applicable, filed by him on March 4, 1988.

### EXPLANATION OF VOTE

I was necessarily absent from the House chamber on March 7, 1988. Had I been present, I would have voted "aye" on House File 2377.

ADAMS of Hamilton

### COMMUNICATION RECEIVED

The following communication was received and is on file in the office of the Chief Clerk:

#### DEPARTMENT OF NATURAL RESOURCES

The Annual Report on Abandoned and Uncontrolled Hazardous Waste Disposal Sites and Hazardous Waste Remedial Fund, pursuant to Chapter 455B.425, Code of Iowa.

### PRESENTATION OF VISITORS

The Speaker announced that the following visitors were present in the House chamber:

Thirty fifth grade students from Phillips Elementary School, Des Moines, accompanied by Mrs. Hamilton. By Connors of Polk.

Thirty-nine 4-H members from Jones County, accompanied by Varlin Fink. By McKean of Jones.

### HOUSE STUDY BILL COMMITTEE ASSIGNMENT

#### H.S.B. 825 Ways and Means

Relating to waste volume reduction and recycling, establishing taxes, and providing for appropriation and expenditure of the tax receipts and applicability provisions.

#### SUBCOMMITTEE ASSIGNMENTS

##### House File 2398

Judiciary and Law Enforcement: Jay, Chair; Carpenter and Poncy.

##### House File 2404

Judiciary and Law Enforcement: Jay, Chair; Carpenter and Poncy.

### 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 LOCAL GOVERNMENT

**Senate File 2090**, a bill for an act authorizing the provision of law enforcement administrative services by agreement between a county and a city and providing an effective date.

Fiscal Note is not required.

Recommended **Do Pass** March 8, 1988.

#### RESOLUTIONS FILED

**HCR 119**, by Schrader, a concurrent resolution proclaiming National Wildlife Week and urging Iowans to support the development and maintenance of forests.

Laid over under **Rule 25**.

**HCR 120**, by committee on transportation, a concurrent resolution commemorating the accomplishments of Mr. Wesley D. Smith and Mr. Richard E. Van Gundy.

Laid over under **Rule 25**.

**HR 105**, by committee on agriculture, a resolution relating to developing the state's aquaculture industry.

Laid over under **Rule 25**.

**SCR 117**, by committee on agriculture, a concurrent resolution to honor the Iowa Agriculture and Home Economics Experiment Station.

Referred to committee on **agriculture**.

#### AMENDMENTS FILED

H-5361	H.F.	2394	Van Maanen of Mahaska
			Pellett of Cass
H-5362	H.F.	2325	Kremer of Buchanan
H-5363	S.F.	2196	Kremer of Buchanan
H-5364	H.F.	2396	Kremer of Buchanan
H-5365	H.F.	2378	Miller of Cherokee
H-5366	H.F.	2394	Fogarty of Palo Alto
H-5367	H.F.	2378	Corey of Louisa
H-5368	H.F.	2411	Beatty of Warren
H-5369	H.F.	2221	Renken of Grundy
H-5370	H.F.	2221	Garman of Story

H—5371	H.F.	2221	Carpenter of Polk
H—5372	H.F.	2345	Stromer of Hancock
H—5373	H.F.	2376	Renaud of Polk
			Maulsby of Calhoun
H—5374	H.F.	2354	Royer of Page
			Skow of Guthrie
			Petersen of Muscatine
			Svoboda of Tama
			Diemer of Black Hawk
H—5375	H.F.	2408	Royer of Page
			Eddie of Buena Vista
			Van Maanen of Mahaska
			Jay of Appanoose
			Wise of Lee
			Miller of Cherokee
H—5376	S.F.	2108	Svoboda of Tama
			Royer of Page
			Fuller of Hardin
H—5377	H.F.	2410	Schnekloth of Scott
H—5378	H.F.	2410	Schnekloth of Scott
H—5379	H.F.	2411	Swartz of Marshall
			Jochum of Dubuque
H—5380	H.F.	2393	Van Camp of Scott
H—5381	H.F.	2381	Johnson of Winneshiek
H—5382	H.F.	2389	Spear of Lee
H—5383	H.F.	2345	Garman of Story
H—5384	H.F.	2368	Jay of Appanoose
H—5385	H.F.	2393	Lundby of Linn

On motion by Arnould of Scott, the House adjourned at 4:30 p.m.  
until 9:00 a.m., Wednesday, March 9, 1988.

# JOURNAL OF THE HOUSE

Fifty-ninth Calendar Day — Thirty-ninth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Wednesday, March 9, 1988

The House met pursuant to adjournment, Speaker Avenson in the chair.

Prayer was offered by Father John Cain, pastor of the Saint Mary's Catholic Church, Dow City.

The Journal of Tuesday, March 8, 1988 was approved.

## PETITION FILED

The following petition was received and placed on file:

By Shultz, Harper and Teaford, all of Black Hawk, from fifty-four constituents opposing caps for medical malpractice.

## INTRODUCTION OF BILLS

**House File 2429**, by committee on agriculture, a bill for an act relating to regulation of milk production and marketing by creating a fund for administration and appropriating the moneys in the fund, raising fees relating to the milk industry, and providing for the establishment of milk production and processing standards.

Read first time and placed on the **calendar**.

**House File 2430**, by committee on judiciary and law enforcement, a bill for an act to designate hearing officers as administrative law judges.

Read first time and placed on the **calendar**.

**House File 2431**, by committee on local government, a bill for an act relating to payments for local school districts, area schools, counties, cities, local conference boards, county hospitals, and county agricultural extension councils.

Read first time and referred to committee on **appropriations**.

**House File 2432**, by committee on state government, a bill for an act relating to the registration and regulation of persons seeking to represent a student athlete for compensation in negotiations intended to result in employment with a professional sports team, prohibiting certain actions relating to student athletes and their families, and providing penalties.

Read first time and placed on the **calendar**.

**House File 2433**, by committee on agriculture, a bill for an act relating to public school vocational education in agriculture technology and creating a council for agricultural education.

Read first time and referred to committee on **education**.

**House File 2434**, by committee on judiciary and law enforcement, a bill for an act to prohibit the use of public funds for lobbying and to provide a penalty.

Read first time and placed on the **calendar**.

**House File 2435**, by committee on education, a bill for an act relating to the salary of the director of the department of education, and providing an effective date.

Read first time and referred to committee on **appropriations**.

**House File 2436**, by committee on agriculture, a bill for an act relating to the establishment of agricultural trade specialist positions and in-house coordinators within the department of agriculture and land stewardship.

Read first time and referred to committee on **appropriations**.

#### SENATE MESSAGES CONSIDERED

**Senate Joint Resolution 2005**, by committee on agriculture, a joint resolution to designate "TAMA SOIL" as the official state soil for the state of Iowa.

Read first time and referred to committee on **agriculture**.

**Senate File 2068**, by Peterson, a bill for an act to require a public hearing before the issuance of a permit to construct and operate a sanitary landfill.

Read first time and referred to committee on **energy and environmental protection**.

**Senate File 2102**, by Miller of Cerro Gordo, a bill for an act relating to payment for supplies of uniform citations.

Read first time and referred to committee on **judiciary and law enforcement**.

**Senate File 2180**, by committee on human resources, a bill for an act relating to the eligibility policies established by the commission of elder affairs.

Read first time and referred to committee on **human resources**.

**Senate File 2182**, by committee on local government, a bill for an act to provide for the payment of costs of improvements in drainage districts by special assessment.

Read first time and referred to committee on **local government**.

**Senate File 2230**, by committee on local government, a bill for an act relating to the sale of part of a gravel pit owned by a county.

Read first time and referred to committee on **local government**.

### MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 7, 1988, passed the following bill in which the concurrence of the House is asked:

Senate File 302, a bill for an act relating to the disability of brain injury.

Also: That the Senate has on March 7, 1988, passed the following bill in which the concurrence of the House is asked:

Senate File 2011, a bill for an act relating to meat and poultry regulation and inspection, providing penalties, and providing for injunctive relief.

Also: That the Senate has on March 8, 1988, passed the following bill in which the concurrence of the House is asked:

Senate File 2039, a bill for an act allowing certain personalized vehicle registration plates to contain up to seven characters and providing an effective date.

Also: That the Senate has on March 8, 1988, passed the following bill in which the concurrence of the House is asked:

Senate File 2157, a bill for an act relating to a comprehensive acquired immune deficiency syndrome (AIDS) prevention and intervention plan.

Also: That the Senate has on March 7, 1988, passed the following bill in which the concurrence of the House is asked:

Senate File 2174, a bill for an act making changes in the state's labor laws relating to occupational safety and health, safety inspection of amusement rides, and elevator safety, and providing injunctive relief under certain of those laws.

Also: That the Senate has on March 8, 1988, passed the following bill in which the concurrence of the House is asked:

Senate File 2291, a bill for an act to provide that certain appropriations for retirement allowances be paid from the Iowa public employees' retirement fund rather than from the general fund of the state retroactive to July 1, 1987.

Also: That the Senate has on March 7, 1988, adopted the following resolution in which the concurrence of the House is asked:



Senate Concurrent Resolution 115, a concurrent resolution relating to the certificate of need program.

Also: That the Senate has on March 7, 1988, adopted the following resolution in which the concurrence of the House is asked:

Senate Concurrent Resolution 116, a concurrent resolution relating to a midwest legislative conference on children.

Also: That the Senate has on March 7, 1988, adopted the following resolution in which the concurrence of the House is asked:

Senate Concurrent Resolution 118, a concurrent resolution urging the Congress of the United States to exempt diesel fuel used for farming purposes from retail excise taxes.

JOHN F. DWYER, Secretary

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Lageschulte of Bremer on request of Stromer of Hancock.

### RULES SUSPENDED

Arnould of Scott asked and received unanimous consent to suspend the rules and take up out of order House Files 2303 and 2396.

### CONSIDERATION OF BILLS

#### Regular Calendar

**House File 2303**, a bill for an act relating to nontraditional insurance arrangements by prohibiting the incorporation or reincorporation of a benevolent association, providing for the regulation of risk retention groups and purchasing groups, increasing surplus requirements for reciprocal insurers and repealing an exemption to the applicability of state law to certain reciprocal insurance contracts, and providing penalties, was taken up for consideration.

Groninga of Cerro Gordo moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2303)

The ayes were, 90:

Adams	Arnould	Beatty	Bennett
Bisignano	Black	Blanshan	Brammer
Branstad	Buhr	Carpenter	Chapman
Clark	Cohoon	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	Haverland	Hermann
Hester	Holveck	Hummel	Jochum
Johnson	Knapp	Koenigs	Kremer
Maulsby	May	McKean	McKinney
Metcalf	Miller	Muhlbauer	Mullins
Neuhauser	Norrsgard	Ollie	Osterberg
Parker	Paulin	Pellett	Peters
Petersen, D. F.	Peterson, M. K.	Plasier	Platt
Poncy	Renaud	Renken	Rosenberg
Royer	Running	Schnekloth	Schrader
Sherzan	Shoning	Shoultz	Siegrist
Skow	Spear	Stromer	Stueland
Svoboda	Swartz	Swearingen	Tabor
Teaford	Tyrrell	Van Camp	Van Maanen
Wise	Mr. Speaker		

The nays were, none.

Absent or not voting, 10:

Beaman	Connolly	Connors	Cooper
Hanson, D. R.	Hatch	Jay	Lageschulte
Lundby	Pavich		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**House File 2396**, a bill for an act relating to the establishment of the economic development finance corporation to assist in providing financing for small business development by providing loan guarantees, letters of credit, equity financing, underwriting for public offerings, and creating a state assistance fund, was taken up for consideration.

Hammond of Story in the chair at 9:32 a.m.

Schnekloth of Scott offered the following amendment H—5355 filed by him:

H—5355

- 1 Amend House File 2396 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.

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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

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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

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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

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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

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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

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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,

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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.

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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.

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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

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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

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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

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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.

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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.



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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

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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

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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

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- 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 through 5 and
- 13 inserting the following: "An Act relating to the
- 14 establishment of the Iowa municipal bond bank."

Parker of Jasper rose on a point of order that amendment H—5355 was not germane.

The Speaker ruled the point well taken and amendment H—5355 not germane.

Bennett of Ida offered the following amendment H—5353 filed by him:

H—5353

- 1 Amend House File 2396 as follows:
- 2 1. Page 7, by inserting after line 21 the
- 3 following:
- 4 "4. To approve or disapprove amendments to the
- 5 articles of incorporation of the corporation."
- 6 2. Page 7, line 33, by inserting after the word
- 7 "directors" the following: ", subject to subsequent
- 8 approval by the shareholders as provided in this
- 9 section".
- 10 3. Page 8, line 18, by inserting after the word
- 11 "them." the following: "Following the director's
- 12 approval, the chairperson shall convene a meeting of
- 13 the shareholders for the purpose of obtaining their
- 14 approval of the amendment. The amendment is approved
- 15 upon the affirmative vote of two-thirds of the votes
- 16 to which the shareholders present or represented at
- 17 the meeting are entitled."

Kremer of Buchanan offered the following amendment H—5364, to amendment H—5353, filed by him and moved its adoption:

H—5364

- 1 Amend the amendment, H—5353, to House File 2396 as
- 2 follows:

- 3 1. Page 1, line 15, by striking the word "two-  
4 thirds" and inserting the following: "a majority".

Amendment H—5364 was adopted.

Bennett of Ida moved the adoption of amendment H—5353, as amended.

Roll call was requested by Bennett of Ida and Branstad of Winnebago.

On the question "Shall amendment H—5353, as amended, be adopted?" (H.F. 2396)

The ayes were, 38:

Beaman	Bennett	Branstad	Carpenter
Clark	Corbett	Corey	Daggett
De Groot	Diemer	Eddie	Garman
Halvorson, R. A.	Hermann	Hester	Hummel
Kremer	Lundby	Maulsby	McKean
Metcalf	Mullins	Paulin	Pellett
Petersen, D. F.	Plasier	Platt	Renken
Royer	Schnekloth	Shoning	Siegrist
Stromer	Stueland	Swearingin	Tyrrell
Van Camp	Van Maanen		

The nays were, 57:

Adams	Arnould	Avenson	Beatty
Bisignano	Black	Blanshan	Brammer
Buhr	Chapman	Cohoon	Connolly
Connors	Cooper	Dvorsky	Fey
Fogarty	Fuller	Groninga	Gruhn
Halvorson, R. N.	Hansen, S. D.	Harbor	Harper
Hatch	Haverland	Holveck	Jay
Jochum	Johnson	Knapp	Koenigs
May	McKinney	Muhlbauer	Neuhauser
Norrsgard	Ollie	Osterberg	Parker
Pavich	Peters	Peterson, M. K.	Poncy
Renaud	Rosenberg	Running	Schrader
Sherzan	Skow	Spear	Svoboda
Swartz	Tabor	Teaford	Wise
Madam Speaker (Hammond)			

Absent or not voting, 5:

Doderer	Hanson, D. R.	Lageschulte	Miller
Shoultz			

Amendment H—5353, as amended, lost.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Holveck of Polk, until his return, on request of Haverland of Polk.

Peters of Woodbury in the chair at 10:20 a.m.

Speaker Avenson in the chair at 10:43 a.m.

Parker of Jasper moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2396)

The ayes were, 88:

Adams	Arnould	Beaman	Beatty
Bisignano	Black	Blanshan	Brammer
Branstad	Buhr	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.	Harbor	Harper	Hatch
Haverland	Hermann	Hester	Hummel
Jay	Jochum	Johnson	Knapp
Koenigs	Kremer	Lundby	May
McKean	McKinney	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
Sherzan	Shoning	Shoultz	Siegrist
Skow	Spear	Stueland	Svoboda
Swartz	Swearingen	Tabor	Teaford
Tyrrell	Van Camp	Wise	Mr. Speaker

The nays were, 9:

Bennett	Carpenter	Garman	Maulsby
Metcalf	Renken	Schnekloth	Stromer
Van Maanen			

Absent or not voting, 3:

Hanson, D. R.	Holveck	Lageschulte
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

On motion by Arnould of Scott, the House was recessed at 10:52 a.m., until 2:00 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 Files 2381, 2354, 2384, 2395 and 2386.

### CONSIDERATION OF BILLS

#### Regular Calendar

**House File 2381**, a bill for an act relating to carrying out water protection projects and practices within soil and water conservation districts, and providing for a water protection fund, was taken up for consideration.

Johnson of Winneshiek offered the following amendment H—5381 filed by him and moved its adoption:

H—5381

- 1 Amend House File 2381 as follows:
- 2 1. Page 1, by striking lines 17 through 19.

Amendment H—5381 was adopted.

Johnson of Winneshiek moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question “Shall the bill pass?” (H.F. 2381)

The ayes were, 93:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Black	Brammer
Branstad	Buhr	Carpenter	Chapman
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.	Harper	Hatch	Haverland
Hermann	Hester	Holveck	Hummel
Jay	Jochum	Johnson	Knapp
Koenigs	Kremer	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	Shultz	Siegrist
Skow	Spear	Stromer	Stueland
Svoboda	Swartz	Tabor	Teaford
Tyrrell	Van Camp	Van Maanen	Wise
Mr. Speaker			

The nays were, none.

Absent or not voting, 7:

Blanshan	Clark	Halvorson, R. A.	Hanson, D. R.
Harbor	Lageschulte	Swearingen	

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Clark of Cerro Gordo, for a portion of the day, on request of Garman of Story.

**House File 2354**, a bill for an act relating to radon testing and providing a penalty, (deferred March 7, 1988) was taken up for consideration.

Royer of Page offered the following amendment H—5374 filed by Royer, et al., and moved its adoption:

H—5374

- 1 Amend House File 2354 as follows:
- 2 1. Page 1, line 28, by striking the word "at" and
- 3 inserting the following: "prior to".
- 4 2. Page 1, line 29, by inserting after the word
- 5 "test" the following: "if the test was performed
- 6 within the previous twelve months".

Amendment H—5374 was adopted.

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?" (H.F. 2354)

The ayes were, 56:

Adams	Arnould	Black	Blanshan
Brammer	Chapman	Cohoon	Connolly
Cooper	Diemer	Doderer	Dvorsky
Fey	Fogarty	Fuller	Groninga



Gruhn	Halvorson, R. N.	Hammond	Harper
Hatch	Haverland	Hermann	Hester
Holveck	Jay	Jochum	Johnson
Knapp	Lundby	May	McKean
McKinney	Miller	Muhlbauer	Mullins
Norrsgard	Ollie	Osterberg	Parker
Paulin	Pavich	Peters	Peterson, M. K.
Plasier	Platt	Rosenberg	Royer
Schrader	Shoultz	Skow	Svoboda
Tabor	Teaford	Van Camp	Mr. Speaker

The nays were, 40:

Beaman	Beatty	Bennett	Bisignano
Branstad	Buhr	Carpenter	Connors
Corbett	Corey	Daggett	De Groot
Eddie	Garman	Halvorson, R. A.	Hansen, S. D.
Hummel	Koenigs	Kremer	Maulsby
Metcalf	Neuhauser	Pellett	Petersen, D. F.
Poncy	Renaud	Renken	Running
Schnekloth	Sherzan	Shoning	Siegrist
Spear	Stromer	Stueland	Swartz
Swearingen	Tyrrell	Van Maanen	Wise

Absent or not voting, 4:

Clark	Hanson, D. R.	Harbor	Lageschulte
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**House File 2384**, a bill for an act relating to the notice to be given to a judgment debtor when the debtor's property is levied upon, was taken up for consideration.

Chapman of Linn moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2384)

The ayes were, 96:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Black	Blanshan
Brammer	Branstad	Buhr	Carpenter
Chapman	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.	Harper
Hatch	Haverland	Hermann	Hester
Holveck	Hummel	Jay	Jochum

Johnson	Knapp	Koenigs	Kremer
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
Stromer	Stueland	Svoboda	Swartz
Swearingen	Tabor	Teaford	Tyrrell
Van Camp	Van Maanen	Wise	Mr. Speaker

The nays were, none.

Absent or not voting, 4:

Clark	Hanson, D. R.	Harbor	Lageschulte
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

### RULE 34 SUSPENDED

Arnould of Scott asked and received unanimous consent to suspend Rule 34, relating to the weekly debate calendar, to allow an addendum to the addendum to the addendum to the weekly debate calendar for the week of March 7, 1988.

**House File 2395**, a bill for an act permitting certain water utilities to become cooperatives, was taken up for consideration.

Shoultz of Black Hawk in the chair at 3:29 p.m.

Speaker Avenson in the chair at 3:36 p.m.

The following amendment H—5408 filed by Stromer of Hancock from the floor was adopted by unanimous consent:

H—5408

- 1 Amend House File 2395 as follows:
- 2 1. Title page, line 1, by inserting after the word
- 3 "cooperatives" the following: "and expanding allowable
- 4 purposes under Chapter 499".

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?" (H.F. 2395)

The ayes were, 83:

Adams	Arnould	Beaman	Beatty
Bisignano	Black	Blanshan	Brammer
Buhr	Carpenter	Chapman	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.
Harbor	Harper	Hatch	Haverland
Hermann	Hester	Holveck	Jay
Jochum	Johnson	Knapp	Koenigs
Kremer	May	McKean	McKinney
Metcalf	Miller	Muhlbauer	Mullins
Neuhauser	Norrgard	Ollie	Osterberg
Parker	Pavich	Pellett	Peters
Petersen, D. F.	Peterson, M. K.	Poncy	Renaud
Rosenberg	Royer	Schnekloth	Schrader
Shoning	Shultz	Siegrist	Skow
Spear	Stueland	Swartz	Swearingen
Tabor	Teaford	Tyrrell	Van Camp
Van Maanen	Wise	Mr. Speaker	

The nays were, 12:

Bennett	Branstad	Connors	Hummel
Lundby	Maulsby	Paulin	Plasier
Platt	Renken	Running	Stromer

Absent or not voting, 5:

Clark	Hanson, D. R.	Lageschulte	Sherzan
Svoboda			

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

**House File 2386**, a bill for an act relating to additional factors, requirements, and guidelines for providing assistance under the community economic betterment account of the Iowa plan fund and RISE program, was taken up for consideration.

Connolly of Dubuque moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2386)

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	Diemer	Doderer
Dvorsky	Eddie	Fey	Fogarty
Garman	Groninga	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Harbor
Harper	Hatch	Haverland	Hermann
Hester	Holveck	Hummel	Jay
Jochum	Johnson	Knapp	Koenigs
Kremer	Lundby	Maulsby	May
McKean	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	Shoultz	Siegrist	Skow
Spear	Stromer	Stueland	Svoboda
Swartz	Swearingen	Tabor	Teaford
Tyrrell	Van Camp	Van Maanen	Wise
Mr. Speaker			

The nays were, none.

Absent or not voting, 3:

Fuller	Hanson, D. R.	Lageschulte
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

### MOTION TO RECONSIDER LOST (House File 2170)

Arnould of Scott called up for consideration the motion to reconsider House File 2170, filed by Van Camp of Scott on March 2, 1988. Van Camp of Scott moved to reconsider the vote by which House File 2170, a bill for an act relating to foster care review, providing for the continued existence of the state and local foster care review boards, providing for the establishment of local foster care review boards throughout the state, providing for review in cases of children involuntarily hospitalized for mental illness, revising provisions relating to confidentiality and access to certain information, providing other procedural revisions, and providing properly related matters, passed the House and was placed on its last reading on March 2, 1988.

A non-record roll call was requested.

The ayes were 39, nays 52.

The motion to reconsider lost.

## RULES SUSPENDED

Arnould of Scott asked and received unanimous consent to suspend the rules and take up out of order House Files 2391, 2392 and 2173.

### Regular Calendar

**House File 2391**, a bill for an act relating to the collection of fees for and the rights and duties of the sheriff regarding service of legal process and levy of execution, was taken up for consideration.

Poncy of Wapello moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2391)

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.
Harbor	Harper	Hatch	Haverland
Hermann	Hester	Holveck	Hummel
Jay	Jochum	Johnson	Knapp
Koenigs	Kremer	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
Shoning	Shoultz	Siegrist	Skow
Spear	Stueland	Svoboda	Swartz
Swearingen	Tabor	Teaford	Tyrrell
Van Camp	Van Maanen	Mr. Speaker	

The nays were, none.

Absent or not voting, 5:

Hanson, D. R.	Lageschulte	Sherzan	Stromer
Wise			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**House File 2392**, a bill for an act relating to the admission of a report or findings of the criminalistics laboratory as evidence in a civil proceeding, was taken up for consideration.

Peterson of Carroll moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2392)

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.
Harbor	Harper	Hatch	Haverland
Hermann	Hester	Holveck	Hummel
Jay	Jochum	Johnson	Knapp
Koenigs	Kremer	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	Stueland	Svoboda
Swartz	Swearingen	Tabor	Teaford
Tyrrell	Van Camp	Van Maanen	Mr. Speaker

The nays were, none.

Absent or not voting, 4:

Hanson, D. R.	Lageschulte	Stromer	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.

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Adams of Hamilton, for the remainder of the day, on request of Dvorsky of Johnson; Stromer of Hancock, for a portion of the afternoon, on request of Maulsby of Calhoun.

### CONSIDERATION OF BILLS

**House File 2173**, a bill for an act relating to the eligibility date of certain military veterans for membership on a county commission of veterans affairs and certain military veteran benefits, with report of committee recommending passage was taken up for consideration.

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. 2173)

The ayes were, 94:

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.	Harbor
Harper	Hammer	Haverland	Hermann
Hester	Holveck	Hummel	Jay
Jochum	Johnson	Knapp	Koenigs
Kremer	Lundby	Maulsby	May
McKean	McKinney	Metcalf	Miller
Muhlbauer	Mullins	Neuhauser	Norrgard
Ollie	Osterberg	Parker	Paulin
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	Swearingen
Tabor	Teaford	Tyrrell	Van Camp
Van Maanen	Mr. Speaker		

The nays were, none.

Absent or not voting, 6:

Adams	Hanson, D. R.	Lageschulte	Pavich
Stromer	Wise		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

## MOTION TO RECONSIDER WITHDRAWN (House File 2355)

Chapman of Linn asked and received unanimous consent to withdraw the motion to reconsider House File 2355, a bill for an act relating to cooperative associations by providing for their purposes and powers, filed by her on March 7, 1988.

## RULES SUSPENDED

Arnould of Scott asked and received unanimous consent to suspend the rules and take up out of order House Files 2387, 2247, 2401 and 2390.

**House File 2387**, a bill for an act relating to the construction of cable systems and telegraph and telephone lines in the state, was taken up for consideration.

Maulsby of Calhoun asked and received unanimous consent to withdraw amendment H—5323 filed by him on March 7, 1988.

Blanshan of Greene moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2387)

The ayes were, 93:

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.	Harbor
Harper	Hatch	Haverland	Hermann
Hester	Holveck	Hummel	Jay
Jochum	Johnson	Knapp	Koenigs
Kremer	Lundby	Maulsby	May
McKean	McKinney	Metcalf	Miller
Muhlbauer	Mullins	Neuhauser	Norrgard
Ollie	Osterberg	Parker	Paulin
Pavich	Pellett	Petersen, D. F.	Peterson, M. K.
Platt	Poncy	Renaud	Renken
Rosenberg	Royer	Running	Schneklloth
Schrader	Sherzan	Shoning	Shoultz
Siegrist	Skow	Spear	Stueland
Svoboda	Swartz	Swearingen	Tabor
Teaford	Tyrrell	Van Camp	Van Maanen
Mr. Speaker			



The nays were, none.

Absent or not voting, 7:

Adams	Hanson, D. R.	Lageschulte	Peters
Plasier	Stromer	Wise	

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**House File 2247**, a bill for an act relating to an action for slander or libel for a report or statement made to the division of job service of the department of employment services, with report of committee recommending passage was taken up for consideration.

Jay of Appanoose moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2247)

The ayes were, 95:

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.	Harbor
Harper	Hatch	Haverland	Hermann
Hester	Holveck	Hummel	Jay
Jochum	Johnson	Knapp	Koenigs
Kremer	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	Shoning
Shoultz	Siegrist	Skow	Spear
Stueland	Svoboda	Swartz	Swearingen
Tabor	Teaford	Tyrrell	Van Camp
Van Maanen	Wise	Mr. Speaker	

The nays were, none.

Absent or not voting, 5:

Adams	Hanson, D. R.	Lageschulte	Sherzan
Stromer			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**House File 2401**, a bill for an act relating to the licensing, rulemaking, and enforcement authority of the department of inspections and appeals and the state board of health regarding health care facilities, was taken up for consideration.

Hammond of Story moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2401)

The ayes were, 93:

Arnould	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.	Harbor	Harper	Hatch
Haverland	Hermann	Hester	Holveck
Hummel	Jay	Jochum	Johnson
Knapp	Koenigs	Kremer	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
Royer	Running	Schnekloth	Schrader
Sherzan	Shoning	Shoultz	Siegrist
Skow	Spear	Stueland	Svoboda
Swartz	Swearingen	Tabor	Teaford
Tyrrell	Van Camp	Van Maanen	Wise
Mr. Speaker			

The nays were, none.

Absent or not voting, 7:

Adams	Beaman	Corbett	Hanson, D. R.
Lageschulte	Miller	Stromer	

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**House File 2390**, a bill for an act relating to grandparent visitation rights, was taken up for consideration.

Tyrrell of Iowa offered the following amendment H—5343 filed by him:

H—5343

1 Amend House File 2390 as follows:

2 1. Page 1, by inserting before line 1 the  
3 following:

4 "Section 1. Section 252B.4, Code 1987, is amended  
5 to read as follows:

6 252B.4 NONASSISTANCE CASES.

7 The child support, aid in enforcing visitation  
8 orders, and paternity determination services  
9 established by the department pursuant to this chapter  
10 and other appropriate services provided by law  
11 including but not limited to the provisions of  
12 chapters 239, 252A, 598 and 675 shall be made  
13 available by the unit to an individual not otherwise  
14 eligible as a public assistance recipient upon  
15 application by the individual for the services. The  
16 application shall be filed with the department. The  
17 commissioner may require an application fee not to  
18 exceed twenty dollars. The commissioner may require  
19 an additional fee to cover the costs incurred by the  
20 department in providing the support collection, aid in  
21 enforcing visitation orders, and paternity  
22 determination services. The commissioner shall, by  
23 rule, establish and make available to all applicants  
24 for support enforcement, aid in enforcing visitation  
25 orders, and paternity determination services a fee  
26 schedule. The fee for support collection, aid in  
27 enforcing visitation orders, and paternity  
28 determination services charged to an applicant shall  
29 be agreed upon in writing by the applicant, and shall  
30 be based upon the applicant's ability to pay for the  
31 services. The application fee and the additional fee  
32 for services may be deducted from the amount of the  
33 support money recovered by the department. Seventy  
34 percent of the fees collected pursuant to this section  
35 may be retained by the department for use by the unit  
36 and thirty percent shall be remitted to the treasurer  
37 of state who shall deposit it in the general fund of  
38 the state. The commissioner or a designee and the  
39 treasurer of state shall keep an accurate record of  
40 funds so retained, remitted, and deposited.

41 Sec. 2. Section 252B.5, Code 1987, is amended by  
42 adding the following new subsection:

43 **NEW SUBSECTION. 6.** Aid in enforcing through court  
44 proceedings an existing court order for visitation  
45 issued pursuant to section 598.35 or 598.41."

46 2. By renumbering as necessary.

Clark of Cerro Gordo rose on a point of order that amendment H—5343 was not germane.

The Speaker ruled the point well taken and amendment H—5343 not germane.

Van Maanen of Mahaska offered the following amendment H—5342 filed by him and Clark of Cerro Gordo and moved its adoption:

H—5342

- 1 Amend House File 2390 as follows:
- 2 1. Page 1, line 6, by inserting after the word
- 3 "child" the following: ", and that the grandparents
- 4 will allow the custodial parent to have control over
- 5 major decisions for the child including religion,
- 6 medical care, schooling, and social activities".

Amendment H—5342 was adopted.

Clark of Cerro Gordo moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2390)

The ayes were, 94:

Arnould	Beaman	Beatty	Bennett
Bisignano	Black	Blanshan	Brammer
Branstad	Buhr	Carpenter	Chapman
Clark	Cohoon	Connors	Cooper
Corbett	Corey	Daggett	De Groot
Diemer	Doderer	Dvorsky	Eddie
Fey	Fogarty	Fuller	Garman
Groninga	Gruhn	Halvorson, R. N.	Hammond
Hansen, S. D.	Harbor	Harper	Hatch
Haverland	Hermann	Hester	Holveck
Hummel	Jay	Jochum	Johnson
Knapp	Koenigs	Kremer	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	Stueland
Svoboda	Swartz	Swearingen	Tabor
Teaford	Tyrrell	Van Camp	Van Maanen
Wise	Mr. Speaker		

The nays were, 1:

Halvorson, R. A.

Absent or not voting, 5:

Adams  
Stromer

Connolly

Hanson, D. R.

Lageschulte

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**MOTION TO RECONSIDER PREVAILED**  
(House File 2294)

Sherzan of Polk called up for consideration the motion to reconsider House File 2294, a bill for an act relating to testing for and confidentiality of human immunodeficiency virus-related matters and providing penalties, filed by him on February 29, 1988.

Platt of Muscatine in the chair at 5:59 p.m.

Speaker Avenson in the chair at 6:13 p.m.

Sherzan of Polk moved to reconsider the vote by which House File 2294 passed the House and was placed on its last reading on February 29, 1988.

A non-record roll call was requested.

The ayes were 54, nays 40.

The motion prevailed and House File 2294 was taken up for consideration.

Arnould of Scott asked and received unanimous consent that House File 2294 be deferred and that the bill retain its place on the calendar.

**MOTIONS TO RECONSIDER**  
(House File 2173)

I move to reconsider the vote by which House File 2173 passed the House on March 9, 1988.

**RUNNING of Linn**

(House File 2354)

I move to reconsider the vote by which House File 2354 passed the House on March 9, 1988.

**ROSENBERG of Story**

## (House File 2390)

I move to reconsider the vote by which House File 2390 passed the House on March 9, 1988.

SKOW of Guthrie

## (House File 2395)

I move to reconsider the vote by which House File 2395 passed the House on March 9, 1988.

MAY of Worth

## (House File 2395)

I move to reconsider the vote by which House File 2395 passed the House on March 9, 1988.

CARPENTER of Polk

## (House File 2396)

I move to reconsider the vote by which House File 2396 passed the House on March 9, 1988.

HARBOR of Mills

## (House File 2396)

I move to reconsider the vote by which House File 2396 passed the House on March 9, 1988.

HUMMEL of Benton

## MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 9, 1988, passed the following bill in which the concurrence of the House is asked:

Senate File 2049, a bill for an act relating to the procedures for the vacating and closing of all or part of a secondary road or crossing.

Also: That the Senate has on March 9, 1988, passed the following bill in which the concurrence of the House is asked:

Senate File 2092, a bill for an act establishing a community and rural development loan program and a sewage treatment works financing program to assist communities in financing sewage treatment projects and in financing traditional and new infrastructure and housing for needy and elderly, authorizing the Iowa finance authority to issue bonds and notes for the program, and providing an appropriation from a revolving fund to be used for each program.

Also: That the Senate has on March 9, 1988, passed the following bill in which the concurrence of the House is asked:

Senate File 2107, a bill for an act relating to the creation of a foster home insurance fund.

JOHN F. DWYER, Secretary

**SPONSOR WITHDRAWN**  
**(House Joint Resolution 2004)**

Garman of Story requested to be withdrawn as a sponsor of House Joint Resolution 2004.

**BILL SIGNED BY THE GOVERNOR**

A communication was received from the Governor announcing that on March 9, 1988, he approved and transmitted to the Secretary of State the following bill:

Senate File 2060, an act relating to the benefit ratio array system under the unemployment insurance law by making the benefit ratio array system permanent, by making a change related to new construction employers, by resolving potential federal conformity issues concerning new nonconstruction experience-based rates and access to job service information by business and labor organizations, by abolishing the special employer contribution rate for employers with certain negative balance account histories with retroactive applicability, and by providing an effective date.

**SUBCOMMITTEE ASSIGNMENTS**

**House File 2289**

Ways and Means: Wise, Chair; Connolly, Hanson of Delaware, Osterberg and Siegrist.

**House File 2331**

Ways and Means: Wise, Chair; Connolly, Hanson of Delaware, Osterberg and Siegrist.

**House File 2359**

Ways and Means: Metcalf, Chair; Chapman and May.

**House File 2380**

Ways and Means: May, Chair; Holveck and Petersen of Muscatine.

**Senate File 2058**

Ways and Means: Koenigs, Chair; De Groot and Schneklath.

**Senate File 2093**

Transportation: Koenigs, Chair; Branstad and Gruhn.

**Senate File 2159**

Human Resources: Hammond, Chair; Harper, Hermann, Hester, Norrgard and Teaford.

**Senate File 2170**

State Government: Doderer, Chair; Blanshan and Shoning.

**Senate File 2196**

Ways and Means: Connolly, Chair; Fey, Lageschulte, May and Siegrist.

**Senate File 2225**

Human Resources: Haverland, Chair; Buhr, Clark, Fey, Hester, Miller and Teaford.

**HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS****House Study Bill 823**

Ways and Means: Groninga, Chair; Holveck and Schneklath.

**House Study Bill 824**

Ways and Means: Doderer, Chair; Daggett and Groninga.

**COMMITTEE RECOMMENDATIONS**

**MR. SPEAKER:** The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

**JOSEPH O'HERN**

Chief Clerk of the House

**COMMITTEE ON AGRICULTURE**

**Senate File 2086**, a bill for an act relating to the procurement of starch-based plastics and soybean-based inks by the department of general services, the state board of regents, the commission for the blind, and the state department of transportation.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H—5407** March 9, 1988.

**COMMITTEE ON EDUCATION**

**Senate File 2046**, a bill for an act relating to the method of election of directors of certain school districts and providing an effective date.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H—5402** March 9, 1988.

**COMMITTEE ON WAYS AND MEANS**

**Committee Bill** (Formerly House File 2239), relating to underground storage tanks, establishing certain fees, providing penalties, and providing an effective date.

Fiscal Note is required.

Recommended **Do Pass** March 8, 1988.



## RESOLUTIONS FILED

**SCR 115**, by Readinger, a concurrent resolution relating to the certificate of need program.

Referred to committee on **human resources**.

**SCR 116**, by committee on human resources, a concurrent resolution relating to a midwest legislative conference on children.

Referred to committee on **human resources**.

**SCR 118**, by committee on agriculture, a concurrent resolution urging the Congress of the United States to exempt diesel fuel used for farming purposes from retail excise taxes.

Referred to committee on **agriculture**.

## AMENDMENTS FILED

H—5386	H.F.	2345	Garman of Story
H—5387	H.F.	2402	Haverland of Polk
H—5388	H.F.	2278	Fey of Scott
H—5389	H.F.	2378	Doderer of Johnson
H—5390	H.F.	2240	Neuhauser of Johnson
H—5391	S.F.	2196	McKean of Jones
			Neuhauser of Johnson
			Hammond of Story
			Johnson of Winneshiek
H—5392	S.F.	2196	McKean of Jones
			Tyrrell of Iowa
			De Groot of Lyon
			Johnson of Winneshiek
			Mullins of Kossuth
H—5393	H.F.	2393	Renaud of Polk
H—5394	S.F.	2196	McKean of Jones
			Tyrrell of Iowa
H—5395	H.F.	2426	Spear of Lee
H—5396	H.F.	2403	Blanshan of Greene
H—5397	H.F.	2412	Hummel of Benton
H—5398	H.F.	2221	Carpenter of Polk
H—5399	H.F.	2348	Van Camp of Scott
H—5400	H.F.	2418	Diemer of Black Hawk
			Harper of Black Hawk

H-5401	S.F.	2196	McKean of Jones Tyrrell of Iowa De Groot of Lyon Hammond of Story Johnson of Winneshiek Mullins of Kossuth
H-5402	S.F.	2046	Committee on Education
H-5403	H.F.	2211	Stromer of Hancock
H-5404	H.F.	2211	Stromer of Hancock
H-5405	H.F.	2211	Tyrrell of Iowa
H-5406	H.F.	2394	Diemer of Black Hawk Black of Jasper
H-5407	S.F.	2086	Committee on Agriculture
H-5409	H.F.	2345	Miller of Cherokee
H-5410	H.F.	2419	Daggett of Adams
H-5411	H.F.	2211	Stromer of Hancock
H-5412	S.F.	2093	Diemer of Black Hawk Black of Jasper
H-5413	H.F.	2411	Swartz of Marshall
H-5414	H.F.	2356	Peterson of Carroll
H-5415	H.F.	2405	Peters of Woodbury
H-5416	H.F.	2356	Peterson of Carroll Buhr of Polk Clark of Cerro Gordo Mullins of Kossuth Siegrist of Pottawattamie
H-5417	H.F.	2394	Diemer of Black Hawk Black of Jasper
H-5418	H.F.	2405	Blanshan of Greene
H-5419	H.F.	2211	Van Camp of Scott
H-5420	H.F.	2278	Hansen of Woodbury
H-5421	H.F.	2088	Bisignano of Polk Buhr of Polk
H-5422	H.F.	2406	Lundby of Linn
H-5423	H.F.	2282	Johnson of Winneshiek
H-5424	H.F.	2282	Johnson of Winneshiek
H-5425	H.F.	2278	Fey of Scott
H-5426	H.F.	2356	Paulin of Plymouth
H-5427	H.F.	2403	Royer of Page Garman of Story Mullins of Kossuth
H-5428	S.F.	2117	De Groot of Lyon

H—5429	H.F. 2402	Plasier of Sioux Norrgard of Des Moines
H—5430	H.F. 2402	Plasier of Sioux Norrgard of Des Moines
H—5431	H.F. 2402	Plasier of Sioux Norrgard of Des Moines
H—5432	H.F. 2402	Plasier of Sioux Norrgard of Des Moines
H—5433	H.F. 2402	Plasier of Sioux Norrgard of Des Moines
H—5434	H.F. 2402	Plasier of Sioux Norrgard of Des Moines

On motion by Arnould of Scott, the House adjourned at 6:23 p.m., until 9:00 a.m., Thursday, March 10, 1988.

# JOURNAL OF THE HOUSE

Sixtieth Calendar Day — Fortieth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Thursday, March 10, 1988

The House met pursuant to adjournment, Speaker Avenson in the chair.

Prayer was offered by the Honorable Jack Hester, state senator from Pottawattamie County.

The Journal of Wednesday, March 9, 1988 was approved.

## PETITIONS FILED

The following petitions were received and placed on file:

By Jochum of Dubuque, from one hundred twenty-six constituents favoring funding of Iowa's emergency medical services at a minimum of one dollar per Iowa resident.

By Siegrist of Pottawattamie, from fifty-one constituents of the 99th district opposing Senate File 2196.

The following petitions were received and placed on file opposing any increase in beer, wine or liquor taxing measures:

By Jochum of Dubuque, from one hundred forty-five constituents.

By Maulsby of Calhoun, from one hundred thirty-nine citizens of District 9.

By Muhlbauer of Crawford, from one hundred sixty-three constituents.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Lageschulte of Bremer, for an indefinite period, on request of Stromer of Hancock; Swearingen of Keokuk, until his arrival, on request of Van Maanen of Mahaska.

## INTRODUCTION OF BILLS

**House File 2437**, by committee on energy and environmental protection, a bill for an act relating to utilization of energy resources in the state including the implementation of energy conservation measures.

Read first time and placed on the **calendar**.

**House File 2438**, by committee on energy and environmental pro-

tection, a bill for an act relating to and making appropriations of the petroleum overcharge funds.

Read first time and referred to committee on **appropriations**.

**House File 2439**, by committee on small business and commerce, a bill for an act relating to the regulation of securities by amending the Iowa uniform securities Act to provide certain new and modified securities exemptions and transaction exemptions and to remove the broker-dealer bonding requirement for members of the securities investor protection corporation.

Read first time and placed on the **calendar**.

### SENATE MESSAGES CONSIDERED

**Senate File 302**, by Hannon, Deluhery, Gronstal, Wells, Priebe and Murphy, a bill for an act relating to the disability of brain injury.

Read first time and referred to committee on **human resources**.

**Senate File 2011**, by Tieden, a bill for an act relating to meat and poultry regulation and inspection, providing penalties, and providing for injunctive relief.

Read first time and referred to committee on **agriculture**.

**Senate File 2039**, by Dieleman, a bill for an act allowing certain personalized vehicle registration plates to contain up to seven characters and providing an effective date.

Read first time and referred to committee on **transportation**.

**Senate File 2174**, by committee on business and labor relations, a bill for an act making changes in the state's labor laws relating to occupational safety and health, safety inspection of amusement rides, and elevator safety, and providing injunctive relief under certain of those laws.

Read first time and referred to committee on **labor and industrial relations**.

**Senate File 2291**, by committee on state government, a bill for an act to provide that certain appropriations for retirement allowances be paid from the Iowa public employees' retirement fund rather than from the general fund of the state retroactive to July 1, 1987.

Read first time and referred to committee on **state government**.

## MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 8, 1988, passed the following bill in which the concurrence of the House is asked:

Senate File 2183, a bill for an act relating to the publication of notice of a drainage district hearing.

Also: That the Senate has on March 8, 1988, passed the following bill in which the concurrence of the House is asked:

Senate File 2186, a bill for an act relating to the modification of dissolution and parentage decrees.

Also: That the Senate has on March 9, 1988, passed the following bill in which the concurrence of the House is asked:

Senate File 2190, a bill for an act to create an advancement and recruitment program to encourage administrative advancement of women and minorities and recruitment of minorities by school corporations.

Also: That the Senate has on March 9, 1988, passed the following bill in which the concurrence of the House is asked:

Senate File 2193, a bill for an act relating to requirements for approved teacher education programs.

Also: That the Senate has on March 8, 1988, passed the following bill in which the concurrence of the House is asked:

Senate File 2202, a bill for an act relating to the licensing of private investigators and private security officers, providing for the issuance of temporary permits to certain persons pursuant to reciprocal agreement, making penalties applicable, and providing other properly related matters.

Also: That the Senate has on March 8, 1988, passed the following bill in which the concurrence of the House is asked:

Senate File 2203, a bill for an act relating to the composition of the engineering and land surveying examining board and providing an effective date.

Also: That the Senate has on March 8, 1988, passed the following bill in which the concurrence of the House is asked:

Senate File 2209, a bill for an act relating to the sale, lease, exchange, or other disposition of corporate property and assets.

Also: That the Senate has on March 9, 1988, passed the following bill in which the concurrence of the House is asked:

Senate File 2250, a bill for an act relating to environmental protection by correcting the reference to the membership of the advisory committee for the center for health effects of environmental contamination; by establishing requirements regarding sanitary disposal project inspections, the disposal of solid waste, and the solid waste tonnage fee; by making corrections relating to the collection and allocation of moneys within

the solid waste account and the agriculture management account; by correcting a reference to the duties of the department of natural resources regarding household hazardous materials; and by specifying the content and liability for the content of statements submitted with a declaration of value regarding the existence and location of wells, disposal sites, underground storage tanks, and hazardous waste.

Also: That the Senate has on March 9, 1988, passed the following bill in which the concurrence of the House is asked:

Senate File 2256, a bill for an act relating to the admission of a report or findings of the criminalistics laboratory as evidence in a civil proceeding.

JOHN F. DWYER, Secretary

### HOUSE FILE 2402 DEFERRED

Arnould of Scott asked and received unanimous consent that House File 2402 be deferred and that the bill retain its place on the calendar.

### CONSIDERATION OF BILLS

#### Regular Calendar

**House File 2278**, a bill for an act relating to the issuance of citations to juveniles, the detention of juveniles and restrictions on the detention of juveniles in adult facilities, and providing penalties, with report of committee recommending amendment and passage was taken up for consideration.

Hansen of Woodbury offered the following amendment H—5420 filed by him:

H—5420

1 Amend House File 2278 as follows:

2 1. Page 1, by striking lines 1 through 3 and

3 inserting the following:

4 "Section 1. Section 232.8, subsection 1, Code

5 Supplement 1987, is amended to read as follows:

6 1. The juvenile court has exclusive original

7 jurisdiction in proceedings concerning a child who is

8 alleged to have committed a delinquent act unless

9 otherwise provided by law, and has exclusive original

10 jurisdiction in proceedings concerning an adult who is

11 alleged to have committed a delinquent act prior to

12 having become an adult, provided that the taking of

13 that person into custody for the alleged act or the

14 filing of a delinquency petition alleging the

15 commission of the act occurs within the time periods

16 and under the conditions specified in chapter 802.

17 The juvenile court has jurisdiction over such an

18 adult for one year beyond the last date upon which

19 jurisdiction over the adult attaches under this

20 subsection and who has been transferred to the  
21 jurisdiction of the juvenile court pursuant to an  
22 order under section 803.5."

23 2. Page 3, by inserting after line 14 the  
24 following:

25 "Sec. \_\_\_\_\_. Section 803.1, Code 1987, is amended by  
26 adding the following new subsection:

27 NEW SUBSECTION. 4. The jurisdiction of the  
28 criminal court includes the prosecution of any  
29 individual eighteen years of age or older who is  
30 charged with committing a criminal offense. If the  
31 individual is alleged to have committed the offense  
32 prior to having reached the age of eighteen, that  
33 individual or the county attorney may petition the  
34 criminal court to transfer the matter to juvenile  
35 court, pursuant to section 803.5.

36 Sec. \_\_\_\_\_. NEW SECTION. 803.5 TRANSFER OF  
37 JURISDICTION.

38 1. An adult who is alleged to have committed a  
39 criminal offense prior to having reached the age of  
40 eighteen may be transferred to juvenile court for  
41 adjudication and disposition as a juvenile, provided  
42 that the taking of that person into custody for the  
43 alleged act or the filing of a complaint, information,  
44 or indictment alleging the act, occurs within the time  
45 periods and under the conditions specified in chapter  
46 802.

47 2. The defendant or the county attorney may file a  
48 motion for the transfer any time within ten days of  
49 the initial appearance.

50 3. The court shall hold a transfer hearing on all

## Page 2

1 such motions. A notice of the time and place of the  
2 transfer hearing shall be given to all parties to the  
3 hearing.

4 4. Prior to the transfer hearing, the juvenile  
5 probation officer, or other person or agency  
6 designated by the court, shall conduct an  
7 investigation for the purpose of collecting  
8 information relevant to the court's decision to waive  
9 its jurisdiction over the defendant for the alleged  
10 commission of the public offense and shall submit a  
11 report concerning the investigation to the court. The  
12 report shall include any recommendations made  
13 concerning transfer. Prior to the hearing the court  
14 shall provide the defendant's counsel and the county  
15 attorney with access to the report and to all written  
16 material to be considered by the court.

17 5. After the hearing, the court may transfer  
18 jurisdiction to the juvenile court if the court



19 determines that there is probable cause to believe  
20 that the adult committed an offense while still a  
21 juvenile, and waiver to the criminal court would be  
22 inappropriate under the criteria set forth in section  
23 232.45, subsection 6, paragraph "c", and section  
24 232.45, subsection 7, if the adult were still a child.

25 6. If after the hearing the court transfers  
26 jurisdiction over the adult to the juvenile court for  
27 the alleged commission of the public offense to the  
28 juvenile court, the court shall forward the transfer  
29 order together with all papers, documents, and a  
30 transcript of all testimony filed or admitted into  
31 evidence in connection with the case to the clerk of  
32 the juvenile court in the same manner as provided in  
33 section 232.8, subsection 2."

34 3. By renumbering as necessary.

Rosenberg of Story rose on a point of order that amendment H—5420 was not germane.

The Speaker ruled the point well taken and amendment H—5420 not germane.

Arnould of Scott asked and received unanimous consent that House File 2278 be deferred and that the bill retain its place on the calendar.

**House File 2405**, a bill for an act relating to the administration and benefits for certain public retirement systems, was taken up for consideration.

Blanshan of Greene offered the following amendment H—5418 filed by him:

H—5418

1 Amend House File 2405 as follows:  
2 1. Page 1, by inserting after line 28 the  
3 following:  
4 "Sec. 2A. Section 97A.6, subsection 12, paragraph  
5 a, Code 1987, is amended to read as follows:  
6 a. To the member's surviving spouse to continue so  
7 long as ~~said party~~ the spouse remains unmarried, equal  
8 to one-half the amount received by ~~such~~ the deceased  
9 beneficiary, but in no instance less than ~~fifty~~  
10 ~~dollars per month~~ an amount equal to twenty percent of  
11 the monthly earnable compensation paid to an active  
12 member having the rank of senior patrol officer of the  
13 Iowa highway safety patrol, and in addition thereto a  
14 monthly pension equal to the monthly pension payable  
15 under subsection 9, paragraph "c," of this section for  
16 each child under eighteen years of age; or".

17 2. Page 10, line 14, by striking the word "July"  
18 and inserting the following: "January".

19 3. Page 17, line 35, by inserting after the word  
20 "age" the following: "and has completed at least  
21 thirty years of membership service and prior  
22 service,".

23 4. Page 18, line 5, by inserting after the word  
24 "member." the following: "If the member has not  
25 completed thirty years of service, the monthly benefit  
26 shall be multiplied a fraction of years of service.  
27 For the purpose of this subsection, "fraction of years  
28 of service" means a fraction equal to the number of  
29 years of membership service and prior service divided  
30 by thirty years."

31 5. Page 23, by inserting after line 35, the  
32 following:

33 "Sec. 52A. Section 411.6, subsection 11, paragraph  
34 a, Code 1987, is amended to read as follows:

35 a. To the spouse to continue so long as said  
36 ~~partner~~ the spouse remains unmarried, equal to one-  
37 half the amount received by ~~such~~ the deceased  
38 beneficiary, but in no instance less than ~~seventy-five~~  
39 dollars per month twenty percent of the monthly  
40 earnable compensation paid to an active member holding  
41 the highest grade in the rank of firefighter, for a  
42 beneficiary of a deceased member of the fire  
43 department, or the highest grade in the rank of police  
44 patrol officer, for a beneficiary of a deceased member  
45 of a police department, and in addition thereto a  
46 monthly pension equal to the monthly pension payable  
47 under subsection 9 of this section for each child  
48 under eighteen years of age; or".

49 6. Page 25, line 11, by striking the word and  
50 figure "and 52" and inserting the following: "2A, 52,

## Page 2

1 and 52A".

2 7. By numbering and renumbering sections as  
3 necessary.

The House stood at ease at 9:38 a.m., until the fall of the gavel.

The House resumed session and consideration of amendment H—5418 to House File 2405 at 10:58 a.m., Speaker Avenson in the chair.

(House File 2405 and amendment H—5418 pending at recess.)

On motion by Arnould of Scott, the House was recessed at 10:59 a.m., until 1:00 p.m.

## AFTERNOON SESSION

The House reconvened, Speaker Avenson in the chair.

## QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed seventy-eight members present, twenty-two absent.

## BUSINESS PENDING AT RECESS

The House resumed consideration of **House File 2405**, a bill for an act relating to the administration and benefits for certain public retirement systems, and amendment H—5418 (found on pages 696 and 697 of the House Journal), pending at recess.

Arnould of Scott asked and received unanimous consent that House File 2405 be deferred and that the bill retain its place on the calendar.

## Regular Calendar

The House resumed consideration of **House File 2278**, a bill for an act relating to the issuance of citations to juveniles, the detention of juveniles and restrictions on the detention of juveniles in adult facilities, and providing penalties, previously deferred.

Hansen of Woodbury offered amendment H—5216 filed by the committee on judiciary and law enforcement and requested division as follows:

H—5216

1 Amend House File 2278 as follows:

H—5216A

- 2 1. Page 1, line 29, by striking the word
- 3 "fourteen" and inserting the following: "fourteen".
- 4 2. Page 2, by striking lines 16 through 19 and
- 5 inserting the following: "limited to a local hospital
- 6 or shelter care facility. Also, a child detained for
- 7 a violation".

H—5216B

- 8 3. Page 3, by inserting after line 14 the fol-
- 9 lowing:
- 10 "Sec. \_\_\_\_\_. Section 232.22, subsection 5, Code
- 11 1987, is amended to read as follows:
- 12 5. An adult within the jurisdiction of the court
- 13 under section 232.8, subsection 1, who has been placed

H—5216B

14 in detention, is not bailable under chapter 811. If  
15 ~~such an~~ An adult is detained after attaining age  
16 eighteen shall be detained in a room in a facility  
17 intended or used for the detention of adults, the  
18 ~~adult and~~ shall be confined in a room ~~entirely~~  
19 physically separated from adults not within the  
20 jurisdiction of the court under section 232.8,  
21 subsection 1."

22 4. Renumber as necessary.

On motion by Hansen of Woodbury, the committee amendment  
H—5216A was adopted.

Hansen of Woodbury asked and received unanimous consent to  
withdraw the committee amendment H—5216B.

Bisignano of Polk offered the following amendment H—5281 filed  
by Bisignano, et al.:

H—5281

1 Amend House File 2278 as follows:

2 1. Page 1, by striking lines 26 and 27 and  
3 inserting the following: "would be a felony, a  
4 serious or aggravated misdemeanor, a violation of  
5 section 708.2, subsection 3, or a violation of section  
6 123.46, and".

7 2. Page 3, line 32, by inserting after the word  
8 "public" the following: ", and that person may be  
9 confined in a facility regulated under chapter 356 or  
10 356A if all of the following apply:

11 a. The person is at least fourteen years of age.

12 b. The facility has an adequate staff to supervise  
13 and monitor the person's activities at all times.

14 c. The person is confined in a room physically  
15 separated from detained adults, and is permitted to  
16 use common areas of the facility only when no contact  
17 with detained adults is possible.

18 d. The person is confined no longer than six  
19 hours".

20 3. Page 4, line 5, by inserting after the word  
21 "warrant" the following: "and the person arrested  
22 under the warrant may be confined in a facility  
23 regulated under chapter 356 or 356A if all of the  
24 following apply:

25 a. The person is at least fourteen years of age.

26 b. The facility has an adequate staff to supervise  
27 and monitor the person's activities at all times.

28 c. The person is confined in a room physically  
29 separated from detained adults, and is permitted to

- 30 use common areas of the facility only when no contact  
31 with detained adults is possible.  
32 d. The person is confined no longer than six  
33 hours".

Fey of Scott asked and received unanimous consent to withdraw amendment H—5388, to amendment H—5281, filed by him on March 9, 1988.

Fey of Scott offered the following amendment H—5425, to amendment H—5281, filed by him and moved its adoption:

H—5425

- 1 Amend amendment H—5281, to House File 2278 as  
2 follows:  
3 1. Page 1, line 19, by inserting after the word  
4 "hours" the following: "and only for the purpose of  
5 identification, processing, and transfer".  
6 2. Page 1, line 33, by inserting after the word  
7 "hours" the following: "and only for the purpose of  
8 identification, processing, and transfer".

Amendment H—5425 was adopted.

Division of amendment H—5281 was requested as follows: Lines 2 through 6, amendment H—5281A; lines 7 through 33, amendment H—5281B.

Bisignano of Polk moved the adoption of amendment H—5281A.

A non-record roll call was requested.

The ayes were 44, nays 16.

Amendment H—5281A was adopted.

On motion by Bisignano of Polk, amendment H—5281B, as amended, was adopted.

Hansen of Woodbury asked and received unanimous consent to suspend the rules to consider amendment H—5420, previously ruled not germane (found on pages 694 to 696 of the House Journal).

Hansen of Woodbury offered the following amendment H—5441, to amendment H—5420, filed by him and Rosenberg of Story from the floor and moved its adoption:

H—5441

- 1 Amend amendment H—5420 to House File 2278 as  
2 follows:  
3 1. Page 1, by striking line 29 and inserting the

- 4 following: "individual arrested who is eighteen years
- 5 of age or older and who is".

Amendment H—5441 was adopted.

On motion by Hansen of Woodbury, amendment H—5420, as amended, was adopted.

Arnould of Scott asked and received unanimous consent that House File 2278 be deferred and that the bill retain its place on the calendar.

The House resumed consideration of **House File 2405**, a bill for an act relating to the administration and benefits for certain public retirement systems, and amendment H—5418 (found on pages 696 and 697 of the House Journal, deferred March 10, 1988).

Doderer of Johnson offered the following amendment H—5497, to amendment H—5418, filed from the floor by Doderer, Brammer and Bisignano and moved its adoption:

H—5497

- 1 Amend amendment H—5418, to House File 2405, as
- 2 follows:
- 3 1. Page 1, lines 6 and 7 by striking the words:
- 4 "to continue so long as ~~said party the spouse~~ remains
- 5 unmarried," and inserting the following: "~~to continue~~
- 6 ~~so long as said party remains unmarried,~~".
- 7 2. Page 1, lines 35 and 36 by striking the words:
- 8 "to continue so long as ~~said partner the spouse~~ remains
- 9 unmarried," and inserting the following: "~~to continue~~
- 10 ~~so long as said partner remains unmarried,~~".

Amendment H—5497 was adopted.

Diemer of Black Hawk offered the following amendment H—5500, to amendment H—5418, filed by him from the floor and moved its adoption:

H—5500

- 1 Amend the amendment, H—5418, to House File 2405 as
- 2 follows:
- 3 1. Page 1, by inserting after line 30 the
- 4 following:
- 5 "\_\_\_\_\_. Page 22, by inserting after line 26 the
- 6 following:
- 7 "Sec. \_\_\_\_\_. Section 97B.74, unnumbered paragraph 1,
- 8 Code 1987, is amended to read as follows:
- 9 An active, ~~vested, or retired~~ member of the system
- 10 who has been an active member of the system during

11 this period of membership service for at least one  
12 year and who at any time between after July 4, 1953  
13 and July 1, 1973 was a member of the system; but who  
14 did not meet the requirements to be a vested member  
15 for that period of membership service, and who  
16 received a refund of contributions for that period of  
17 membership service, may elect in writing to the  
18 department to make contributions to the system for  
19 that period of membership service for which a refund  
20 of contributions was made. The contributions repaid  
21 by the member for such service shall be equal to the  
22 accumulated contributions, as defined in section  
23 97B.41, subsection 12, received by the member for that  
24 period of membership service plus interest on the  
25 accumulated contributions for the period from the date  
26 of receipt by the member to the date of repayment  
27 equal to two percent plus the interest dividend rate  
28 applicable for each year compounded annually.  
29 Sec. \_\_\_\_\_. Section 97B.74, unnumbered paragraph 2,  
30 Code 1987, is amended by striking the unnumbered  
31 paragraph." "

Amendment H—5500 lost.

Renaud of Polk offered the following amendment H—5501, to amendment H—5418, filed by him from the floor:

H—5501

1 Amend amendment, H—5418, to House File 2405 as  
2 follows:  
3 1. Page 1, by inserting after line 30 the  
4 following:  
5 "\_\_\_\_\_. Page 23, by inserting after line 6 the  
6 following:  
7 "Sec. \_\_\_\_\_. NEW SECTION. 97B.78 TRANSFER OF  
8 EMPLOYMENT.  
9 A vested member of the system who was covered under  
10 the system for service with one employer and  
11 transferred employment to a different employer without  
12 an interruption of service, but who received a refund  
13 of accumulated contributions for service with the  
14 first employer may elect in writing to the department  
15 to make contributions to the system for that period of  
16 membership service for which a refund of contributions  
17 was made. The member shall submit verification of  
18 service with the first employer and verification that  
19 the service under the system was continuous. The  
20 contributions repaid by the member for such service  
21 shall be equal to the accumulated contributions, as  
22 defined in section 97B.41, subsection 12, received by  
23 the member for that period of membership service plus

24 interest on the accumulated contributions for the  
25 period from the date of receipt by the member to the  
26 date of repayment equal to two percent plus the  
27 interest dividend rate applicable for each year  
28 compounded annually.””

Blanshan of Greene rose on a point of order that amendment H—5501 was not germane.

The Speaker ruled the point well taken and amendment H—5501 not germane, to amendment H—5418.

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Branstad of Winnebago, for a portion of the day, on request of Maulsby of Calhoun.

Doderer of Johnson offered the following amendment H—5498, to amendment H—5418, filed by her and Carpenter of Polk from the floor:

H—5498

1 Amend the amendment, H—5418, to House File 2405 as  
2 follows:

3 1. Page 1, by inserting after line 48 the  
4 following:

5 “\_\_\_\_\_. Page 24, by inserting after line 29 the  
6 following:

7 “Sec. \_\_\_\_\_. Section 411.20, subsection 1, Code  
8 1987, is amended to read as follows:

9 1. There is appropriated from the general fund of  
10 the state to the municipal assistance fund established  
11 in chapter 405 for each fiscal year an amount  
12 necessary to be distributed to cities which have  
13 established fire and police retirement systems under  
14 the provisions of this chapter. Funds shall be used  
15 to finance the costs of benefits provided in this  
16 chapter by amendments of the Acts of the Sixty-sixth  
17 General Assembly, chapter 1089, and effective July 1,  
18 1988, shall be used to finance the costs of the  
19 benefit improvements provided in sections 52 and 52A  
20 of this Act.

21 Sec. \_\_\_\_\_. Section 411.20, Code 1987, is amended by  
22 adding the following new subsection:

23 NEW SUBSECTION. 4. Commencing with the fiscal  
24 year beginning July 1, 1988, the amounts distributed  
25 to pay the state's portion of the costs of the benefit  
26 improvements provided in sections 52 and 52A of this  
27 Act shall be computed by the actuary employed by the  
28 respective board of trustees on the basis of the



29 results of actuarial valuations performed by the  
30 actuary. The actuarial valuations shall be conducted  
31 for the fiscal years beginning July 1, 1987, and July  
32 1, 1988, in the manner provided in this section to  
33 determine the costs of benefit improvements provided  
34 by the Sixty-sixth General Assembly, chapter 1089,  
35 using the fiscal years beginning July 1, 1978, and  
36 July 1, 1979.  
37 A ratio of payroll shall be determined and  
38 certified to the director of revenue and finance. For  
39 the fiscal year commencing July 1, 1988, and each  
40 fiscal year thereafter, the director of revenue and  
41 finance shall pay to each city an amount equal to the  
42 ratio of payroll computed for a retirement system  
43 times the payroll of the active members employed under  
44 that system for the fiscal year.””

Kremer of Buchanan rose on a point of order that amendment H—5498 was not germane.

The Speaker ruled the point well taken and amendment H—5498 not germane, to amendment H—5418.

Doderer of Johnson moved that the rules be suspended to consider amendment H—5498.

A non-record roll call was requested.

The ayes were 15, nays 37.

The motion to suspend the rules lost.

On motion by Blanshan of Greene, amendment H—5418, as amended, was adopted.

Peters of Woodbury offered the following amendment H—5415 filed by him:

H—5415

- 1 Amend House File 2405 as follows:
- 2 1. Page 21, by inserting after line 30 the
- 3 following:
- 4 “Sec. \_\_\_\_\_. NEW SECTION. 97B.63 INSURANCE
- 5 COVERAGE.
- 6 The department shall offer Medicare supplement
- 7 coverage under a group policy of accident and sickness
- 8 insurance to members who have retired and are
- 9 receiving benefits under this chapter. The department
- 10 may retain an amount not exceeding one-half of one
- 11 percent of the monthly benefit of a member for the
- 12 costs incurred in administering the group insurance
- 13 policy.”
- 14 2. By numbering and renumbering sections as
- 15 necessary.

Blanshan of Greene rose on a point of order that amendment H—5415 was not germane.

The Speaker ruled the point well taken and amendment H—5415 not germane.

Fuller of Hardin asked for unanimous consent to suspend Rule 31.8, relating to the timely filing of amendments, for consideration of amendment H—5437 filed by him and Corey of Louisa from the floor as follows:

H—5437

1 Amend House File 2405 as follows:

2 1. Page 16, by striking lines 9 through 26.

3 2. Page 20, by inserting after line 23 the

4 following:

5 "Sec. \_\_\_\_\_. Section 97B.49, Code Supplement 1987,

6 is amended by adding the following new subsection:

7 NEW SUBSECTION. 17. Effective July 1, 1988, for

8 each member who retired from the system prior to

9 January 1, 1976, and for each member who retired from

10 the system under subsection 1 on or after January 1,

11 1976, the amount of regular monthly retirement

12 allowance attributable to membership service and prior

13 service that was payable to the member for June 1988

14 is increased by ten percent.

15 The increase payable to a member under this section

16 is also payable to a beneficiary and a contingent

17 annuitant.

18 Sec. \_\_\_\_\_. Section 97B.49, Code Supplement 1987, is

19 amended by adding the following new subsection:

20 NEW SUBSECTION. 18. Effective July 1, 1988, for

21 each member who retired from the system under

22 subsections 5, 7, or 8 between January 1, 1976, and

23 June 30, 1982, the monthly benefit shall be recomputed

24 using fifty percent of the five-year average covered

25 wage multiplied by a fraction of years of service

26 rather than forty-seven percent of the five-year

27 average covered wage."

28 3. By numbering and renumbering sections as

29 necessary.

Objection was raised and pursuant to Rule 31.8, amendment H—5437 was not in order.

Blanshan of Greene moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2405)

The ayes were, 92:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Black	Blanshan
Brammer	Buhr	Carpenter	Chapman
Clark	Cphoon	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	Holveck
Jay	Jochum	Johnson	Knapp
Koenigs	Kremer	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	Tyrrell
Van Camp	Van Maanen	Wise	Mr. Speaker

The nays were, 1:

Hummel

Absent or not voting, 7:

Branstad	Connolly	Connors	Hanson, D. R.
Lageschulte	Muhlbauer	Swearingen	

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

### RULES SUSPENDED

Arnould of Scott asked and received unanimous consent to suspend the rules and take up out of order House Files 2414, 2348, 2415 and 2240.

**House File 2414**, a bill for an act relating to funding for the education costs of certain shelter care homes and juvenile detention homes and providing an effective date, was taken up for consideration.

Adams of Hamilton moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2414)

The ayes were, 94:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Black	Blanshan
Brammer	Buhr	Carpenter	Chapman
Clark	Cohoon	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
Holveck	Hummel	Jay	Jochum
Johnson	Knapp	Koenigs	Kremer
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
Siegrist	Skow	Spear	Stromer
Stueland	Svoboda	Swartz	Tabor
Teaford	Tyrrell	Van Camp	Van Maanen
Wise	Mr. Speaker		

The nays were, none.

Absent or not voting, 6:

Branstad	Connolly	Hanson, D. R.	Lageschulte
Shoultz	Swearingen		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**House File 2348**, a bill for an act relating to certain ambiguities and inconsistencies of the Code as they relate to city government, (deferred March 4, 1988) was taken up for consideration.

Hammond of Story offered the following amendment H—5299 filed by her and moved its adoption:

H—5299

- 1 Amend House File 2348 as follows:
- 2 1. Page 1, by striking lines 1 through 15.
- 3 2. By renumbering sections.

Amendment H—5299 was adopted.

Van Camp of Scott offered the following amendment H—5399 filed by him:

H—5399

1 Amend House File 2348 as follows:

2 1. Page 2, by inserting after line 15 the  
3 following:

4 "Sec. \_\_\_\_\_. Section 364.17, subsection 3,  
5 unnumbered paragraph 1, Code 1987, is amended to read  
6 as follows:

7 A city which adopts or is subject to a housing code  
8 under this section shall adopt enforcement procedures,  
9 which shall include a ~~program for regular rental~~  
10 ~~inspections~~, rental inspections upon receipt of  
11 complaints, and certification of inspected rental  
12 housing, and may include but are not limited to the  
13 following:"

14 2. By renumbering sections.

Bisignano of Polk rose on a point of order that amendment H—5399 was not germane.

Bisignano of Polk asked and received unanimous consent to withdraw his request for a ruling on germaneness.

On motion by Van Camp of Scott amendment H—5399 lost.

Cooper of Lucas offered the following amendment H—5344 filed by him and moved its adoption:

H—5344

1 Amend House File 2348 as follows:

2 1. Page 5, by inserting after line 17 the  
3 following:

4 "Sec. \_\_\_\_\_. Section 476.6, Code Supplement 1987, is  
5 amended by adding the following new subsection:

6 **NEW SUBSECTION. 17. WATER COSTS FOR FIRE**  
7 **PROTECTION IN CERTAIN CITIES.** In a city furnished  
8 water by a public utility subject to rate regulation,  
9 all or part of the costs of fire hydrants and other  
10 improvements, maintenance, and operations for the  
11 purpose of providing adequate water production,  
12 storage, and distribution for public fire protection  
13 may be included in the basic rate or charge assessed  
14 to residential, commercial, and industrial consumers  
15 located in the city. The costs added to the basic  
16 rate or charge under this subsection is subject to the  
17 approval of the city council and shall not be assessed  
18 separately to the city."

Amendment H—5344 was adopted.

Platt of Muscatine moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

## On the question "Shall the bill pass?" (H.F. 2348)

The ayes were, 92:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Black	Blanshan
Brammer	Buhr	Carpenter	Chapman
Clark	Cohoon	Connolly	Connors
Cooper	Corbett	Corey	Daggett
De Groot	Diemer	Dvorsky	Eddie
Fogarty	Fuller	Garman	Groninga
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Hansen, S. D.	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	Pellett
Peters	Petersen, D. F.	Peterson, M. K.	Plasier
Platt	Poncy	Renaud	Renken
Rosenberg	Royer	Running	Schnekloth
Schrader	Shoning	Shoultz	Siegrist
Spear	Stromer	Stueland	Svoboda
Swartz	Tabor	Teaford	Tyrrell
Van Camp	Van Maanen	Wise	Mr. Speaker

The nays were, none.

Absent or not voting, 8:

Branstad	Doderer	Fey	Hanson, D. R.
Lageschulte	Sherzan	Skow	Swearingen

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**House File 2415**, a bill for an act relating to incentives to encourage certain state government employees to retire from employment by providing for monetary or insurance payment incentives, and providing an effective date, was taken up for consideration.

Blanshan of Greene moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

## On the question "Shall the bill pass?" (H.F. 2415)

The ayes were, 92:

Adams	Arnould	Beaman	Beatty
Bennett	Black	Blanshan	Brammer
Buhr	Carpenter	Chapman	Clark

Cohoon	Connolly	Connors	Cooper
Corbett	Corey	Daggett	De Groot
Diemer	Dvorsky	Eddie	Fey
Fogarty	Fuller	Garman	Groninga
Gruhn	Halvorson, R. A.	Hammond	Hansen, S. D.
Harbor	Harper	Hatch	Haverland
Hermann	Hester	Holveck	Hummel
Jay	Jochum	Johnson	Knapp
Koenigs	Kremer	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	Schnekloth	Schrader	Sherzan
Shoning	Shoultz	Siegrist	Skow
Spear	Stromer	Stueland	Svoboda
Swartz	Tabor	Teaford	Tyrrell
Van Camp	Van Maanen	Wise	Mr. Speaker

The nays were, 2:

Doderer                      Halvorson, R. N.

Absent or not voting, 6:

Busignano	Branstad	Hanson, D. R.	Lageschulte
Peters	Swearingen		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Tyrrell of Iowa, for the remainder of the day, on request of Kremer of Buchanan.

**House File 2240**, a bill for an act to establish and fund a transportation subsidization program for certain physically handicapped persons, including increasing certain fees to fund the program, with report of committee recommending amendment and passage was taken up for consideration.

Neuhauser of Johnson offered the following amendment H—5224 filed by the committee on transportation:

H—5224

- 1 Amend House File 2240 as follows:
- 2 1. Page 1, by striking lines 19 through 22 and
- 3 inserting the following: "shall be five dollars which
- 4 shall be in addition to the regular annual

5 registration fee plus an additional fee of ten  
6 dollars. Moneys collected from this fee shall be  
7 credited to the transportation".

8 2. Page 1, line 26, by inserting after the word  
9 "fee" the following: "plus an additional fee of five  
10 dollars, which additional fee shall be credited to the  
11 transportation subsidization fund".

12 3. Page 2, line 9, by inserting after the word  
13 "department." the following: "A renewal is required  
14 annually at a cost of five dollars. Temporary permits  
15 shall also cost five dollars and are valid for six  
16 months. Renewal of temporary permits shall also cost  
17 five dollars."

18 4. Page 2, line 16, by striking the word  
19 "PHYSICALLY".

20 5. Page 2, line 18, by striking the word  
21 "physically".

22 6. Page 2, line 21, by inserting after the word  
23 "private" the following: ", commercial".

24 7. Page 2, line 23, by striking the word  
25 "physically".

26 8. Page 2, line 23, by striking the word  
27 "department" and inserting the following: "state  
28 department of transportation".

29 9. Page 2, by striking lines 24 and 25 and  
30 inserting the following: "procedures for application  
31 and shall".

32 10. Page 2, by inserting after line 26 the  
33 following:

34 "To qualify for transportation subsidies, a person  
35 with a monthly income of less than four hundred  
36 thirty-five dollars shall receive a reimbursement of  
37 eighty percent of actual costs. Persons with a  
38 monthly income of four hundred thirty-five dollars or  
39 more but less than four hundred eighty-five dollars  
40 shall receive a reimbursement of sixty percent of  
41 actual costs. Persons with a monthly income of four  
42 hundred eighty-five dollars or more but less than five  
43 hundred thirty-five dollars shall receive a  
44 reimbursement of forty percent of actual costs.  
45 Persons with a monthly income of five hundred thirty-  
46 five dollars or more but less than five hundred  
47 eighty-five dollars shall receive a reimbursement of  
48 twenty percent of actual costs. For purposes of this  
49 section, "income" means income as defined in section  
50 425.17, subsection 1."

Neuhauser of Johnson offered the following amendment H—5493, to the committee amendment H—5224, filed by her from the floor and moved its adoption:



H—5493

- 1 Amend the Committee on Transportation amendment, H—
- 2 5224, to House File 2240, as follows:
- 3 1. Page 1, by striking lines 22 and 23 and
- 4 inserting the following:
- 5 “\_\_\_\_\_. Page 2, line 21, by striking the words
- 6 “private and”.”

Amendment H—5493 was adopted.

Neuhauser of Johnson offered the following amendment H—5390, to the committee amendment H—5224, filed by her and moved its adoption:

H—5390

- 1 Amend the Committee on Transportation amendment, H—
- 2 5224, to House File 2240, as follows:
- 3 1. Page 1, by striking lines 26 through 28 and
- 4 inserting the following:
- 5 “\_\_\_\_\_. Page 2, line 23, by inserting after the
- 6 word “department” the following: “of human
- 7 services”.”
- 8 2. Page 1, by inserting after line 50 the
- 9 following:
- 10 “The persons filing for the reimbursements shall
- 11 file the claim for the preceding calendar year on or
- 12 before March 15 of each year. The amount of all
- 13 claims shall not exceed the amount of moneys in the
- 14 fund. If the amount of the moneys in the fund are
- 15 insufficient to pay in full the total amount claimed,
- 16 the amount of reimbursement for each claim shall be
- 17 prorated.
- 18 Persons using temporary handicapped identification
- 19 devices or receiving transportation assistance under
- 20 any other state or federal program are ineligible for
- 21 assistance under this section. Reimbursements are
- 22 allowed only to costs incurred on approved public
- 23 paratransit systems.”

Amendment H—5390 was adopted.

Neuhauser of Johnson offered the following amendment H—5502, to the committee amendment H—5224, filed by her from the floor and moved its adoption:

H—5502

- 1 Amend the Committee amendment, H—5224, to House
- 2 File 2240 as follows:
- 3 1. Page 1, by inserting after line 50, the
- 4 following:

5 "\_\_\_\_\_. Title page, line 2, by striking the word

6 "physically".

Amendment H—5502 was adopted.

On motion by Neuhauser of Johnson, the committee amendment H—5224, as amended, was adopted.

Neuhauser of Johnson moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2240)

The ayes were, 65:

Adams	Arnould	Beaman	Beatty
Bisignano	Black	Brammer	Buhr
Carpenter	Chapman	Clark	Cphoon
Connolly	Connors	Cooper	Corbett
Corey	Diemer	Doderer	Dvorsky
Fey	Fogarty	Fuller	Garman
Groninga	Gruhn	Halvorson, R. A.	Halvorson, R. N.
Hansen, S. D.	Harbor	Harper	Hatch
Haverland	Holveck	Jochum	Johnson
Koenigs	Kremer	Lundby	May
McKean	McKinney	Metcalf	Miller
Muhlbauer	Neuhauser	Norrgard	Ollie
Osterberg	Pavich	Peters	Peterson, M. K.
Platt	Poncy	Renaud	Rosenberg
Running	Schrader	Shoultz	Skow
Svoboda	Teaford	Van Camp	Wise
Mr. Speaker			

The nays were, 24:

Bennett	Daggett	De Groot	Eddie
Hammond	Hester	Hummel	Jay
Knapp	Maulsby	Mullins	Paulin
Pellett	Petersen, D. F.	Plasier	Renken
Royer	Schneklath	Shoning	Siegrist
Spear	Stromer	Stueland	Van Maanen

Absent or not voting, 11:

Blanshan	Branstad	Hanson, D. R.	Hermann
Lageschulte	Parker	Sherzan	Swartz
Swearingen	Tabor	Tyrell	

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 LOST (House File 2351)

Neuhauser of Johnson called up for consideration the motion to reconsider House File 2351, filed on March 4, 1988, and moved to reconsider the vote by which House File 2351, a bill for an act relating to conflicts between civil service laws and the terms and conditions of a collective bargaining agreement subject to mandatory negotiation, passed the House and was placed on its last reading on March 4, 1988.

A non-record roll call was requested.

Rule 75 was invoked.

The ayes were 49, nays 44.

The motion to reconsider, having failed to receive a constitutional majority, lost.

The House stood at ease at 4:07 p.m., until the fall of the gavel.

The House resumed session at 4:26 p.m., Groninga of Cerro Gordo in the chair.

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

De Groot of Lyon, for the remainder of the day, on request of Schnekloth of Scott.

### MOTION TO RECONSIDER PREVAILED (House File 2376)

Renaud of Polk called up for consideration the motion to reconsider House File 2376, filed by Stromer of Hancock on March 7, 1988, and moved to reconsider the vote by which House File 2376, a bill for an act relating to rules of the state fire marshal for the above-ground storage and retail sale of petroleum products, passed the House and was placed on its last reading on March 7, 1988.

A non-record roll call was requested.

The ayes were 65, nays 1.

The motion prevailed and the House reconsidered House File 2376.

Maulsby of Calhoun asked and received unanimous consent to withdraw amendment H—5357 filed by him on March 7, 1988.

Renaud of Polk offered the following amendment H—5373 filed by him and Maulsby of Calhoun and moved its adoption:

H—5373

- 1 Amend House File 2376 as follows:
- 2 1. Page 1, by striking lines 4 and 5 and
- 3 inserting the following: "for the above-ground
- 4 storage of petroleum products for retail sale, for
- 5 resale, or for consumption."
- 6 2. Title page, line 2, by striking the words "and
- 7 retail sale".

Amendment H—5373 was adopted.

Renaud of Polk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2376)

The ayes were, 89:

Adams	Arnould	Avenson	Beaman
Beatty	Bennett	Black	Blanshan
Brammer	Branstad	Buhr	Carpenter
Clark	Cohoon	Connolly	Corbett
Corey	Daggett	Diemer	Doderer
Dvorsky	Eddie	Fey	Fogarty
Fuller	Garman	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Harbor
Hatch	Haverland	Hermann	Hester
Holveck	Hummel	Jay	Jochum
Johnson	Knapp	Koenigs	Kremer
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	Swearingen
Tabor	Van Camp	Van Maanen	Wise
Mr. Speaker			
(Groninga)			

The nays were, none.

Absent or not voting, 11:

Bisignano	Chapman	Connors	Cooper
De Groot	Hanson, D. R.	Harper	Lageschulte
Stromer	Teaford	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 and take up out of order House Files 2409, 2412, 2179 and 2356.

### Regular Calendar

**House File 2409**, a bill for an act relating to the state registrar of voters, was taken up for consideration.

Buhr of Polk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2409)

The ayes were, 54:

Adams	Arnould	Avenson	Beatty
Bisignano	Black	Blanshan	Brammer
Buhr	Cohoon	Connolly	Cooper
Doderer	Dvorsky	Fey	Fogarty
Fuller	Gruhn	Halvorson, R. N.	Hammond
Hansen, S. D.	Harper	Hatch	Haverland
Holveck	Jay	Jochum	Johnson
Knapp	Koenigs	May	McKinney
Muhlbauer	Norrgard	Ollie	Osterberg
Parker	Pavich	Peters	Peterson, M. K.
Poncy	Renaud	Rosenberg	Running
Schrader	Shoultz	Skow	Spear
Svoboda	Swartz	Tabor	Teaford
Wise	Mr. Speaker (Groninga)		

The nays were, 38:

Beaman	Bennett	Branstad	Carpenter
Clark	Corbett	Corey	Daggett
Diemer	Eddie	Garman	Halvorson, R. A.
Harbor	Hermann	Hester	Hummel
Kremer	Lundby	Maulsby	McKean
Metcalf	Miller	Mullins	Paulin
Pellett	Petersen, D. F.	Plasier	Platt
Renken	Royer	Schnekloth	Shoning
Siegrist	Stromer	Stueland	Swearingen
Van Camp	Van Maanen		

Absent or not voting, 8:

Chapman	Connors	De Groot	Hanson, D. R.
Lageschulte	Neuhauser	Sherzan	Tyrrell

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**House File 2412**, a bill for an act relating to judicial sentencing options, was taken up for consideration.

Speaker Avenson in the chair at 4:23 p.m.

Hummel of Benton offered the following amendment H—5397 filed by him and moved its adoption:

H—5397

1 Amend House File 2412 as follows:

2 1. Page 1, by inserting before line 1 the  
3 following:

4 "Section 1. Section 321J.4, Code 1987, is amended  
5 by adding the following new subsection:

6 **NEW SUBSECTION. 7.** On a conviction for or as a  
7 condition of a deferred judgment for a violation of  
8 section 321J.2, the court may order the defendant to  
9 install ignition interlock devices of a type approved  
10 by the department on all motor vehicles owned or  
11 operated by the defendant which, without tampering or  
12 the intervention of another person, would prevent the  
13 defendant from operating the motor vehicle with an  
14 alcohol concentration of .10 or more. The order shall  
15 remain in effect for a period of time as determined by  
16 the court which shall not exceed the maximum term of  
17 imprisonment which the court could have imposed  
18 according to the nature of the violation. While the  
19 order is in effect, the defendant shall not operate a  
20 motor vehicle which does not have an approved ignition  
21 interlock device installed. If the defendant's motor  
22 vehicle license or nonresident operating privilege has  
23 been revoked, the department shall not issue a  
24 temporary permit or a motor vehicle license to the  
25 person without certification that approved ignition  
26 interlock devices have been installed in all motor  
27 vehicles owned or operated by the defendant while the  
28 order is in effect. A defendant who fails within a  
29 reasonable time to comply with an order to install an  
30 approved ignition interlock device may be declared in  
31 contempt of court and punished accordingly. A person  
32 who tampers with or circumvents an ignition interlock  
33 device installed under a court order while an order is  
34 in effect commits a serious misdemeanor."

35 2. By renumbering as required.

**Amendment H—5397** 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. 2412)

The ayes were, 92:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Black	Blanshan
Brammer	Branstad	Buhr	Carpenter
Clark	Cohoon	Connolly	Cooper
Corbett	Corey	Daggett	Diemer
Doderer	Dvorsky	Eddie	Fey
Fogarty	Fuller	Garman	Groninga
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Harbor	Harper	Hatch	Haverland
Hermann	Hester	Holveck	Hummel
Jay	Jochum	Johnson	Knapp
Koenigs	Kremer	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	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, 8:

Chapman	Connors	De Groot	Hansen, S. D.
Hanson, D. R.	Lageschulte	Shoning	Tyrrell

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**House File 2179**, a bill for an act extending civil service status to certain job classes funded by public grants or other temporary funds, with report of committee recommending passage was taken up for consideration.

Black of Jasper moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

### On the question "Shall the bill pass?" (H.F. 2179)

The ayes were, 90:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Black	Brammer
Branstad	Buhr	Clark	Cohoon

Connolly	Cooper	Corbett	Corey
Daggett	Diemer	Doderer	Dvorsky
Eddie	Fey	Fogarty	Fuller
Garman	Groninga	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hansen, S. D.	Harbor	Harper
Hatch	Haverland	Hermann	Hester
Holveck	Hummel	Jay	Jochum
Johnson	Knapp	Koenigs	Kremer
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	Shultz
Siegrist	Skow	Spear	Stromer
Stueland	Svoboda	Swartz	Swearingen
Tabor	Teaford	Van Camp	Van Maanen
Wise	Mr. Speaker		

The nays were, 1:

Carpenter

Absent or not voting, 9:

Blanshan	Chapman	Connors	De Groot
Gruhn	Hanson, D. R.	Lageschulte	Shoning
Tyrrell			

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 2405, 2414, 2415, 2240, 2409, 2412 and 2179.

**House File 2356**, a bill for an act relating to parental leaves of absence by employees of the state, was taken up for consideration.

Paulin of Plymouth offered the following amendment H—5426 filed by him and moved its adoption:

H—5426

- 1 Amend House File 2356 as follows:
- 2 1. Page 1, line 3, by striking the words "or
- 3 permanent part-time".
- 4 2. Page 1, lines 4 and 5, by striking the words
- 5 "or permanent part-time".
- 6 3. Page 1, line 6, by striking the word "An".



7 4. Page 1, by striking lines 7 and 8 and insert-  
8 ing the following: "The".

A non-record roll call was requested.

The ayes were 35, nays 46.

Amendment H—5426 lost.

Peterson of Carroll offered the following amendment H—5414 filed by him:

H—5414

1 Amend House File 2356 as follows:

2 1. Page 1, line 6, by striking the word "An" and  
3 inserting the following: "The department of  
4 personnel, the state board of regents, and the  
5 institutions under the control of the state board of  
6 regents shall adopt rules to implement this section.  
7 An".

8 2. Page 1, line 14, by striking the words  
9 "limited to a maximum of" and inserting the following:  
10 "available for not less than".

11 3. Page 1, line 18, by striking the word "The".

12 4. Page 1, by striking lines 19 through 21.

13 5. Page 1, by striking lines 31 through 35 and  
14 inserting the following:

15 "3. The employee may use accrued paid leave and  
16 unpaid leave during a parental leave. The rules shall  
17 allow the".

18 6. Page 2, by striking lines 3 through 6 and in-  
19 serting the following:

20 "4. The employee shall be returned to the position  
21 held at the time parental leave was taken. If that  
22 position is not available, the employee shall be  
23 returned to a position with an equivalent pay grade  
24 for which the employee qualifies, or to another  
25 position in accordance with applicable collective  
26 bargaining contract provisions and administrative  
27 rules."

Lundby of Linn offered the following amendment H—5496, to amendment H—5414, filed by her and Shoning of Woodbury from the floor and moved its adoption:

H—5496

1 Amend amendment H—5414 to House File 2356 as  
2 follows:

3 1. Page 1, by inserting after line 27 the  
4 following:

5 "\_\_\_\_\_. Page 2, by inserting after line 16 the

- 6 following:  
 7 "Sec. 2. This Act takes effect July 1, 1989."  
 8 \_\_\_\_\_. Title page, line 2, by inserting after the  
 9 word "state" the following: "and providing an  
 10 effective date"."

Roll call was requested by Stromer of Hancock and Paulin of Plymouth.

On the question "Shall amendment H—5496, to amendment H—5414, be adopted?" (H.F. 2356)

The ayes were, 43:

Beaman	Bennett	Branstad	Carpenter
Clark	Corbett	Corey	Daggett
Diemer	Eddie	Garman	Halvorson, R. A.
Harbor	Hermann	Hester	Hummel
Kremer	Lundby	Maulsby	McKean
Metcalf	Miller	Mullins	Ollie
Paulin	Pellett	Petersen, D. F.	Plasier
Platt	Renaud	Renken	Royer
Running	Schnekloth	Sherzan	Shoning
Shoultz	Siegrist	Stromer	Stueland
Swearingen	Van Camp	Van Maanen	

The nays were, 50:

Adams	Arnould	Beatty	Bisignano
Black	Blanshan	Brammer	Buhr
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	Koenigs	May
McKinney	Muhlbauer	Neuhauser	Norrgard
Osterberg	Parker	Pavich	Peters
Peterson, M. K.	Poncy	Rosenberg	Schrader
Skow	Spear	Tabor	Teaford
Wise	Mr. Speaker		

Absent or not voting, 7:

Connors	De Groot	Hanson, D. R.	Lageschulte
Svoboda	Swartz	Tyrrell	

Amendment H—5496 lost.

On motion by Peterson of Carroll, amendment H—5414 was adopted.

Lundby of Linn offered the following amendment H—5223 filed by her and moved its adoption:

H—5223

- 1 Amend House File 2356 as follows:
- 2 1. Page 1, by striking line 18 and inserting the
- 3 following: "weeks following the birth of a child, the
- 4 adoption of a child under nine years of age, or
- 5 adoption of a child over eight years of age with
- 6 social, emotional, or physical disabilities. The".
- 7 2. Page 2, line 13, by striking the word "pay"
- 8 and inserting the following: "not be liable for the
- 9 payment of".
- 10 3. Page 2, by striking lines 15 and 16 and
- 11 inserting the following: "The department shall adopt
- 12 rules to require an employee to pay the state portion
- 13 of the costs of health insurance incurred during the
- 14 period of unpaid parental leave and offer the employee
- 15 the option to prepay both the state and individual
- 16 health insurance costs in advance of the parental
- 17 leave through payroll deduction."

Amendment H—5223 was adopted.

Peterson of Carroll offered the following amendment H—5416 filed by Peterson of Carroll, et al., and moved its adoption:

H—5416

- 1 Amend House File 2356 as follows:
- 2 1. Page 2, by striking lines 11 through 16 and
- 3 inserting the following:
- 4 "6. Health insurance coverage shall continue to be
- 5 available during a period of unpaid parental leave.
- 6 The state shall pay the state portion of the costs of
- 7 health insurance coverage during the period of unpaid
- 8 parental leave. If the employee does not choose to
- 9 return to work at the end of an unpaid parental leave,
- 10 the state may charge to the employee the cost of the
- 11 state portion of the cost of health insurance coverage
- 12 paid during the period of unpaid parental leave. The
- 13 state may collect the charge for insurance by reducing
- 14 the amount payable to the employee for accrued
- 15 vacation or by billing the employee."

A non-record roll call was requested.

The ayes were 51, nays 32.

Amendment H—5416 was adopted, placing out of order lines 7 through 17 of amendment H—5223, previously adopted.

Lundby of Linn asked and received unanimous consent to reconsider the vote by which amendment H—5223 (found on page 722 of the House Journal) was adopted by the House on March 10, 1988.

The following amendment H—5511, to amendment H—5223, filed by Lundby of Linn from the floor was adopted by unanimous consent:

H—5511

- 1 Amend amendment H—5223 to House File 2356 as
- 2 follows:
- 3 1. Page 1, line 6, by striking the word "The".

On motion by Lundby of Linn, amendment H—5223 (lines 1 through 6), as amended, was adopted.

McKinney of Dallas in the chair at 5:32 p.m.

Speaker Avenson in the chair at 5:46 p.m.

Peterson of Carroll moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

Rule 75 was invoked.

On the question "Shall the bill pass?" (H.F. 2356)

The ayes were, 42:

Adams	Arnould	Beatty	Bennett
Brammer	Buhr	Carpenter	Chapman
Clark	Cohon	Connolly	Dvorsky
Fey	Groninga	Halvorson, R. N.	Hammond
Harper	Hatch	Haverland	Hester
Holveck	Jay	Jochum	Johnson
Knapp	May	McKinney	Mullins
Neuhauser	Norrgard	Osterberg	Parker
Pavich	Renaud	Rosenberg	Schrader
Siegrist	Spear	Tabor	Teaford
Wise	Mr. Speaker		

The nays were, 52:

Beaman	Bisignano	Black	Branstad
Cooper	Corbett	Corey	Daggett
Diemer	Doderer	Eddie	Fogarty
Fuller	Garman	Gruhn	Halvorson, R. A.
Hansen, S. D.	Harbor	Hermann	Hummel
Koenigs	Kremer	Lundby	Maulsby
McKean	Metcalf	Miller	Muhlbauer
Ollie	Paulin	Pellett	Peters
Petersen, D. F.	Peterson, M. K.	Plasier	Platt
Poncy	Renken	Royer	Running

Schnekloth	Sherzan	Shoning	Shoultz
Skow	Stromer	Stueland	Svoboda
Swartz	Swearingen	Van Camp	Van Maanen

Absent or not voting, 6:

Blanshan	Connors	De Groot	Hanson, D. R.
Lageschulte	Tyrrell		

The bill having failed to receive a constitutional majority was declared to have failed to pass the House.

## RULES SUSPENDED

Arnould of Scott asked and received unanimous consent to suspend the rules and take up out of order House Files 2407 and 2088.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Swearingen of Keokuk on request of Van Maanen of Mahaska; Mullins of Kossuth on request of Groninga of Cerro Gordo; Clark of Cerro Gordo on request of Garman of Story, all for the remainder of the day.

**House File 2407**, a bill for an act relating to the Iowa housing finance authority, by modifying the title guaranty program requirements that participation fees be charged, that lenders be participants, that persons or lenders not receive a portion of the charge for title guaranty, and that financial institutions disclose the availability of the program, and by expanding the purposes of and renaming the commitment cost fund, was taken up for consideration.

Swartz of Marshall moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2407)

The ayes were, 89:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Black	Brammer
Branstad	Buhr	Carpenter	Chapman
Cohoon	Connolly	Cooper	Corbett
Corey	Daggett	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	Holveck	Hummel
Jay	Jochum	Johnson	Knapp

Koenigs	Kremer	Lundby	Maulsby
May	McKinney	Metcalfe	Miller
Muhlbauer	Neuhauser	Norrsgard	Ollie
Osterberg	Parker	Paulin	Pavich
Pellett	Peters	Petersen, D. F.	Peterson, M. K.
Plasier	Platt	Poncy	Renaud
Renken	Rosenberg	Royer	Running
Schnekloth	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, 11:

Blanshan	Clark	Connors	De Groot
Hanson, D. R.	Lageschulte	McKean	Mullins
Schrader	Swearingen	Tyrrell	

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**House File 2088**, a bill for an act relating to work release for prisoners in county jails by providing for intermittent sentencing and by providing that a gainfully employed prisoner on work release is liable for the cost of the prisoner's lodging, with report of committee recommending amendment and passage was taken up for consideration.

Rosenberg of Story offered the following amendment H—5341 filed by the committee on judiciary and law enforcement and moved its adoption:

H—5341

- 1 Amend House File 2088 as follows:
- 2 1. Page 1, lines 4 and 5, by striking the words
- 3 "an intermittent sentence" and inserting the
- 4 following: "a sentence to accommodate the work
- 5 schedule of the person".
- 6 2. Page 1, line 12, by striking the words
- 7 "gainfully employed and released pursuant to" and
- 8 inserting the following: "gainfully employed and
- 9 released pursuant to of a county jail under a sentence
- 10 to accommodate the person's work schedule in
- 11 accordance with".
- 12 3. Page 1, line 14, by striking the words "and
- 13 lodging".
- 14 4. Page 1, line 16, by striking the words "
- 15 lodging".

- 16 5. Page 1, line 18, by striking the words "and  
17 lodging".  
18 6. Page 1, lines 28 and 29, by striking the word:  
19 "lodging".  
20 7. Page 1, by striking lines 33 through 35.

A non-record roll call was requested.

The ayes were 42, nays 30.

The committee amendment H—5341 was adopted.

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Stueland of Clinton, for the remainder of the day, on request of Eddie of Buena Vista.

Bisignano of Polk offered the following amendment H—5421 filed by him and Buhr of Polk and moved its adoption:

H—5421

- 1 Amend House File 2088 as follows:  
2 1. Page 1, line 31, by inserting after the word  
3 "law," the words "including deductions to satisfy any  
4 court-ordered child support obligations,".

Amendment H—5421 was adopted.

The following amendment H—5517 filed by Spear of Lee from the floor was adopted by unanimous consent:

H—5517

- 1 Amend House File 2088 as follows:  
2 1. Page 1, line 10, by striking the words: "AND  
3 LODGING".

The following amendment H—5518 filed by Rosenberg of Story from the floor was adopted by unanimous consent:

H—5518

- 1 Amend House File 2088 as follows:  
2 1. Title page, by striking lines 2 through 4 and  
3 inserting the following: "providing for intermittent  
4 sentencing."

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. 2088)

The ayes were, 90:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Black	Brammer
Branstad	Buhr	Carpenter	Chapman
Cohoon	Connolly	Cooper	Corbett
Corey	Daggett	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	Holveck	Hummel
Jay	Jochum	Johnson	Knapp
Koenigs	Kremer	Lundby	Maulsby
May	McKean	McKinney	Metcalf
Miller	Muhlbauer	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	Svoboda	Swartz
Tabor	Teaford	Van Camp	Van Maanen
Wise	Mr. Speaker		

The nays were, none.

Absent or not voting, 10:

Blanshan	Clark	Connors	De Groot
Hanson, D. R.	Lageschulte	Mullins	Stueland
Swearingen	Tyrell		

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

### MOTIONS TO RECONSIDER

(House File 2348)

I move to reconsider the vote by which House File 2348 passed the House on March 10, 1988.

PLATT of Muscatine

(House File 2348)

I move to reconsider the vote by which House File 2348 passed the House on March 10, 1988.

PAULIN of Plymouth



(Amendment H—5344 to House File 2348)

I move to reconsider the vote by which amendment H—5344 to House File 2348 was adopted by the House on March 10, 1988.

PAULIN of Plymouth

(House File 2356)

We move to reconsider the vote by which House File 2356 failed to pass the House on March 10, 1988.

PETERSON of Carroll  
DODERER of Johnson

(House File 2392)

I move to reconsider the vote by which House File 2392 passed the House on March 9, 1988.

PETERSON of Carroll

### MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 10, 1988, passed the following bill in which the concurrence of the House is asked:

Senate File 2020, a bill for an act relating to the return of cash or other qualified security deposited with the clerk of the district court as bail.

Also: That the Senate has on March 10, 1988, passed the following bill in which the concurrence of the House is asked:

Senate File 2160, a bill for an act relating to the practice of chiropractic and providing for rules to implement the right of an applicant to choose whether to utilize certain adjunctive procedures.

Also: That the Senate has on March 10, 1988, passed the following bill in which the concurrence of the House is asked:

Senate File 2195, a bill for an act relating to the authority of the board of chiropractic examiners to issue licenses by reciprocity or endorsement.

Also: That the Senate has on March 10, 1988, passed the following bill in which the concurrence of the House is asked:

Senate File 2216, a bill for an act providing that the state fair board may make an agreement with the department of public safety to provide security during the annual fair and exposition and interim events.

Also: That the Senate has on March 10, 1988, passed the following bill in which the concurrence of the House is asked:

Senate File 2232, a bill for an act relating to elections and election procedures and providing an effective date.

Also: That the Senate has on March 10, 1988, passed the following bill in which the concurrence of the House is asked:

Senate File 2233, a bill for an act relating to the registration of voters in state offices.

Also: That the Senate has on March 10, 1988, passed the following bill in which the concurrence of the House is asked:

Senate File 2236, a bill for an act relating to the qualification for office by elected school board members and school officers.

Also: That the Senate has on March 10, 1988, passed the following bill in which the concurrence of the House is asked:

Senate File 2245, a bill for an act relating to the certification of laboratories which perform analyses of specimens for the department of natural resources.

Also: That the Senate has on March 10, 1988, passed the following bill in which the concurrence of the House is asked:

Senate File 2253, a bill for an act to require that students in grades nine through twelve take history and government classes.

Also: That the Senate has on March 10, 1988, passed the following bill in which the concurrence of the House is asked:

Senate File 2258, a bill for an act relating to the destruction and retention of court reporters' notes and certified transcripts in civil and criminal proceedings.

Also: That the Senate has on March 10, 1988, passed the following bill in which the concurrence of the House is asked:

Senate File 2262, a bill for an act relating to organically produced food by providing for the establishment of standards, enforcement measures, penalties and an effective date.

Also: That the Senate has on March 10, 1988, passed the following bill in which the concurrence of the House is asked:

Senate File 2274, a bill for an act to allow the board of dental examiners to revoke or suspend a license of a licensee where the licensee has been disciplined in another state, territory, or country.

Also: That the Senate has on March 10, 1988, passed the following bill in which the concurrence of the House is asked:

Senate File 2295, a bill for an act relating to the development of programs for the identification, educational methods, and staff qualifications for at-risk children.

JOHN F. DWYER, Secretary

### SPECIAL PRESENTATION

Hammond of Story and Mullins of Kossuth introduced the following winners of the "Write Women Back Into History" essay contest:

**Sixth-seventh grade winners —****Carrie Spann, First Place****Jenny Schuttinga, Second Place (not present)****Sadye Brooker, Third Place****Eighth-ninth grade winners —****Lori Fehr, First Place****Meg Symmonds, Second Place****Dawn Thompson, Third Place**

**Meg Symmonds was also honored for receiving the Edith Rose Murphy Sackett Award.**

**The House rose and expressed its congratulations.**

**EXPLANATIONS OF VOTE**

**I was necessarily absent from the House chamber during the late afternoon of March 9, 1988. Had I been present, I would have voted "aye" on House Files 2173, 2247, 2387, 2390 and 2401.**

**ADAMS of Hamilton**

**I was necessarily absent from the House chamber on Monday and Tuesday, March 7 and 8, 1988. Had I been present, I would have voted "aye" on House Files 2189, 2307, 2319, 2323, 2337, 2338, 2352, 2353, 2355, 2363, 2367, 2371, 2373, 2375, 2376, 2377, 2383, 2399 and "nay" on amendment H—5273 to House File 2345.**

**NORRGARD of Des Moines**

**PRESENTATION OF VISITOR**

**Fogarty of Palo Alto presented to the House the Honorable Edward Norland, former member of the House representing Palo Alto County.**

**HOUSE STUDY BILL COMMITTEE ASSIGNMENT****H.S.B. 826 Ways and Means**

**Relating to the taxation of certain pensions, annuities, and retirement allowances received for purposes of the state individual income tax and providing an effective date.**

**SUBCOMMITTEE ASSIGNMENTS****House File 2014**

**Appropriations: Peterson of Carroll, Chair; Jochum and Van Maanen.**

**House File 2090**

Appropriations: Peterson of Carroll, Chair; Jochum and Van Maanen.

**House File 2413**

Appropriations: Peterson of Carroll, Chair; Jochum and Van Maanen.

**House File 2431**

Appropriations: Swartz, Chair; Hatch and Van Maanen.

**House File 2433**

Education: Connolly, Chair; Corey and Tabor.

**House File 2435**

Appropriations: Swartz, Chair; Knapp and Maulsby.

**House File 2436**

Appropriations: Peterson of Carroll, Chair; Jochum and Van Maanen.

**House File 2438**

Appropriations: Knapp, Chair; Mullins and Peterson of Carroll.

**Senate File 2051**

Agriculture: Johnson, Chair; Cooper, De Groot, Fogarty and Pellett.

**Senate File 2192**

Education: Connolly, Chair; Haverland, Lageschulte, Neuhauser, Siegrist and Swartz.

**Senate Concurrent Resolution 114**

Agriculture: McKinney, Chair; Eddie and Svoboda.

**COMMITTEE RECOMMENDATIONS**

**MR. SPEAKER:** The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

**JOSEPH O'HERN**

Chief Clerk of the House

**COMMITTEE ON APPROPRIATIONS**

**Committee Bill**, relating to and making appropriations to the department of agriculture and land stewardship and the department of natural resources.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 9, 1988.

**Committee Bill**, relating to and making appropriations to the justice system and providing an effective date.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 10, 1988.

**Committee Bill**, relating to making appropriations to agencies, boards, commissions, departments, and programs of state government including the auditor of state, campaign finance, employment services, labor services, industrial services, job services, inspections and appeals, commerce, professional licensing and regulation, insurance, alcoholic beverages, banking, credit union, savings and loan, and utilities.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 10, 1988.

#### COMMITTEE ON SMALL BUSINESS AND COMMERCE

**Senate File 149**, a bill for an act relating to insurance by defining provider discrimination against persons licensed to practice dentistry as an unfair trade practice, if coverage is denied for a service rendered by a dentist within the lawful scope of the dentist's license, which would be a covered service if rendered by a person licensed to practice medicine and surgery.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H—5436** March 8, 1988.

#### COMMITTEE ON TRANSPORTATION

**Senate File 2023**, a bill for an act relating to the ownership, issuance of title, operation, and regulation of snowmobiles and all-terrain vehicles, imposing fees, subjecting violators to penalties, and providing effective dates.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H—5435** March 9, 1988.

#### COMMITTEE ON WAYS AND MEANS

**Senate File 2058**, a bill for an act exempting the withholding agent from the requirement to withhold state income taxes from payments made to a nonresident, if the payments are from the sale of federal commodity certificates or agricultural commodities or products and the withholding agent submits needed information.

Fiscal Note is required.

Recommended **Do Pass** March 10, 1988.

#### AMENDMENTS FILED

H—5435	S.F.	2023	Committee on Transportation
H—5436	S.F.	149	Committee on Small Business and Commerce
H—5438	H.F.	2393	Svoboda of Tama
H—5439	S.F.	2108	Svoboda of Tama
H—5440	H.F.	2190	Blanshan of Greene
H—5442	H.F.	2211	Bisignano of Polk

H-5443	H.F.	2211	Bisignano of Polk
H-5444	H.F.	2211	Bisignano of Polk
H-5445	H.F.	2211	Bisignano of Polk
H-5446	H.F.	2211	Bisignano of Polk
H-5447	H.F.	2211	Bisignano of Polk
H-5448	H.F.	2211	Bisignano of Polk
H-5449	H.F.	2211	Bisignano of Polk
H-5450	H.F.	2211	Bisignano of Polk
H-5451	H.F.	2211	Bisignano of Polk
H-5452	H.F.	2211	Bisignano of Polk
H-5453	H.F.	2211	Bisignano of Polk
H-5454	H.F.	2211	Bisignano of Polk
H-5455	H.F.	2211	Bisignano of Polk
H-5456	H.F.	2211	Bisignano of Polk
H-5457	H.F.	2211	Bisignano of Polk
H-5458	H.F.	2211	Bisignano of Polk
H-5459	H.F.	2211	Bisignano of Polk
H-5460	H.F.	2211	Bisignano of Polk
H-5461	H.F.	2211	Bisignano of Polk
H-5462	H.F.	2211	Bisignano of Polk
H-5463	S.F.	2196	Hermann of Scott
H-5464	H.F.	2211	Bisignano of Polk
H-5465	H.F.	2211	Bisignano of Polk
H-5466	H.F.	2211	Bisignano of Polk
H-5467	H.F.	2211	Bisignano of Polk
H-5468	H.F.	2211	Bisignano of Polk
H-5469	H.F.	2211	Bisignano of Polk
H-5470	H.F.	2211	Bisignano of Polk
H-5471	H.F.	2211	Bisignano of Polk
H-5472	H.F.	2211	Bisignano of Polk
H-5473	H.F.	2211	Bisignano of Polk
H-5474	H.F.	2211	Bisignano of Polk
H-5475	H.F.	2211	Bisignano of Polk
H-5476	H.F.	2211	Bisignano of Polk
H-5477	H.F.	2211	Bisignano of Polk
H-5478	H.F.	2211	Bisignano of Polk
H-5479	H.F.	2211	Bisignano of Polk
H-5480	H.F.	2211	Bisignano of Polk
H-5481	H.F.	2211	Bisignano of Polk
H-5482	H.F.	2211	Bisignano of Polk
H-5483	H.F.	2211	Bisignano of Polk
H-5484	H.F.	2211	Bisignano of Polk
H-5485	H.F.	2211	Bisignano of Polk

H-5486	H.F.	2211	Bisignano of Polk
H-5487	H.F.	2211	Bisignano of Polk
H-5488	H.F.	2211	Bisignano of Polk
H-5489	H.F.	2211	Bisignano of Polk
H-5490	H.F.	2211	Bisignano of Polk
H-5491	H.F.	2211	Bisignano of Polk
H-5492	H.F.	2211	Bisignano of Polk
H-5494	H.F.	2436	De Groot of Lyon
H-5495	S.F.	2039	Schnekloth of Scott
H-5499	H.F.	2276	Schnekloth of Scott
H-5503	H.F.	2211	Bisignano of Polk
H-5504	H.F.	2211	Bisignano of Polk
H-5505	H.F.	2211	Bisignano of Polk
H-5506	H.F.	2335	Connors of Polk
H-5507	H.F.	2428	Chapman of Linn
H-5508	H.F.	2106	Mullins of Kossuth
H-5509	H.F.	2389	Spear of Lee
H-5510	H.F.	566	Blanshan of Greene
H-5512	H.F.	2369	Rosenberg of Story
H-5513	H.R.	103	Black of Jasper
			Skow of Guthrie
H-5514	H.F.	2408	Royer of Page
H-5515	H.F.	2402	Harper of Black Hawk
			Fey of Scott
H-5516	H.F.	2402	Harper of Black Hawk
			Fey of Scott
H-5519	H.F.	2326	Parker of Jasper

On motion by Arnould of Scott, the House adjourned at 6:31 p.m., until 9:00 a.m., Friday, March 11, 1988.

# JOURNAL OF THE HOUSE

Sixty-first Calendar Day — Forty-first Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Friday, March 11, 1988

The House met pursuant to adjournment, Speaker Avenson in the chair.

Prayer was offered by the Honorable Janet Metcalf, state representative from Polk County.

The Journal of Thursday, March 10, 1988 was approved.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Connors of Polk on request of Fey of Scott; Kremer of Buchanan on request of Diemer of Black Hawk; Brammer of Linn on request of Arnould of Scott.

## INTRODUCTION OF BILLS

**House File 2440**, by committee on appropriations, a bill for an act relating to and making appropriations to the department of agriculture and land stewardship and the department of natural resources.

Read first time and placed on the **appropriations calendar**.

**House File 2441**, by committee on ways and means, a bill for an act relating to underground storage tanks, establishing certain fees, providing penalties, and providing an effective date.

Read first time and placed on the **ways and means calendar**.

**House File 2442**, by committee on transportation, a bill for an act relating to the operation and funding of rail lines including appropriations from the road use tax fund, and authorizing the issuance of bonds.

Read first time and placed on the **calendar**.

## SENATE MESSAGES CONSIDERED

**Senate File 2049**, by Vande Hoef, a bill for an act relating to the procedures for the vacating and closing of all or part of a secondary road or crossing.

Read first time and referred to committee on **local government**.



**Senate File 2092**, by committee on small business and economic development, a bill for an act establishing a community and rural development loan program and a sewage treatment works financing program to assist communities in financing sewage treatment projects and in financing traditional and new infrastructure and housing for needy and elderly, authorizing the Iowa finance authority to issue bonds and notes for the program, and providing an appropriation from a revolving fund to be used for each program.

Read first time and referred to committee on **economic development**.

**Senate File 2107**, by Vande Hoef and Bruner, a bill for an act relating to the creation of a foster home insurance fund.

Read first time and referred to committee on **judiciary and law enforcement**.

**Senate File 2157**, by committee on human resources, a bill for an act relating to a comprehensive acquired immune deficiency syndrome (AIDS) prevention and intervention plan.

Read first time and referred to committee on **human resources**.

**Senate File 2183**, by committee on local government, a bill for an act relating to the publication of notice of a drainage district hearing.

Read first time and referred to committee on **local government**.

**Senate File 2186**, by committee on judiciary, a bill for an act relating to the modification of dissolution and parentage decrees.

Read first time and referred to committee on **judiciary and law enforcement**.

**Senate File 2190**, by committee on education, a bill for an act to create an advancement and recruitment program to encourage administrative advancement of women and minorities and recruitment of minorities by school corporations.

Read first time and referred to committee on **education**.

**Senate File 2195**, by Miller of Des Moines, a bill for an act relating to the authority of the board of chiropractic examiners to issue licenses by reciprocity or endorsement.

Read first time and referred to committee on **state government**.

**Senate File 2203**, by committee on state government, a bill for an act relating to the composition of the engineering and land surveying examining board and providing an effective date.

Read first time and referred to committee on **state government**.

**Senate File 2209**, by committee on judiciary, a bill for an act relating to the sale, lease, exchange, or other disposition of corporate property and assets.

Read first time and referred to committee on **judiciary and law enforcement**.

**Senate File 2216**, by committee on transportation, a bill for an act providing that the state fair board may make an agreement with the department of public safety to provide security during the annual fair and exposition and interim events.

Read first time and referred to committee on **state government**.

**Senate File 2250**, by committee on environment and energy utilities, a bill for an act relating to environmental protection by correcting the reference to the membership of the advisory committee for the center for health effects of environmental contamination; by establishing requirements regarding sanitary disposal project inspections, the disposal of solid waste, and the solid waste tonnage fee; by making corrections relating to the collection and allocation of moneys within the solid waste account and the agriculture management account; by correcting a reference to the duties of the department of natural resources regarding household hazardous materials; and by specifying the content and liability for the content of statements submitted with a declaration of value regarding the existence and location of wells, disposal sites, underground storage tanks, and hazardous waste.

Read first time and referred to committee on **energy and environmental protection**.

**Senate File 2253**, by committee on education, a bill for an act to require that students in grades nine through twelve take history and government classes.

Read first time and referred to committee on **education**.

**Senate File 2256**, by committee on judiciary, a bill for an act relating to the admission of a report or findings of the criminalistics laboratory as evidence in a civil proceeding.

Read first time and **passed on file**.

### RULES SUSPENDED

Arnould of Scott asked and received unanimous consent to suspend the rules and take up out of order House Files 2416, 2426, 2427, 2327 and 2063.

## CONSIDERATION OF BILLS

### Regular Calendar

**House File 2416**, a bill for an act relating to establishing a case management assistance program to assist low-income persons in starting up or expanding small businesses, was taken up for consideration.

Neuhauser of Johnson moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2416)

The ayes were, 80:

Adams	Arnould	Beaman	Beatty
Bisignano	Black	Blanshan	Buhr
Chapman	Clark	Cohoon	Connolly
Cooper	Corbett	Corey	Daggett
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	Lundby	May
McKean	McKinney	Muhlbauer	Mullins
Neuhauser	Norrard	Ollie	Osterberg
Parker	Pavich	Pellett	Peters
Petersen, D. F.	Peterson, M. K.	Plasier	Platt
Poncy	Renaud	Rosenberg	Running
Schrader	Sherzan	Shoning	Shoultz
Siegrist	Skow	Spear	Stromer
Svoboda	Swartz	Swearingen	Tabor
Teaford	Van Camp	Wise	Mr. Speaker

The nays were, 13:

Bennett	Branstad	Carpenter	De Groot
Diemer	Maulsby	Metcalf	Miller
Paulin	Renken	Schnekloth	Tyrrell
Van Maanen			

Absent or not voting, 7:

Brammer	Connors	Hummel	Kremer
Lageschulte	Royer	Stueland	

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**House File 2426**, a bill for an act relating to the provision of municipal services within an annexed area, was taken up for consideration.

Spear of Lee offered the following amendment H—5395 filed by him and moved its adoption:

H—5395

- 1 Amend House File 2426 as follows:
- 2 1. Page 1, line 8, by inserting after the word
- 3 "services." the following: "The city shall
- 4 immediately provide police and fire protection and, if
- 5 provided by the city, emergency medical services to
- 6 the annexed territory."

Amendment H—5395 was adopted.

Hatch of Polk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2426)

The ayes were, 84:

Adams	Arnould	Bennett	Bisignano
Black	Blanshan	Branstad	Buhr
Carpenter	Chapman	Clark	Cphoon
Connolly	Cooper	Corbett	Corey
Daggett	De Groot	Diemer	Doderer
Eddie	Fey	Fogarty	Fuller
Garman	Groninga	Gruhn	Halvorson, R. A.
Hammond	Hansen, S. D.	Hanson, D. R.	Harbor
Harper	Hatch	Haverland	Hermann
Hester	Holveck	Jay	Jochum
Johnson	Knapp	Koenigs	Lundby
Maulsby	May	McKean	McKinney
Metcalf	Muhlbauer	Mullins	Norrgard
Ollie	Osterberg	Parker	Pavich
Pellett	Petersen, D. F.	Peterson, M. K.	Plasier
Platt	Renaud	Rosenberg	Royer
Running	Schneklath	Schrader	Sherzan
Shoning	Shoultz	Siegrist	Skow
Spear	Stromer	Svoboda	Swartz
Swearingen	Tabor	Teaford	Tyrrell
Van Camp	Van Maanen	Wise	Mr. Speaker

The nays were, 9:

Beaman	Beatty	Dvorsky	Halvorson, R. N.
Hummel	Neuhauser	Paulin	Poncy
Renken			

Absent or not voting, 7:

Brammer	Connors	Kremer	Lageschulte
Miller	Peters	Stueland	

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**House File 2427**, a bill for an act to repeal certain health-related regulation responsibilities of the department of agriculture and land stewardship, was taken up for consideration.

Norrsgard of Des Moines moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2427)

The ayes were, 90:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Black	Blanshan
Branstad	Buhr	Carpenter	Chapman
Clark	Cohon	Connolly	Cooper
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	Lundby	Maulsby
May	McKean	McKinney	Metcalf
Muhlbauer	Mullins	Neuhauser	Norrsgard
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	Skow	Spear
Stromer	Svoboda	Swartz	Swearingen
Tabor	Teaford	Van Camp	Van Maanen
Wise	Mr. Speaker		

The nays were, 4:

Corbett	Diemer	Siegrist	Tyrrell
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Absent or not voting, 6:

Brammer	Connors	Kremer	Lageschulte
Miller	Stueland		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**House File 2327**, a bill for an act relating to the use of certain revenues obtained from the transfer of property or taxes imposed in urban renewal areas for economic development purposes, was taken up for consideration.

Daggett of Adams asked and received unanimous consent to withdraw amendment H—5298 filed by him on March 4, 1988.

Daggett of Adams offered the following amendment H—5319 filed by him:

H—5319

- 1 Amend House File 2327 as follows:
- 2 1. Page 1, line 20, by inserting after the word
- 3 “area” the following: “if the purpose is directly
- 4 related to the urban renewal area from which the funds
- 5 are being transferred and the transfer is approved by
- 6 each of the local taxing jurisdictions affected by the
- 7 transfer”.

Daggett of Adams offered the following amendment H—5329, to amendment H—5319, filed by him:

H—5329

- 1 Amend the amendment, H—5319, to House File 2327 as
- 2 follows:
- 3 1. Page 1, by striking lines 2 through 7 and
- 4 inserting the following:
- 5 “\_\_\_\_\_. Page 1, line 19, by striking the words
- 6 “economic development purposes” and inserting the
- 7 following: “a water supply and distribution system”.
- 8 2. Page 1, line 20, by inserting after the word
- 9 “area” the following: “and the transfer is approved
- 10 by each of the local taxing jurisdictions affected by
- 11 the transfer”.
- 12 3. Page 1, by inserting after line 20 the
- 13 following:
- 14 “Sec. \_\_\_\_\_. This Act is repealed effective December
- 15 31, 1988.
- 16 Sec. \_\_\_\_\_. This Act, being deemed of immediate
- 17 importance, takes effect upon enactment.” ”
- 18 4. Title page, line 3, by inserting after the
- 19 word “purposes” the following: “and providing an
- 20 effective date”.

Arnould of Scott asked and received unanimous consent that House File 2327 be deferred and that the bill retain its place on the calendar. (Amendment H—5329, to amendment H—5319, pending.)

**House File 2063**, a bill for an act exempting certain bed and breakfast homes and bed and breakfast inns from regulation under the state building code and local building regulations, providing for the Act's applicability, and providing an effective date, with report of committee recommending amendment and passage was taken up for consideration.

Black of Jasper offered the following amendment H—5277 filed by the committee on local government and moved its adoption:

H—5277

- 1 Amend House File 2063 as follows:
- 2 1. By striking everything after the enacting
- 3 clause and inserting the following:
- 4 "Section 1. Section 170B.20, Code 1987, is amended
- 5 to read as follows:
- 6 170B.20 EXEMPTION.
- 7 This chapter does not apply to bed and breakfast
- 8 homes as defined in section 170A.2. However, a bed
- 9 and breakfast home shall have a smoke detector in
- 10 proper working order in each sleeping room and a fire
- 11 extinguisher in proper working order on each floor. A
- 12 bed and breakfast home which does not receive its
- 13 drinking water from a public water supply, shall have
- 14 its drinking water tested at least annually by the
- 15 state hygienic laboratory or the local board of
- 16 health. A violation of this section is punishable as
- 17 provided in section 170B.16.
- 18 Sec. 2. This Act, being deemed of immediate
- 19 importance, takes effect upon enactment."
- 20 2. Title page, by striking lines 1 through 4 and
- 21 inserting the following: "An Act relating to bed and
- 22 breakfast homes, by requiring smoke detectors and fire
- 23 extinguishers, by providing for the testing of
- 24 drinking water, by providing an effective date, and by
- 25 subjecting violators to a penalty."

The committee amendment H—5277 was adopted.

Black of Jasper moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2063)

The ayes were, 88:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	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
Jochum	Johnson	Knapp	Koenigs

Lundby	May	McKinney	Metcalf
Miller	Muhlbauer	Mullins	Neuhauser
Norrsgard	Ollie	Osterberg	Parker
Pavich	Pellett	Peters	Petersen, D. F.
Peterson, M. K.	Plasier	Platt	Poncy
Renaud	Rosenberg	Royer	Running
Schrader	Shoning	Shoultz	Siegrist
Skow	Spear	Stromer	Svoboda
Swartz	Swearingen	Tabor	Teaford
Tyrrell	Van Camp	Wise	Mr. Speaker

The nays were, 5:

Maulsby	Paulin	Renken	Schneklloth
Van Maanen			

Absent or not voting, 7:

Brammer	Connors	Kremer	Lageschulte
McKean	Sherzan	Stueland	

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

#### MOTIONS TO RECONSIDER WITHDRAWN (House File 2348)

Platt of Muscatine and Paulin of Plymouth asked and received unanimous consent to withdraw the motions to reconsider House File 2348, a bill for an act relating to certain ambiguities and inconsistencies of the Code as they relate to city government, filed by them on March 10, 1988, placing out of order the motion to reconsider amendment H-5344 filed by Paulin of Plymouth on March 10, 1988.

#### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Shoning of Woodbury, for the remainder of the day, on request of Siegrist of Pottawattamie.

Renken of Grundy in the chair at 10:52 a.m.

#### MOTION TO RECONSIDER PREVAILED (House File 431)

Doderer of Johnson called up for consideration the motion to reconsider House File 431, filed on March 3, 1988 by her and De Groot of Lyon, and moved to reconsider the vote by which **House File 431**, a bill for an act relating to the education, practice, and supervision of cosmetologists and barbers, passed the House and was placed on its last reading on March 3, 1988.

A non-record roll call was requested.



The ayes were 53, nays 26.

The motion to reconsider prevailed placing out of order the motion to reconsider filed by Running of Linn on March 3, 1988.

Doderer of Johnson moved to reconsider the vote by which the committee amendment H—5198, (found on pages 555 and 556 of the House Journal) was adopted, as amended, on March 3, 1988.

A non-record roll call was requested.

The ayes were 45, nays 30.

The motion to reconsider prevailed and the House reconsidered the committee amendment H—5198.

Speaker Avenson in the chair at 11:17 a.m.

Cooper of Lucas in the chair at 11:24 a.m.

Doderer of Johnson moved to reconsider the vote by which amendment H—5228, (found on page 556 of the House Journal) to the committee amendment H—5198, was adopted by the House on March 3, 1988.

A non-record roll call was requested.

The ayes were 46, nays 44.

The motion to reconsider prevailed and the House reconsidered amendment H—5228, to the committee amendment H—5198.

Hanson of Delaware moved the adoption of amendment H—5228, to the committee amendment H—5198.

A non-record roll call was requested.

Rule 75 was invoked.

The ayes were 41, nays 50.

Amendment H—5228 lost.

Running of Linn rose on a point of order that the committee amendment H—5198 was not germane.

The Speaker ruled the point well taken and the committee amendment H—5198 not germane.

Hammond of Story moved that the rules be suspended to consider the committee amendment H—5198.

A non-record roll call was requested.

The ayes were 31, nays 51.

The motion to suspend the rules lost.

Speaker Avenson in the chair at 11:51 a.m.

Doderer of Johnson moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 431)

The ayes were, 88:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Black	Blanshan
Branstad	Buhr	Carpenter	Chapman
Clark	Cohoon	Connolly	Cooper
Corbett	Corey	De Groot	Diemer
Doderer	Dvorsky	Eddie	Fey
Fogarty	Fuller	Garman	Groninga
Halvorson, R. A.	Halvorson, R. N.	Hansen, S. D.	Hanson, D. R.
Harbor	Harper	Haverland	Hermann
Hester	Holveck	Jay	Jochum
Johnson	Knapp	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	Running	Schneklloth	Schrader
Sherzan	Shoultz	Siegrist	Skow
Spear	Stromer	Svoboda	Swartz
Swearingen	Tabor	Teaford	Tyrrell
Van Camp	Van Maanen	Wise	Mr. Speaker

The nays were, 4:

Daggett	Hammond	Hatch	Hummel
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Absent or not voting, 8:

Brammer	Connors	Gruhn	Koenigs
Kremer	Lageschulte	Shoning	Stueland

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Koenigs of Mitchell, for the remainder of the day, on request of Black of Jasper.

## MOTIONS TO RECONSIDER WITHDRAWN

### (House File 2395)

May of Worth and Carpenter of Polk asked and received unanimous consent to withdraw the motions to reconsider House File 2395, a bill for an act permitting certain water utilities to become cooperatives, filed by them on March 9, 1988.

The House resumed consideration of **House File 2327**, a bill for an act relating to the use of certain revenues obtained from the transfer of property or taxes imposed in urban renewal areas for economic development purposes, and amendment H—5329, to amendment H—5319, previously deferred (found on page 741 of the House Journal).

On motion by Daggett of Adams, amendment H—5329 was adopted.

On motion by Daggett of Adams, amendment H—5319, as amended, was adopted.

Daggett of Adams moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2327)

The ayes were, 91:

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	Jochum
Johnson	Knapp	Lundby	Maulsby
May	McKean	McKinney	Metcalf
Miller	Muhlbauer	Mullins	Neuhauser
Norrsgard	Ollie	Osterberg	Paulin
Pavich	Pellett	Peters	Petersen, D. F.
Peterson, M. K.	Plasier	Platt	Poncy
Renaud	Renken	Rosenberg	Royer
Running	Schnekloth	Schrader	Sherzan
Shoultz	Siegrist	Skow	Spear
Stromer	Svoboda	Swartz	Swearingen
Tabor	Teaford	Tyrrell	Van Camp
Van Maanen	Wise	Mr. Speaker	

The nays were, none.

Absent or not voting, 9:

Bisignano  
Kremer  
Stueland

Brammer  
Lageschulte

Connors  
Parker

Koenigs  
Shoning

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 and take up out of order House Files 2406 and 2326.

**House File 2406**, a bill for an act relating to access by the citizens' aide to confidential records and proceedings, was taken up for consideration.

Lundby of Linn offered the following amendment H—5422 filed by her and moved its adoption:

H—5422

- 1 Amend House File 2406 as follows:
- 2 1. Page 1, line 23, by striking the words "or
- 3 board" and inserting the following: "unless the
- 4 agency demonstrates that the attendance or observation
- 5 would violate federal law or result in the denial of
- 6 federal funds to that agency".

Amendment H—5422 was adopted.

Lundby 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. 2406)

The ayes were, 88:

Adams	Arnould	Beaman	Beatty
Bennett	Black	Blanshan	Branstad
Buhr	Carpenter	Chapman	Clark
Cohoon	Connolly	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	Hermann	Hester	Holveck
Hummel	Jay	Jochum	Johnson
Lundby	Maulsby	May	McKean

McKinney	Metcalf	Miller	Muhlbauer
Mullins	Neuhauser	Norrsgard	Ollie
Osterberg	Parker	Paulin	Pavich
Peters	Petersen, D. F.	Peterson, M. K.	Plasier
Platt	Poncy	Renaud	Renken
Rosenberg	Royer	Schneklloth	Schrader
Sherzan	Shoultz	Siegrist	Skow
Spear	Stromer	Svoboda	Swartz
Swearingen	Tabor	Teaford	Tyrrell
Van Camp	Van Maanen	Wise	Mr. Speaker

The nays were, 3:

Knapp	Pellett	Running
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Absent or not voting, 9:

Bisignano	Brammer	Connors	Fey
Koenigs	Kremer	Lageschulte	Shoning
Stueland			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**House File 2326**, a bill for an act relating to savings and loan associations, was taken up for consideration.

Parker of Jasper offered the following amendment H—5519 filed by him and moved its adoption:

H—5519

- 1 Amend House File 2326 as follows:
- 2 1. Page 5, by inserting after line 3 the
- 3 following:
- 4 "Sec. \_\_\_\_\_. Section 534.702, Code Supplement 1987,
- 5 is amended by adding the following new subsection:
- 6 NEW SUBSECTION. 10. No foreign association shall
- 7 open or operate a branch office in this state, unless
- 8 the branch office is authorized pursuant to 12 C.F.R.
- 9 § 556.5(a)(3)(ii)(a)."

Amendment H—5519 was adopted.

Parker of Jasper moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2326)

The ayes were, 89:

Adams	Arnould	Beaman	Beatty
Bennett	Black	Blanshan	Branstad
Buhr	Carpenter	Chapman	Clark

Cohoon	Connolly	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
Haverland	Hermann	Hester	Holveck
Hummel	Jay	Jochum	Johnson
Knapp	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
Schnekloth	Schrader	Shoultz	Siegrist
Skow	Spear	Stromer	Svoboda
Swartz	Swearingen	Tabor	Teaford
Tyrrell	Van Camp	Van Maanen	Wise
Mr. Speaker			

The nays were, none.

Absent or not voting, 11:

Bisignano	Brammer	Connors	Dvorsky
Koenigs	Kremer	Lageschulte	Running
Sherzan	Shoning	Stueland	

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

### RULES SUSPENDED

Arnould of Scott asked and received unanimous consent to suspend the rules and take up out of order House Files 2430, 2432, 2106, 2255, 566 and 2400.

**House File 2430**, a bill for an act to designate hearing officers as administrative law judges, 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. 2430)

The ayes were, 81:

Adams	Arnould	Beaman	Beatty
Bennett	Black	Branstad	Buhr
Chapman	Clark	Cohoon	Connolly
Cooper	Corey	Daggett	De Groot

Diemer	Doderer	Dvorsky	Eddie
Fey	Fogarty	Fuller	Garman
Groninga	Gruhn	Halvorson, R. A.	Hammond
Hansen, S. D.	Hanson, D. R.	Harbor	Harper
Hatch	Haverland	Hermann	Hester
Holveck	Hummel	Jay	Jochum
Johnson	Knapp	Lundby	McKean
McKinney	Metcalf	Miller	Muhlbauer
Mullins	Neuhauser	Norrgard	Ollie
Osterberg	Paulin	Pavich	Pellett
Peters	Petersen, D. F.	Peterson, M. K.	Plasier
Platt	Poncy	Renaud	Rosenberg
Royer	Running	Schnekloth	Schrader
Sherzan	Shultz	Skow	Spear
Stromer	Svoboda	Swartz	Swearingen
Teaford	Tyrrell	Van Camp	Wise
Mr. Speaker			

The nays were, 8:

Carpenter	Corbett	Halvorson, R. N.	Maulsby
Parker	Renken	Taber	Van Maanen

Absent or not voting, 11:

Bisignano	Blanshan	Brammer	Connors
Koenigs	Kremer	Lageschulte	May
Shoning	Siegrist	Stueland	

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**House File 2432**, a bill for an act relating to the registration and regulation of persons seeking to represent a student athlete for compensation in negotiations intended to result in employment with a professional sports team, prohibiting certain actions relating to student athletes and their families, and providing penalties, was taken up for consideration.

Peterson of Carroll moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2432)

The ayes were, 89:

Adams	Arnould	Beaman	Beatty
Bennett	Black	Branstad	Buhr
Carpenter	Chapman	Clark	Cphoon
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.
Harbor	Harper	Haverland	Hermann
Hester	Holveck	Hummel	Jay
Jochum	Johnson	Knapp	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	Shoultz	Siegrist
Skow	Spear	Stromer	Svoboda
Swartz	Swearingen	Tabor	Teaford
Tyrrell	Van Camp	Van Maanen	Wise
Mr. Speaker			

The nays were, 1:

Hanson, D. R.

Absent or not voting, 10:

Bisignano	Blanshan	Brammer	Connors
Hatch	Koenigs	Kremer	Lageschulte
Shoning	Stueland		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**House File 2106**, a bill for an act prohibiting the advertisement, sale, or use in this state of home testing kits for human immunodeficiency virus antibody or antigen testing, and providing a penalty, with report of committee recommending amendment and passage was taken up for consideration.

Mullins of Kossuth offered the following amendment H—5219 filed by the committee on human resources:

H—5219

- 1 Amend House File 2106 as follows:
- 2 1. Page 1, line 3, by inserting before the word
- 3 "A" the following: "1."
- 4 2. Page 1, line 4, by striking the words "sell,
- 5 or use" and inserting the following: "or sell".
- 6 3. Page 1, lines 5 and 6, by striking the words
- 7 "A person who violates this section is guilty of a
- 8 serious misdemeanor."
- 9 4. By inserting after line 6 the following:
- 10 "2. A person who violates this section is guilty
- 11 of a class "D" felony.



12 3. The board may seek relief pursuant to section  
13 203A.4 restraining any person from violating the  
14 provisions of this section. In addition to granting a  
15 temporary or permanent injunction, the court may  
16 impose a civil penalty not to exceed forty thousand  
17 dollars per violation of this section.

18 4. In addition to other remedies provided for in  
19 this chapter or section 203A.4, the court may impose a  
20 civil penalty of not more than five thousand dollars  
21 for each day of intentional violation of a temporary  
22 restraining order, preliminary injunction, or  
23 permanent injunction issued under authority of this  
24 section.

25 5. The board may refer available evidence concern-  
26 ing a possible violation of this section to the  
27 attorney general. The attorney general, with or  
28 without such a referral, may institute appropriate  
29 criminal proceedings or may refer the case to the  
30 appropriate county attorney."

31 5. Title page, line 1, by striking the words "  
32 sale, or use" and inserting the following: "or sale".

33 6. Title page, line 3, by striking the words "a  
34 penalty" and inserting the following: "penalties".

Mullins of Kossuth offered the following amendment H—5508, to the committee amendment H—5219, filed by her and moved its adoption:

H—5508

1 Amend the amendment, H—5219, to House File 2106 as  
2 follows:

3 1. Page 1, by inserting after line 30 the  
4 following:

5 "6. This section does not apply to a newspaper or  
6 other print medium in which the advertisement appears,  
7 or to a broadcast station or other electronic medium  
8 which disseminates the advertisement unless the medium  
9 knowingly violates this section. A person who sells  
10 home testing kits for human immunodeficiency virus  
11 antibody or antigen testing shall not cause  
12 advertising of the kits to appear in this state from a  
13 location outside this state where such advertising is  
14 not prohibited without prominently indicating in the  
15 advertisement that the sale of the kits is void in  
16 this state."

Amendment H—5508 was adopted.

On motion by Mullins of Kossuth the committee amendment H—5219, as amended, was adopted.

Mullins of Kossuth moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2106)

The ayes were, 92:

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	Jochum
Johnson	Knapp	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	Shoultz	Siegrist	Skow
Spear	Stromer	Svoboda	Swartz
Swearingen	Tabor	Teaford	Tyrrell
Van Camp	Van Maanen	Wise	Mr. Speaker

The nays were, none.

Absent or not voting, 8:

Bisignano	Brammer	Connors	Koenigs
Kremer	Lageschulte	Shoning	Stueland

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

**House File 2255**, a bill for an act relating to the confidentiality of records of clients of advocacy services offered by the department of human rights, with report of committee recommending amendment and passage was taken up for consideration.

Lundby of Linn offered the following amendment H—5301 filed by the committee on state government and moved its adoption:

H—5301

1 Amend House File 2255 as follows:

- 2 1. Page 1, line 28, by inserting after the word
- 3 "seeking" the following: "or receiving".
- 4 2. Page 1, line 31, by inserting after the word
- 5 "seeking" the following: "or receiving".
- 6 3. Page 1, line 34, by inserting after the word
- 7 "seeking" the following: "or receiving".
- 8 4. Page 2, line 4, by striking the words "a
- 9 person".

The committee amendment H—5301 was adopted.

Lundby 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. 2255)

The ayes were, 90:

Adams	Arnould	Beaman	Beatty
Bennett	Black	Blanshan	Branstad
Buhr	Carpenter	Chapman	Clark
Cohoon	Connolly	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
Haverland	Hester	Holveck	Hummel
Jay	Jochum	Johnson	Knapp
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	Running
Schnekloth	Schrader	Sherzan	Shoultz
Siegrist	Skow	Spear	Stromer
Svoboda	Swartz	Swearingen	Tabor
Teaford	Tyrrell	Van Camp	Van Maanen
Wise	Mr. Speaker		

The nays were, none.

Absent or not voting, 10:

Bisignano	Brammer	Connors	Dvorsky
Hermann	Koenigs	Kremer	Lageschulte
Shoning	Stueland		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**House File 566**, a bill for an act to require completion of an approved course of driver education to qualify for a minor's school license, was taken up for consideration.

Cohoon of Des Moines offered the following amendment H—5309 filed by the committee on education and moved its adoption:

H—5309

1 Amend House File 566 as follows:

2 1. Page 1, by striking lines 15 through 17 and  
3 inserting the following:

4 "Upon certification of a special need, and  
5 certification that the applicant is enrolled in an  
6 approved driver education course under section  
7 321.178, by the school board or the superintendent of  
8 the applicant's school, the".

9 2. Page 2, line 3, by striking the words "has  
10 completed" and inserting the following: "is enrolled  
11 in".

The committee amendment H—5309 was adopted.

Corbett of Linn offered the following amendment H—3376 filed by him and moved its adoption:

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.

Amendment H—3376 was adopted.

Gruhn of Dickinson offered the following amendment H—3424 filed by her and moved its adoption:

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".

Amendment H—3424 was adopted.

Blanshan of Greene offered the following amendment H—5510 filed by him and moved its adoption:

H—5510

1 Amend House File 566 as follows:

2 1. Page 2, by inserting after line 13 the  
3 following:

4 "Sec. \_\_\_\_\_. Section 321.194, Code 1987, is amended  
5 by adding the following new unnumbered paragraph:  
6 NEW UNNUMBERED PARAGRAPH. Any person who is  
7 thirteen years of age who may qualify for minors'  
8 school license at fourteen years of age may take a  
9 written examination to qualify for obtaining an  
10 instruction permit. However, an instruction permit  
11 shall not be issued but the department shall issue a  
12 special certificate which specifies that the  
13 examination has been successfully completed and that  
14 the person is eligible to take a driver education  
15 course. The person in possession of the special  
16 certificate may only operate a motor vehicle when  
17 accompanied by a driver education instructor."

18 2. Renumber sections and correct internal  
19 references as necessary.

Amendment H—5510 was adopted.

The following amendment H—5532 filed by Hanson of Delaware from the floor was adopted by unanimous consent:

H—5532

1 Amend House File 566 as follows:

2 1. Title page, line 1, by striking the words

- 3 "completion of" and inserting the words "enrollment  
4 in".

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?" (H.F. 566)

The ayes were, 70:

Adams	Arnould	Beaman	Beatty
Bennett	Black	Blanshan	Branstad
Buhr	Carpenter	Cohoon	Connolly
Cooper	Corbett	Daggett	Diemer
Dvorsky	Eddie	Fey	Fogarty
Fuller	Groninga	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. R.
Harper	Haverland	Hermann	Hester
Holveck	Hummel	Jochum	Johnson
Lundby	Maulsby	May	McKean
McKinney	Metcalf	Muhlbauer	Mullins
Norrsgard	Ollie	Osterberg	Parker
Pavich	Pellett	Peters	Petersen, D. F.
Peterson, M. K.	Plasier	Rosenberg	Royer
Schnekloth	Schrader	Shoultz	Siegrist
Skow	Spear	Stromer	Svoboda
Swearingen	Teaford	Tyrrell	Van Camp
Wise	Mr. Speaker		

The nays were, 20:

Chapman	Clark	Corey	De Groot
Doderer	Garman	Hatch	Jay
Knapp	Miller	Neuhauser	Paulin
Platt	Poncy	Renaud	Renken
Sherzan	Swartz	Tabor	Van Maanen

Absent or not voting, 10:

Bisignano	Brammer	Connors	Harbor
Koenigs	Kremer	Lageschulte	Running
Shoning	Stueland		

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

**House File 2400**, a bill for an act relating to enhanced 911 emergency telephone communication systems, by requiring each county to prepare an enhanced 911 service plan to be implemented on or before July 1, 1992, by requiring conversion of pay telephones to accept 911 calls without charge, and by providing a limited privacy waiver

to permit nonlisted or unpublished numbers to be included in E911 service, was taken up for consideration.

Schnekloth of Scott offered the following amendment H—5349 filed by Schnekloth, et al.:

H—5349

1 Amend House File 2400 as follows:

2 1. Page 1, line 3, by inserting after the word

3 "development" the following: ", funding,".

4 2. Page 5, by inserting after line 3, the

5 following:

6 "Sec. \_\_\_\_\_. NEW SECTION. 477B.6 FUNDING.

7 1. LOCAL OPTION ACCESS LINE SURCHARGE IMPOSED.

8 Funding for recurring and nonrecurring costs of an

9 E911 service plan shall come from a surcharge on

10 access line subscribers. An access line subscriber

11 shall pay an E911 surcharge on a per month per access

12 line basis for access line services provided with E911

13 after approval of the E911 service plan by the

14 administrator and imposition of the surcharge by the

15 operating authority. The amount of the surcharge

16 shall be set by the E911 service plan operating

17 authority, and may be adjusted as needed, at the

18 discretion of the operating authority, based upon

19 actual recurring and nonrecurring costs, past

20 experience, and reasonably anticipated requirements

21 for the E911 service plan. The surcharge for service

22 plans in which 911 or E911 service was provided to all

23 or a portion of its E911 service area prior to

24 approval of the E911 service plan by the administrator

25 may include an amount calculated to repay recurring

26 and nonrecurring costs incurred prior to the

27 administrator's approval.

28 2. SURCHARGE COLLECTED BY PROVIDERS. The

29 surcharge shall be collected as part of the access

30 line service provider's periodic billing. The

31 surcharge shall be deposited with the operating

32 authority for deposit into an E911 service fund within

33 thirty days of collection of the surcharge by the

34 provider.

35 3. E911 SERVICE FUND. Each operating authority

36 shall establish and maintain as a separate account an

37 E911 service fund. Any funds remaining in the account

38 at the end of each fiscal year shall not revert to the

39 general funds of the member political subdivisions but

40 shall remain in the E911 service fund. Moneys in an

41 E911 service fund may only be used for nonrecurring

42 and recurring costs of the E911 service plan as

43 approved by the administrator, as those terms are

44 defined by section 477B.2."

45 3. By renumbering as necessary.

Blanshan of Greene offered the following amendment H—5529, to amendment H—5349, filed by him and Groninga from the floor and moved its adoption:

H—5529

1 Amend the amendment, H—5349, to House File 2400 as  
2 follows:

3 1. Page 1, by striking lines 2 through 45 and  
4 inserting the following:

5 "\_\_\_\_\_. Page 1, by striking lines 1 through 4, and  
6 inserting the following:

7 "Section 1. NEW SECTION. 477B.1 PURPOSE.

8 The legislature finds that enhanced 911 emergency  
9 telephone communication systems further the public  
10 interest and protect the health, safety, and welfare  
11 of the people of Iowa. The purpose of this chapter is  
12 to enable the orderly development, installation, and  
13 operation of enhanced 911 emergency telephone  
14 communication systems statewide. These systems are to  
15 be operated under governmental management and control  
16 for the public benefit."

17 \_\_\_\_\_. Page 2, line 11, by inserting after the word  
18 "database" the following: "management, and".

19 \_\_\_\_\_. Page 2, by inserting after line 17, the  
20 following:

21 "g. A schedule for implementation of the plan  
22 throughout the E911 service area. The schedule may  
23 provide for phased implementation. However, a joint  
24 911 service board may decide not to implement E911  
25 service."

26 \_\_\_\_\_. Page 2, by inserting after line 27, the  
27 following:

28 "7. "Enhanced 911 service surcharge" is a charge  
29 set by the E911 service area operating authority and  
30 assessed on each access line which physically  
31 terminates within the E911 service area."

32 \_\_\_\_\_. Page 2, by inserting before line 28, the  
33 following:

34 "8. "Access line" means a local exchange access  
35 line that has the ability to access local dial tone  
36 and reach a local public safety agency."

37 \_\_\_\_\_. Page 3, line 11, by striking the word "and"  
38 and inserting the following: "unless an exemption is  
39 granted by the administrator permitting a smaller E911  
40 service area. The administrator may grant a  
41 discretionary exemption from the single county minimum  
42 service area requirement based upon an E911 joint  
43 service board's or other E911 service plan operating  
44 authority's presentation of evidence which supports  
45 the requested exemption if the administrator finds  
46 that local conditions make adherence to the minimum



47 standard unreasonable or technically infeasible, and  
48 that the purposes of this chapter would be furthered  
49 by granting an exemption. The minimum size  
50 requirement is intended to prevent unnecessary

**Page 2**

1 duplication of public safety answering points and  
2 minimize other administrative, personnel, and  
3 equipment expenses. An E911 service area must  
4 encompass a geographically contiguous area. No  
5 exemption shall be granted from the contiguous area  
6 requirement. The administrator may order the  
7 inclusion of a specific territory in an adjoining E911  
8 service plan area to avoid the creation by exclusion  
9 of a territory smaller than a single county not  
10 serviced by surrounding E911 service plan areas upon  
11 request of the joint 911 service board representing  
12 the territory. The E911 service plan operating  
13 authority".

14 \_\_\_\_\_. Page 3, lines 22 and 23, by striking the  
15 word and figures "July 1, 1992," and inserting the  
16 following: "the scheduled plan of implementation,".

17 \_\_\_\_\_. Page 3, line 27, by striking the word and  
18 figures "July 1, 1992" and inserting the following:  
19 "the originally scheduled plan of implementation".

20 \_\_\_\_\_. Page 5, by inserting after line 3, the  
21 following:

22 "Sec. \_\_\_\_\_. NEW SECTION. 477B.6 FUNDING – E911  
23 SERVICE SURCHARGE.

24 1. LOCAL E911 SERVICE SURCHARGE IMPOSITION.

25 a. Funding for E911 emergency telephone  
26 communication systems shall come from a ten cent per  
27 month, per access line surcharge on access line  
28 subscribers, except as provided in subsection 5. The  
29 surcharge shall be imposed by order of the  
30 administrator as follows:

31 (1) The administrator shall notify a provider  
32 scheduled to provide exchange access line service to  
33 an E911 service area, that implementation of an  
34 approved E911 service plan is to begin within one  
35 hundred days.

36 (2) The notice shall be provided at least one  
37 hundred days before the surcharge must be billed for  
38 the first time.

39 b. The surcharge shall terminate at the end of  
40 twenty-four months, unless either, or both, of the  
41 following conditions is met:

42 (1) E911 service is initiated for all or a part of  
43 the E911 service area.

44 (2) An extension is granted by the administrator  
45 for good cause.

46 2. SURCHARGE COLLECTED BY PROVIDERS. The  
47 surcharge shall be collected as part of the access  
48 line service provider's periodic billing to a  
49 subscriber. In compensation for the costs of billing  
50 and collection, the provider may retain one percent of

Page 3

1 the gross surcharges collected. The surcharge shall  
2 be remitted to the E911 service operating authority  
3 for deposit into the E911 service fund within thirty  
4 days of collection of the surcharge by the provider.  
5 A provider is not liable for an uncollected surcharge  
6 for which the provider has billed a subscriber but not  
7 been paid. The surcharge shall appear as a single  
8 line item on a subscriber's periodic billing entitled,  
9 "E911 emergency telephone service surcharge".

10 3. MAXIMUM LIMIT PER SUBSCRIBER FOR SURCHARGE. An  
11 individual subscriber shall not be required to pay the  
12 surcharge on more than one hundred access lines, or  
13 their equivalent.

14 4. E911 SERVICE FUND. Each operating authority  
15 shall establish and maintain as a separate account an  
16 E911 service fund. Any funds remaining in the account  
17 at the end of each fiscal year shall not revert to the  
18 general funds of the member political subdivisions,  
19 except as provided in subsection 5, but shall remain  
20 in the E911 service fund. Moneys in an E911 service  
21 fund may only be used for nonrecurring and recurring  
22 costs of the E911 service plan as approved by the  
23 administrator, as those terms are defined by section  
24 477B.2.

25 5. USE OF MONEYS IN FUND — PRIORITY AND  
26 LIMITATIONS ON EXPENDITURE. Moneys deposited in the  
27 E911 service fund shall be used for the following, in  
28 order of priority:

29 a. Money shall first be spent for actual recurring  
30 costs of operating the E911 service plan.

31 b. If money remains in the fund after fully paying  
32 for recurring costs incurred in the preceding year,  
33 the remainder may be spent to pay for nonrecurring  
34 costs, not to exceed actual nonrecurring costs as  
35 approved by the administrator.

36 c. If money remains in the fund after fully paying  
37 obligations under subsections 1 and 2, the remainder  
38 may be accumulated in the fund as a carryover  
39 operating surplus. If the surplus is greater than  
40 twenty-five percent of the approved annual operating  
41 budget for the next year, the administrator shall  
42 reduce the surcharge by an amount calculated to result  
43 in a surplus of no more than twenty-five percent of  
44 the planned annual operating budget. After

45 nonrecurring costs have been paid, if the surcharge is  
46 less than ten cents and the fund surplus is less than  
47 twenty-five percent of the approved annual operating  
48 budget, the administrator shall increase the fee in an  
49 amount calculated to result in a surplus of twenty-  
50 five percent of the approved annual operating budget.

**Page 4**

1 In no case may the surcharge exceed ten cents per  
2 month, per access line. The surcharge may only be  
3 adjusted once in a single year.  
4 **6. LIMITATION OF ACTIONS – PROVIDER NOT LIABLE ON**  
5 **CAUSE OF ACTION RELATED TO PROVISION OF 911 SERVICES.**  
6 A claim or cause of action does not exist based upon  
7 or arising out of an act or omission in connection  
8 with a provider's participation in an E911 service  
9 plan or provision of 911 or local exchange access  
10 service.  
11 Sec. \_\_\_\_\_. Section 613A.4, Code 1987, is amended by  
12 adding the following new subsection:  
13 **NEW SUBSECTION. 11.** A claim based upon or arising  
14 out of an act or omission in connection with an  
15 emergency response including but not limited to acts  
16 or omissions in connection with emergency response  
17 communications services.  
18 Sec. \_\_\_\_\_. Section 613A.4, Code 1987, is amended by  
19 adding the following new unnumbered paragraph:  
20 **NEW UNNUMBERED PARAGRAPH.** This section does not  
21 expand any existing cause of action or create any new  
22 cause of action against a municipality."  
23 \_\_\_\_\_. Title page, by striking line 3, and  
24 inserting the following: "service plan for submittal  
25 to the office of disaster services on or before March  
26 1, 1989, by".  
27 \_\_\_\_\_. Title page, line 5, by inserting after the  
28 word "charge," the following: "by allowing a local  
29 E911 service surcharge, by providing certain liability  
30 exemptions in conjunction with the delivery of E911  
31 services,"."  
32 2. By renumbering and relettering as required.

**Amendment H—5529 was adopted.**

On motion by Schnekloth of Scott amendment H—5349, as amended, was adopted, placing out of order amendment H—5359 filed by Swartz, et al., on March 7, 1988.

Blanshan of Greene asked and received unanimous consent to withdraw amendment H—5356 filed by him on March 7, 1988.

Blanshan of Greene moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

### On the question "Shall the bill pass?" (H.F. 2400)

The ayes were, 93:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	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
Jochum	Johnson	Knapp	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	Shoultz	Siegrist
Skow	Spear	Stromer	Svoboda
Swartz	Swearingen	Taber	Teaford
Tyrrell	Van Camp	Van Maanen	Wise
Mr. Speaker			

The nays were, none.

Absent or not voting, 7:

Brammer	Connors	Koenigs	Kremer
Lageschulte	Shoning	Stueland	

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

### IMMEDIATE MESSAGES

Arnould of Scott asked and received unanimous consent that the following bills be immediately messaged to the Senate: House Files 431, 566, 2326, 2416, 2426, 2327, 2406, 2430, 2432, 2063, 2255 and 2400.

The House stood at ease at 1:08 p.m., until the fall of the gavel.

The House resumed session at 1:16 p.m., Speaker Avenson in the chair.

### INTRODUCTION OF BILLS

**House File 2443**, by committee on appropriations, a bill for an act relating to and making appropriations to the justice system and providing an effective date.

Read first time and placed on the **appropriations calendar**.

**House File 2444**, by committee on appropriations, a bill for an act relating to making appropriations to agencies, boards, commissions, departments, and programs of state government including the auditor of state, campaign finance, employment services, labor services, industrial services, job services, inspections and appeals, commerce, professional licensing and regulation, insurance, alcoholic beverages, banking, credit union, savings and loan, and utilities.

Read first time and placed on the **appropriations calendar**.

### MOTIONS TO RECONSIDER

(House File 2106)

I move to reconsider the vote by which House File 2106 passed the House on March 11, 1988.

MULLINS of Kossuth

(House File 2106)

I move to reconsider the vote by which House File 2106 passed the House on March 11, 1988.

SPEAR of Lee

(Amendment H—5281A to House File 2278)

I move to reconsider the vote by which amendment H—5281A to House File 2278 was adopted by the House on March 10, 1988.

FEY of Scott

(House File 2427)

I move to reconsider the vote by which House File 2427 passed the House on March 11, 1988.

MAULSBY of Calhoun

### MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 11, 1988, passed the following bill in which the concurrence of the House is asked:

Senate File 2072, a bill for an act providing for a percentage of lottery revenues collected in each city of the state and each area formed under a chapter 28E agreement with a population of five thousand or more to be returned to the city or area to be used for economic development initiatives.

Also: That the Senate has on March 11, 1988, passed the following bill in which the concurrence of the House is asked:

Senate File 2201, a bill for an act to remove the bond required for class "A", "B", "C", and "D" liquor control licenses and retail wine and beer permits.

Also: That the Senate has on March 11, 1988, passed the following bill in which the concurrence of the House is asked:

Senate File 2238, a bill for an act relating to statutory corrections which adjust language to reflect current practices, insert earlier omissions, delete redundancies and inaccuracies, delete temporary language, resolve inconsistencies and conflicts, update ongoing provisions, and remove ambiguities.

Also: That the Senate has on March 11, 1988, passed the following bill in which the concurrence of the House is asked:

Senate File 2244, a bill for an act relating to the establishment of the council for Iowa's economic future by the Iowa department of economic development to contribute to the strengthening of the state's economy, and making an appropriation.

Also: That the Senate has on March 11, 1988, passed the following bill in which the concurrence of the House is asked:

Senate File 2249, a bill for an act relating to the labeling, advertising, adulteration, misbranding, and dispensing of drugs, devices, and cosmetics, providing penalties, and providing properly related matters.

Also: That the Senate has on March 11, 1988, passed the following bill in which the concurrence of the House is asked:

Senate File 2261, a bill for an act relating to horse and dog racing.

Also: That the Senate has on March 11, 1988, passed the following bill in which the concurrence of the House is asked:

Senate File 2278, a bill for an act relating to implementation of educational standards adopted by the state board of education, including delaying the effective date and providing for additional study of certain standards.

JOHN F. DWYER, Secretary

## PRESENTATION OF VISITORS

The Speaker announced that the following visitors were present in the House chamber:

Fifteen third, fourth, and fifth grade students from Park Avenue Elementary School, Des Moines, accompanied by Linda Bates and Joy Harvey. By Bisignano and Hatch of Polk.

High school students from North Winneshiek Community School, Decorah. By Johnson of Winneshiek.

## EXPLANATIONS OF VOTE

I was necessarily absent from the House chamber on March

10, 1988. Had I been present, I would have voted "aye" on House Files 2348, 2405, 2414 and 2415; and "nay" on House File 2240.

**BRANSTAD** of Winnebago

I was necessarily absent from the House chamber on March 10, 1988. Had I been present, I would have voted "aye" on House Files 2088, 2179, 2376, 2407 and 2412; and "nay" on House Files 2356 and 2409.

**DE GROOT** of Lyon

#### **SUBCOMMITTEE ASSIGNMENTS**

##### **House File 2203**

Small Business and Commerce: Groninga, Chair; Brammer, Halvorson of Clayton, Schnekloth and Shoultz.

##### **House File 2361**

Small Business and Commerce: Groninga, Chair; Brammer, Halvorson of Clayton, Schnekloth and Shoultz.

#### **HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS**

##### **House Study Bill 825**

Ways and Means: Rosenberg, Chair; Hanson of Delaware, Johnson, Osterberg and Petersen of Muscatine.

##### **House Study Bill 826**

Ways and Means: Doderer, Chair; Schnekloth and Tabor.

#### **COMMITTEE RECOMMENDATIONS**

**MR. SPEAKER:** The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

**JOSEPH O'HERN**

Chief Clerk of the House

#### **COMMITTEE ON EDUCATION**

**House File 2433**, a bill for an act relating to public school vocational education in agriculture technology and creating a council for agricultural education.

Fiscal Note is required.

**Recommended Amend and Do Pass with amendment H—5526** March 11, 1988.

#### **COMMITTEE ON WAYS AND MEANS**

**Senate File 2196**, a bill for an act relating to transportation funding by providing for a network of commercial and industrial highways, increasing the excise taxes on

motor fuel and special fuel, increasing the standing appropriation for public transit assistance, authorizing the transfer of RISE funds to the primary road fund, providing for a study of highway financing, providing for a performance and efficiency audit of state transportation and the RISE program as it relates to job creation and economic development, making appropriations from the road use tax fund, and providing effective dates.

Fiscal Note is required.

Recommended Amend and Do Pass with amendment H—5520 March 10, 1988.

#### AMENDMENTS FILED

H—5520	S.F.	2196	Committee on Ways and Means
H—5521	H.F.	2419	Corbett of Linn
H—5522	H.F.	2378	Corbett of Linn
H—5523	H.F.	2397	Bisignano of Polk
H—5524	H.F.	2428	Jay of Appanoose
H—5526	H.F.	2433	Committee on Education
H—5527	H.F.	2437	Spear of Lee
H—5528	H.F.	2439	Tabor of Jackson
H—5530	H.F.	2433	Spear of Lee
H—5531	H.F.	2433	Spear of Lee
H—5533	H.F.	2211	Hanson of Delaware Halvorson of Webster
H—5534	H.F.	2417	Osterberg of Linn
H—5535	H.F.	2368	Carpenter of Polk

On motion by Arnould of Scott, the House adjourned at 1:20 p.m., until 10:00 a.m., Monday, March 14, 1988.



# JOURNAL OF THE HOUSE

Sixty-fourth Calendar Day — Forty-second Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Monday, March 14, 1988

The House met pursuant to adjournment, Speaker Avenson in the chair.

Prayer was offered by the Reverend Keith Kohlmier, pastor of the First English Lutheran Church, Spencer.

The Journal of Friday, March 11, 1988 was approved.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Clark of Cerro Gordo, until her return, on request of Hester of Pottawattamie; Schneklath of Scott on request of Royer of Page; Hanson of Delaware on request of Renken of Grundy; Arnould of Scott, until his arrival, on request of Fey of Scott.

## SENATE MESSAGES CONSIDERED

**Senate File 2020**, by Horn, a bill for an act relating to the return of cash or other qualified security deposited with the clerk of the district court as bail.

Read first time and referred to committee on **judiciary and law enforcement**.

**Senate File 2160**, by Miller of Des Moines, a bill for an act relating to the practice of chiropractic and providing for rules to implement the right of an applicant to choose whether to utilize certain adjunctive procedures.

Read first time and referred to committee on **state government**.

**Senate File 2193**, by committee on education, a bill for an act relating to requirements for approved teacher education programs.

Read first time and referred to committee on **education**.

**Senate File 2202**, by committee on state government, a bill for an act relating to the licensing of private investigators and private security officers, providing for the issuance of temporary permits to certain persons pursuant to reciprocal agreement, making penalties applicable, and providing other properly related matters.

Read first time and referred to committee on **state government**.

**Senate File 2232**, by committee on state government, a bill for an act relating to elections and election procedures and providing an effective date.

Read first time and referred to committee on **state government**.

**Senate File 2233**, by committee on state government, a bill for an act relating to the registration of voters in state offices.

Read first time and referred to committee on **state government**.

**Senate File 2236**, by committee on education, a bill for an act relating to the qualification for office by elected school board members and school officers.

Read first time and referred to committee on **education**.

**Senate File 2245**, by committee on environment and energy utilities, a bill for an act relating to the certification of laboratories which perform analyses of specimens for the department of natural resources.

Read first time and **passed on file**.

**Senate File 2258**, by committee on judiciary, a bill for an act relating to the destruction and retention of court reporters' notes and certified transcripts in civil and criminal proceedings.

Read first time and referred to committee on **judiciary and law enforcement**.

**Senate File 2262**, by committee on agriculture, a bill for an act relating to organically produced food by providing for the establishment of standards, enforcement measures, penalties and an effective date.

Read first time and referred to committee on **agriculture**.

**Senate File 2274**, by committee on human resources, a bill for an act to allow the board of dental examiners to revoke or suspend a license of a licensee where the licensee has been disciplined in another state, territory, or country.

Read first time and referred to committee on **state government**.

**Senate File 2295**, by committee on education, a bill for an act relating to the development of programs for the identification, educational methods, and staff qualifications for at-risk children.

Read first time and referred to committee on **education**.

## MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 11, 1988, passed the following bill in which the concurrence of the House is asked:

Senate File 2018, a bill for an act creating a family support subsidy program.

JOHN F. DWYER, Secretary

## CONSIDERATION OF BILLS

### Regular Calendar

**House File 2402**, a bill for an act relating to licensing and personnel requirements for health care facilities and providing a penalty, was taken up for consideration.

Harper of Black Hawk offered the following amendment H—5516 filed by her and Fey of Scott and moved its adoption:

H—5516

- 1 Amend House File 2402 as follows:
- 2 1. Page 1, by striking lines 1 through 13.
- 3 2. Page 3, by inserting after line 10 the
- 4 following:
- 5 "Sec. 5. RESIDENTIAL CARE FACILITIES WAIVER. The
- 6 department of inspections and appeals shall include
- 7 residential care facilities which serve elderly
- 8 persons age sixty or older in the demonstration waiver
- 9 project conducted beginning July 1, 1987, and ending
- 10 June 30, 1989, for residential care facilities which
- 11 serve persons with mental retardation, chronic mental
- 12 illness, and other developmental disabilities, and
- 13 which have five or fewer residents."
- 14 3. By renumbering as necessary.

Amendment H—5516 was adopted.

Harper of Black Hawk offered amendment H—5515 filed by her and Fey of Scott and requested division as follows:

H—5515

- 1 Amend House File 2402 as follows:
- 2 1. Page 1, by inserting after line 13 the
- 3 following:
- 4 "Sec. \_\_\_\_\_. Section 135C.3, Code 1987, is amended
- 5 by adding the following new unnumbered paragraph:
- 6 NEW UNNUMBERED PARAGRAPH. Beginning July 1, 1988,

- 7 an intermediate care facility shall provide a minimum  
 8 of two hours of care per resident per day computed on  
 9 a seven-day week. The department of inspections and  
 10 appeals shall adopt rules pursuant to chapter 17A to  
 11 implement these requirements."  
 12 2. Page 1, line 15, by striking the word  
 13 "paragraphs" and inserting the following: "unnumbered  
 14 paragraph".

H—5515B

- 15 3. By striking page 1, line 16 through page 2,  
 16 line 8.  
 17 4. Page 2, line 9, by striking the words and  
 18 figure "NEW PARAGRAPH. d." and inserting the  
 19 following: "NEW UNNUMBERED PARAGRAPH."

Harper of Black Hawk asked and received unanimous consent to withdraw amendment H—5515A.

Harper of Black Hawk moved the adoption of amendment H—5515B.

Roll call was requested by Van Camp of Scott and Bennett of Ida.

On the question "Shall amendment H—5515B be adopted?"  
 (H.F. 2402)

The ayes were, 65:

Adams	Beatty	Bisignano	Black
Blanshan	Brammer	Buhr	Chapman
Cohoon	Connolly	Cooper	Corbett
De Groot	Diemer	Doderer	Dvorsky
Fey	Fogarty	Fuller	Garman
Groninga	Gruhn	Hammond	Hansen, S. D.
Harbor	Harper	Hatch	Haverland
Hester	Holveck	Jochum	Johnson
Knapp	Koenigs	Kremer	Lageschulte
May	McKean	McKinney	Metcalf
Miller	Muhlbauer	Mullins	Neuhauser
Norrgard	Ollie	Osterberg	Parker
Paulin	Pavich	Peters	Peterson, M. K.
Plasier	Renken	Rosenberg	Schrader
Sherzan	Shoning	Shoultz	Siegrist
Skow	Stueland	Teaford	Wise

Mr. Speaker

The nays were, 25:

Bennett	Branstad	Carpenter	Connors
Corey	Daggett	Halvorson, R. A.	Halvorson, R. N.
Hermann	Hummel	Lundby	Maulsby
Pellett	Petersen, D. F.	Platt	Poney

Renaud  
Svoboda  
Van Maanen

Royer  
Swearingen

Running  
Tyrrell

Spear  
Van Camp

Absent or not voting, 10:

Arnould  
Hanson, D. R.  
Swartz

Beaman  
Jay  
Tabor

Clark  
Schnekloth

Eddie  
Stromer

Amendment H—5515B was adopted.

Spear of Lee offered the following amendment H—5327 filed by him and moved its adoption:

H—5327

- 1 Amend House File 2402 as follows:
- 2 1. Page 2, line 11, by striking the words "per
- 3 person".

Amendment H—5327 was adopted.

Haverland of Polk offered the following amendment H—5387 filed by him and moved its adoption:

H—5387

- 1 Amend House File 2402 as follows:
- 2 1. Page 2, line 14, by inserting after the word
- 3 "facilities." the following: "In-service staff
- 4 training hours shall be included when calculating the
- 5 minimum number of required hours of care per day per
- 6 resident of a health care facility."

Amendment H—5387 was adopted.

Plasier of Sioux asked and received unanimous consent to withdraw amendment H—5431 filed by him and Norrgard of Des Moines on March 9, 1988.

Plasier of Sioux asked and received unanimous consent to defer action on amendment H—5432.

Plasier of Sioux offered the following amendment H—5433 filed by him and Norrgard of Des Moines:

H—5433

- 1 Amend House File 2402 as follows:
- 2 1. Page 3, by striking line 1 and inserting the
- 3 following: "two hundred nor more than five six
- 4 hundred dollars".

The House stood at ease at 10:58 a.m., until the fall of the gavel.

The House resumed session and consideration of amendment H—5433, to House File 2402, at 12:02 p.m., Speaker Avenson in the chair.

(House File 2402 and amendment H—5433 pending at recess.)

On motion by Buhr of Polk, the House was recessed at 12:03 p.m., until 1:00 p.m.

### AFTERNOON SESSION

The House reconvened, Speaker Avenson in the chair.

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Harbor of Mills on request of Halvorson of Clayton; Lageschulte of Bremer on request of De Groot of Lyon; Royer of Page on request of Corey of Louisa, all until their return.

### BUSINESS PENDING AT RECESS

#### Regular Calendar

The House resumed consideration of **House File 2402**, a bill for an act relating to licensing and personnel requirements for health care facilities and providing a penalty, and amendment H—5433 (found on page 772 of the House Journal) pending at recess.

Plasier of Sioux moved the adoption of amendment H—5433.

Roll call was requested by Stromer of Hancock and Bennett of Ida.

Rule 75 was invoked.

On the question "Shall amendment H—5433 be adopted?"  
(H.F. 2402)

The ayes were, 48:

Beaman	Bennett	Black	Branstad
Buhr	Carpenter	Clark	Cooper
Corbett	Daggett	De Groot	Diemer
Dvorsky	Eddie	Garman	Halvorson, R. A.
Hansen, S. D.	Haverland	Hermann	Hester
Hummel	Kremer	Lundby	Maulsby
McKean	McKinney	Metcalf	Miller
Mullins	Norrsgard	Paulin	Pellett
Petersen, D. F.	Peterson, M. K.	Plasier	Platt
Renken	Schrader	Shoning	Siegrist
Spear	Stromer	Stueland	Svoboda
Swearingen	Tyrrell	Van Camp	Van Maanen

The nays were, 43:

Adams	Beatty	Bisignano	Blanshan
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Brammer	Chapman	Cohon	Connolly
Connors	Doderer	Fey	Fogarty
Fuller	Gruhn	Halvorson, R. N.	Hammond
Harper	Hatch	Holveck	Jay
Jochum	Johnson	Knapp	Koenigs
May	Muhlbauer	Neuhauser	Ollie
Osterberg	Parker	Pavich	Peters
Poncy	Renaud	Rosenberg	Running
Sherzan	Shoultz	Skow	Tabor
Teaford	Wise	Mr. Speaker	

Absent or not voting, 9:

Arnould	Corey	Groninga	Hanson, D. R.
Harbor	Lageschulte	Royer	Schnekloth
Swartz			

Amendment H—5433 was adopted.

Plasier of Sioux asked and received unanimous consent to withdraw amendment H—5430 filed by him on March 9, 1988.

Plasier of Sioux offered the following amendment H—5434 filed by him and Norrgard of Des Moines and moved its adoption:

H—5434

- 1 Amend House File 2402 as follows:
- 2 1. By striking page 2, line 15 through page 3,
- 3 line 5.
- 4 2. By renumbering as necessary.

A non-record roll call was requested.

The ayes were 29, nays 51.

Amendment H—5434 lost.

Plasier of Sioux offered the following amendment H—5429 filed by him and Norrgard of Des Moines and moved its adoption:

H—5429

- 1 Amend House File 2402 as follows:
- 2 1. Page 3, by inserting after line 5 the
- 3 following:
- 4 "Sec. \_\_\_\_\_. Section 135C.40, subsection 1, Code
- 5 1987, is amended to read as follows:
- 6 1. If the director determines, based on the
- 7 findings of an inspection or investigation of a health
- 8 care facility, that the facility is in violation of
- 9 this chapter or rules adopted under this chapter, the
- 10 director within five working days after making the
- 11 determination, may issue a written citation to the
- 12 facility. The citation shall be served upon the

13 facility personally or by certified mail, except that  
14 a citation for a Class III violation may be sent by  
15 ordinary mail. Each citation shall specifically  
16 describe the nature of the violation, identifying the  
17 Code section or subsection or the rule or standard  
18 violated, and the classification of the violation  
19 under section 135C.36. Where appropriate, the  
20 citation shall also state the period of time allowed  
21 for correction of the violation, which shall in each  
22 case be the shortest period of time the department  
23 deems feasible. Failure to correct a violation within  
24 the time specified, unless the licensee shows that the  
25 failure was due to circumstances beyond the licensee's  
26 control, shall may subject the facility to a further  
27 penalty of fifty dollars for each day that the  
28 violation continues after the time specified for  
29 correction."

30 2. By renumbering as necessary.

Amendment H—5429 was adopted.

Plasier of Sioux offered the following amendment H—5432, previously deferred, filed by him and Norrgard of Des Moines:

H—5432

- 1 Amend House File 2402 as follows:
- 2 1. Page 2, line 35, by inserting after the word
- 3 "shown." the following: "If the corrective action
- 4 requires the employment of additional staff, the
- 5 period of time specified for corrective action shall
- 6 not be less than thirty working days."

Plasier of Sioux offered the following amendment H—5541, to amendment H—5432, filed by him from the floor and moved its adoption:

H—5541

- 1 Amend the amendment, H—5432, to House File 2402 as
- 2 follows:
- 3 1. Page 1, line 4, by inserting after the word
- 4 "staff," the following: "as ordered by the
- 5 department,".
- 6 2. Page 1, by striking lines 5 and 6 and
- 7 inserting the following: "period of time allowed for
- 8 hiring additional staff shall not be less than thirty
- 9 calendar days. However, this provision does not
- 10 exempt a licensee from taking corrective action to
- 11 remedy a deficiency, within the period prescribed by
- 12 the department."

Amendment H—5541 was adopted.



On motion by Plasier of Sioux, amendment H—5432, as amended, was adopted.

Harper of Black Hawk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2402)

The ayes were, 87:

Adams	Beatty	Bennett	Bisignano
Black	Blanshan	Brammer	Branstad
Buhr	Carpenter	Chapman	Clark
Cohoon	Connolly	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.
Harper	Hatch	Haverland	Hermann
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.
Plasier	Platt	Poncy	Renaud
Rosenberg	Running	Schrader	Shoning
Shoultz	Siegrist	Skow	Spear
Stromer	Stueland	Svoboda	Swartz
Swearingen	Tabor	Teaford	Tyrrell
Van Camp	Wise	Mr. Speaker	

The nays were, 6:

Beaman	Corey	Daggett	Maulsby
Renken	Van Maanen		

Absent or not voting, 7:

Arnould	Hanson, D. R.	Harbor	Lageschulte
Royer	Schnekloth	Sherzan	

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

### RULE 34 SUSPENDED

Buhr of Polk asked and received unanimous consent to suspend Rule 34, relating to the Daily Debate Calendar, for consideration of House File 2345.

The House resumed consideration of **House File 2345**, a bill for an act relating to the certification of school personnel and approval of teacher education programs, including the establishment of a board of educational examiners and a teacher certification advisory committee, deferred March 3, 4 and 7, 1988.

Neuhauser of Johnson in the chair at 2:13 p.m.

Garman of Story offered the following amendment H—5386 filed by her and moved its adoption:

H—5386

- 1 Amend House File 2345 as follows:
- 2 1. Page 1, line 2, by inserting after the word
- 3 "subsection" the following: "and inserting in lieu
- 4 thereof the following:
- 5 3. Prescribe standards for the approval of
- 6 programs of teacher education in this state and
- 7 standards for acceptance of degrees, credits, and
- 8 courses from public and private institutions of higher
- 9 education outside this state and determine whether the
- 10 programs and degrees, credits, and courses meet those
- 11 standards."
- 12 2. Page 4, by striking lines 2 through 5.
- 13 3. Page 4, by striking lines 7 through 9.

A non-record roll call was requested.

The ayes were 32, nays 47.

Amendment H—5386 lost.

Daggett of Adams offered the following amendment H—5287 filed by him and moved its adoption:

H—5287

- 1 Amend House File 2345 as follows:
- 2 1. Page 1, line 17, by striking the word "Eight"
- 3 and inserting the following: "Six".
- 4 2. Page 1, by inserting after line 34 the
- 5 following:
- 6 "f. Two members who represent the general public."
- 7 3. Page 7, line 15, by striking the words "two
- 8 teachers" and inserting the following: "one teacher,
- 9 one member representing the general public,".
- 10 4. Page 7, line 16, by striking the words "two
- 11 teachers" and inserting the following: "one teacher,
- 12 one member of the general public,".

A non-record roll call was requested.

The ayes were 37, nays 43.

Amendment H—5287 lost.

Daggett of Adams offered the following amendment H—5293 filed by him and moved its adoption:

H—5293

1 Amend House File 2345 as follows:

2 1. Page 1, line 17, by striking the word "Eight"  
3 and inserting the following: "Four".

4 2. Page 7, line 12, by striking the words "two  
5 teachers" and inserting the following: "one teacher".

6 3. Page 7, line 13, by striking the words "two  
7 teachers" and inserting the following: "one teacher".

8 4. Page 7, line 15, by striking the words "two  
9 teachers" and inserting the following: "one teacher".

10 5. Page 7, line 16, by striking the words "two  
11 teachers" and inserting the following: "one teacher".

Amendment H—5293 lost.

Holveck of Polk offered the following amendment H—5358 filed by him and Hammond of Story and moved its adoption:

H—5358

1 Amend House File 2345 as follows:

2 1. Page 1, by inserting after line 21 the  
3 following:

4 "\_\_\_\_\_. Six members who are employed as school  
5 service personnel including one member from each of  
6 the following professions: Speech pathology,  
7 audiology, school psychology, school social work,  
8 physical therapy, and occupational therapy."

9 2. Page 2, line 13, by striking the words "eleven  
10 members, ten" and inserting the following: "twelve  
11 members, eleven".

12 3. Page 2, line 23, by striking the word "Four"  
13 and inserting the following: "Five".

14 4. Page 2, line 24, by inserting after the word  
15 "teachers" the following: "or school service  
16 personnel".

17 5. Page 2, line 27, by striking the word "and".

18 6. Page 2, line 29, by inserting after the word  
19 "school" the following: ", and one of whom is a  
20 school service person".

21 7. Page 5, line 24, by inserting after the word  
22 "practices" the following: "consistent with profes-  
23 sional standards adopted for the specific  
24 professions".

25 8. Page 7, line 12, by inserting after the word

26 "teachers" the following: ", two school service  
27 persons,".

28 9. Page 7, line 13, by inserting after the word  
29 "teachers," the following: "one school service  
30 person,".

31 10. Page 7, line 15, by inserting after the word  
32 "teachers" the following: ", one school service per-  
33 son,".

34 11. Page 7, line 16, by inserting after the word  
35 "teachers" the following: ", two school service per-  
36 sons,".

37 12. Page 7, line 25, by inserting after the word  
38 "teacher" the following: ", the school service  
39 person,".

Amendment H—5358 was adopted, placing out of order amend-  
ment H—5383 filed by Garman of Story on March 8, 1988.

Tyrrell of Iowa asked and received unanimous consent to with-  
draw amendment H—5282 filed by him on March 3, 1988.

Daggett of Adams offered amendment H—5274 filed by him. Divi-  
sion was requested as follows:

H—5274

1 Amend House File 2345 as follows:

H—5274A

2 1. Page 1, by inserting after line 34 the  
3 following:

4 "f. The director of the department of education  
5 who is an ex officio nonvoting member."

H—5274B

6 2. Page 2, line 13, by striking the word "eleven"  
7 and inserting the following: "twelve".

H—5274A

8 3. Page 3, by inserting after line 7 the  
9 following:

10 "One member is the director of the department of  
11 education who shall serve as an ex officio nonvoting  
12 member."

H—5274B

13 4. Page 3, line 8, by striking the word "six" and  
14 inserting the following: "seven".

Daggett of Adams asked and received unanimous consent to tem-  
porarily defer action on amendment H—5274A.

Daggett of Adams asked and received unanimous consent to withdraw amendment H—5274B.

The House resumed consideration of amendment H—5274A.

Daggett of Adams asked and received unanimous consent to defer action on amendment H—5274A.

Daggett of Adams offered the following amendment H—5276 filed by him:

H—5276

1 Amend House File 2345 as follows:

2 1. By striking page 1, line 8 through page 2,  
3 line 8, and inserting the following:

4 "Sec. \_\_\_\_\_. NEW SECTION. 256.31 ELEMENTARY —  
5 SECONDARY ADVISORY COMMITTEE.

6 The board of educational examiners shall appoint an  
7 eleven-member elementary-secondary advisory committee  
8 consisting of the following:

9 1. Four members who possess certificates issued  
10 under chapter 260, three of whom are employed as  
11 classroom teachers in school districts in this state  
12 and one of whom is employed as a classroom teacher in  
13 an approved nonpublic school in this state.

14 2. One member who is employed as a principal in  
15 this state.

16 3. One member who is employed as a superintendent  
17 in this state.

18 4. Three members of the faculty of a college of  
19 education, one from each institution of higher  
20 education under the state board of regents.

21 5. One member of the faculty of a college or  
22 department of education of a private college or  
23 university in this state.

24 6. One member who is employed by an area education  
25 agency.

26 Members shall be appointed to staggered four-year  
27 terms. The advisory committee shall advise the board  
28 of educational examiners concerning the requirements  
29 for certification of elementary and secondary school  
30 personnel including performance criteria.

31 Committee members shall be reimbursed for actual  
32 and necessary expenses incurred in the performance of  
33 their duties. The expense money shall be paid from  
34 funds appropriated to the department of education.

35 Sec. \_\_\_\_\_. NEW SECTION. 256.32 AREA SCHOOL  
36 ADVISORY COMMITTEE.

37 The board of educational examiners shall appoint a  
38 five-member area school advisory committee consisting  
39 of the following:

- 40 1. Two members of the teaching faculty of an area  
41 school.  
42 2. Two members who are administrators at an area  
43 school.  
44 3. One member of the teaching faculty of an  
45 industrial technology education department or program  
46 at a university or college in this state.  
47 Members shall be appointed to staggered four-year  
48 terms. The advisory committee shall advise the board  
49 of educational examiners concerning the requirements  
50 for certification of area school personnel.

**Page 2**

- 1 Committee members shall be reimbursed for actual  
2 and necessary expenses incurred in the performance of  
3 their duties. The expense money shall be paid from  
4 funds appropriated to the department of education."  
5 2. By numbering and renumbering sections as  
6 necessary.

Speaker Avenson in the chair at 3:11 p.m.

Daggett of Adams offered the following amendment H—5292, to amendment H—5276, filed by him and moved its adoption:

H—5292

- 1 Amend the amendment H—5276 to House File 2345 as  
2 follows:  
3 1. Page 1, by striking line 42 and inserting the  
4 following:  
5 "\_\_\_\_\_. One member who is an administrator at an  
6 area".  
7 2. Page 1, by inserting after line 46 the  
8 following:  
9 "\_\_\_\_\_. One member who represents the general  
10 public."  
11 3. By renumbering as necessary.

Amendment H—5292 was adopted.

Daggett of Adams moved the adoption of amendment H—5276, as amended.

Roll call was requested by Stomer of Hancock and Miller of Cherokee.

On the question "Shall amendment H—5276, as amended, be adopted?" (H.F. 2345)

The ayes were, 37:

Beaman  
Clark  
De Groot

Bennett  
Corbett  
Diemer

Branstad  
Corey  
Eddie

Carpenter  
Daggett  
Garman

Halvorson, R. A.	Hermann	Hester	Jochum
Lageschulte	Lundby	Maulsby	McKean
Metcalf	Miller	Mullins	Paulin
Pellett	Petersen, D. F.	Plasier	Platt
Renken	Shoning	Siegrist	Stromer
Stueland	Swearingen	Tyrrell	Van Camp
Van Maanen			

The nays were, 52:

Adams	Beatty	Bisignano	Black
Brammer	Buhr	Chapman	Cohoon
Connolly	Connors	Cooper	Doderer
Dvorsky	Fey	Fogarty	Gruhn
Halvorson, R. N.	Hammond	Hansen, S. D.	Harper
Hatch	Haverland	Holveck	Jay
Johnson	Knapp	Koenigs	May
McKinney	Muhlbauer	Neuhauser	Norrgard
Ollie	Osterberg	Parker	Pavich
Peters	Peterson, M. K.	Poncy	Renaud
Rosenberg	Running	Schrader	Sherzan
Shoultz	Skow	Spear	Svoboda
Tabor	Teaford	Wise	Mr. Speaker

Absent or not voting, 11:

Arnould	Blanshan	Fuller	Groninga
Hanson, D. R.	Harbor	Hummel	Kremer
Royer	Schnekloth	Swartz	

Amendment H—5276, as amended, lost.

Stromer of Hancock offered the following amendment H—5372 filed by him:

H—5372

- 1 Amend House File 2345 as follows:
- 2 1. Page 2, by inserting after line 8 the
- 3 following:
- 4 "Sec. \_\_\_\_\_. NEW SECTION. 256.33 NONPUBLIC SCHOOL
- 5 ADVISORY COMMITTEE.
- 6 The board of educational examiners shall appoint a
- 7 seven-member nonpublic school advisory committee
- 8 consisting of the following:
- 9 1. Three members who possess certificates issued
- 10 under chapter 260, two of whom are employed as
- 11 classroom teachers in school districts in this state
- 12 and one of whom is employed as a classroom teacher in
- 13 an approved nonpublic school in this state.
- 14 2. One member who is employed as a principal in
- 15 this state.
- 16 3. One member who is employed as a superintendent
- 17 in this state.

18 4. Two members who represent parents of children  
19 who are being taught in nonapproved nonpublic schools  
20 in this state.

21 Members shall be appointed to staggered four-year  
22 terms.

23 The advisory committee shall advise the board of  
24 educational examiners concerning attendance of  
25 children in nonapproved nonpublic schools."

Stromer of Hancock asked and received unanimous consent to defer action on amendment H—5372.

Halvorson of Clayton offered the following amendment H—5286 filed by him:

H—5286

1 Amend House File 2345 as follows:

2 1. Page 2, by striking line 14 and inserting the  
3 following: ". Associations interested".

4 2. Page 2, by striking lines 24 through 29 and  
5 inserting the following: "are employed as classroom  
6 teachers."

7 3. Page 2, by striking lines 30 and 31.

8 4. By striking page 2, line 33 through page 3,  
9 line 1 and inserting the following: "are employed as  
10 school administrators."

11 5. Page 3, line 2, by striking the word "Two" and  
12 inserting the following: "Three".

13 6. Page 3, line 4, by striking the words "and  
14 who" and inserting the following: ", who".

15 7. Page 3, line 5, by inserting after the word  
16 "public" the following: ", and who have never been  
17 employed as classroom teachers".

18 8. Page 7, by striking lines 21 and 22 and in-  
19 serting the following: "30, 1989; one teacher and two  
20 public members to a term expiring April 30, 1990; one  
21 teacher,".

Halvorson of Clayton asked and received unanimous consent to defer action on amendment H—5286.

Stromer of Hancock offered the following amendment H—5289 filed by him and moved its adoption:

H—5289

1 Amend House File 2345 as follows:

2 1. Page 2, by striking lines 13 and 14 and  
3 inserting the following: "of nine members appointed  
4 by the governor. Associations interested".

5 2. Page 2, by striking lines 23 through 31 and  
6 inserting the following:



- 7 "1. Three members who possess appropriate  
8 certification and are employed as classroom teachers."  
9 3. By striking page 2, line 33 through page 3,  
10 line 1, and inserting the following: "are employed as  
11 school administrators."  
12 4. Page 3, by striking lines 6 and 7 and insert-  
13 ing the following:  
14 "\_\_\_\_\_. One member who is an employee of the depart-  
15 ment of education."  
16 5. Page 3, line 8, by striking the word "six" and  
17 inserting the following: "five".  
18 6. Page 7, line 19, by striking the words "one  
19 teacher,".  
20 7. Page 7, line 21, by striking the words "the  
21 area school teacher,".

Amendment H—5289 lost.

Harbor of Mills offered the following amendment H—5283 filed by Harbor, et al.:

H—5283

- 1 Amend House File 2345 as follows:  
2 1. Page 2, line 29, by inserting after the word  
3 "school." the following: "The teachers shall have  
4 been employed as teachers in this state for at least  
5 five years preceding their appointment."

Sherzan of Polk in the chair at 3:53 p.m.

On motion by Harbor of Mills, amendment H—5283 was adopted.

Stromer of Hancock offered the following amendment H—5271 filed by him and moved its adoption:

H—5271

- 1 Amend House File 2345 as follows:  
2 1. By striking page 2, line 33 through page 3,  
3 line 1, and inserting the following: "are employed as  
4 principals in school districts, one of whom is  
5 employed in a school district with a certified  
6 enrollment of fewer than five hundred pupils, one of  
7 whom is employed in a school district with a certified  
8 enrollment between five hundred and five thousand  
9 pupils, and one of whom is employed by a school  
10 district with a certified enrollment of greater than  
11 five thousand pupils."

A non-record roll call was requested.

The ayes were 40, nays 45.

Amendment H—5271 lost.

Maulsby of Calhoun offered the following amendment H—5284 filed by Maulsby, et al.:

H—5284

- 1 Amend House File 2345 as follows:
- 2 1. Page 3, lines 21 and 22, by striking the words
- 3 "except that members" and inserting the following: "
- 4 Members".
- 5 2. Page 3, by striking lines 23 through 25 and
- 6 inserting the following: "basis by a public employer
- 7 shall not collect a salary from the public employer
- 8 for those days of service. The member shall also
- 9 receive necessary and".

Stromer of Hancock asked for unanimous consent to defer action on amendment H—5284.

Objection was raised.

On motion by Stromer of Hancock, amendment H—5284 was deferred.

Stromer of Hancock offered the following amendment H—5272 filed by him and moved its adoption:

H—5272

- 1 Amend House File 2345 as follows:
- 2 1. Page 3, line 34, by striking the word "shall"
- 3 and inserting the following: "may".

Roll call was requested by Stromer of Hancock and Bennett of Ida.

On the question "Shall amendment H—5272 be adopted?"  
(H.F. 2345)

The ayes were, 46:

Beaman	Bennett	Branstad	Carpenter
Clark	Cooper	Corbett	Daggett
De Groot	Diemer	Doderer	Eddie
Fogarty	Fuller	Garman	Gruhn
Halvorson, R. A.	Harbor	Hermann	Hester
Hummel	Kremer	Lageschulte	Lundby
Maulsby	McKean	Metcalf	Miller
Muhlbauer	Mullins	Paulin	Pellett
Petersen, D. F.	Plasier	Platt	Renken
Royer	Skow	Stromer	Stueland
Svoboda	Swartz	Swearingen	Tyrrell
Van Camp	Van Maanen		

The nays were, 47:

Adams	Arnould	Avenson	Beatty
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Bisignano	Black	Blanshan	Brammer
Buhr	Chapman	Cohoon	Connolly
Connors	Dvorsky	Fey	Groninga
Halvorson, R. N.	Hammond	Hansen, S. D.	Harper
Haverland	Holveck	Jochum	Johnson
Knapp	Koenigs	May	McKinney
Neuhauser	Norrsgard	Ollie	Osterberg
Parker	Pavich	Peters	Peterson, M. K.
Poncy	Renaud	Rosenberg	Running
Schrader	Shoultz	Siegrist	Spear
Tabor	Teaford	Mr. Speaker (Sherzan)	

Absent or not voting, 7:

Corey	Hanson, D. R.	Hatch	Jay
Schnekloth	Shoning	Wise	

Amendment H—5272 lost.

Arnould of Scott asked and received unanimous consent that House File 2345 be deferred and that the bill retain its place on the calendar.

Speaker Avenson in the chair at 5:01 p.m.

#### MOTIONS TO RECONSIDER WITHDRAWN (House File 2396)

Harbor of Mills and Hummel of Benton asked and received unanimous consent to withdraw the motions to reconsider House File 2396, a bill for an act relating to the establishment of the economic development finance corporation to assist in providing financing for small business development by providing loan guarantees, letters of credit, equity financing, underwriting for public offerings, and creating a state assistance fund, filed by them on March 9, 1988.

#### RULES SUSPENDED

Arnould of Scott asked and received unanimous consent to suspend the rules and take up out of order House File 2428.

#### Regular Calendar

**House File 2428**, a bill for an act increasing and establishing certain court filing fees, was taken up for consideration.

Chapman of Linn offered the following amendment H—5507 filed by her and moved its adoption:

H—5507

1 Amend House File 2428 as follows:

2 1. Page 1, by striking lines 19 through 22 and  
3 inserting the following:

4 "Sec. \_\_\_\_\_. Section 631.6, subsection 1, Code 1987,  
5 is amended to read as follows:

6 1. The docket fee for a small claims action is  
7 eleven fifteen dollars. Five dollars of the docket  
8 fee shall be deposited in the court revenue  
9 distribution account established under section  
10 602.8108 and ~~six~~ ten dollars of the fee shall be paid  
11 into the state treasury. Of the amount paid into the  
12 state treasury, one dollar shall be deposited in the  
13 judicial retirement fund established in section  
14 602.9104 to be used to pay retirement benefits of the  
15 judicial retirement system, and the remainder shall be  
16 deposited in the general fund of the state.

17 Sec. \_\_\_\_\_. Section 633.31, subsection 2, paragraphs  
18 d, e, and f, Code 1987, are amended to read as  
19 follows:

20 d. For taking and approving a bond,  
21 or the sureties on a bond ..... 2.00 20.00  
22 e. For entering a rule or order ..... 1.00 10.00  
23 f. For certificate and seal ..... 2.00 20.00".  
24 2. Renumber as necessary.

A non-record roll call was requested.

The ayes were 46, nays 22.

Amendment H—5507 was adopted.

Jay of Appanoose offered the following amendment H—5524 filed  
by him and moved its adoption:

H—5524

1 Amend House File 2428 as follows:

2 1. Page 1, by inserting after line 22, the  
3 following:

4 "Sec. 2. Section 805.6, subsection 1, paragraph a,  
5 Code 1987, is amended to read as follows:

6 1. a. The director of public safety and the  
7 director of natural resources, acting jointly, shall  
8 adopt a uniform, combined citation and complaint which  
9 shall be used for charging all traffic violations in  
10 Iowa under state law or local regulation or ordinance,  
11 and which shall be used for charging all other  
12 violations which are designated by section 805.8 to be  
13 scheduled violations. The court costs in cases of  
14 parking violations which are denied, and charged and  
15 collected pursuant to section 321.236, subsection 1,

16 are eight dollars per court appearance, regardless of  
 17 the number of parking violations considered at that  
 18 court appearance. However, court costs in cases of  
 19 parking violations which are dismissed by a city more  
 20 than fourteen months after the violation shall be  
 21 waived. The court costs in scheduled violation cases  
 22 where a court appearance is not required are ten  
 23 dollars. The court costs in scheduled violation cases  
 24 where a court appearance is required are fifteen  
 25 dollars. This subsection does not prevent the  
 26 charging of any of those violations by information, by  
 27 private complaint filed under chapter 804, or by a  
 28 simple notice of fine where permitted by section  
 29 321.236, subsection 1. Each uniform citation and  
 30 complaint shall be serially numbered and shall be in  
 31 quintuplicate, and the officer shall deliver the  
 32 original and a copy to the court where the defendant  
 33 is to appear, two copies to the defendant, and a copy  
 34 to the law enforcement agency of the officer. The  
 35 court shall forward the copy of the uniform citation  
 36 and complaint in accordance with section 321.207 when  
 37 applicable."

Amendment H—5524 was adopted.

McKinney of Dallas moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2428)

The ayes were, 65:

Adams	Arnould	Beatty	Bisignano
Black	Blanshan	Brammer	Buhr
Carpenter	Chapman	Clark	Cohoon
Connolly	Connors	Cooper	Diemer
Doderer	Dvorsky	Fey	Fogarty
Groninga	Gruhn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hansen, S. D.	Harbor	Harper
Hatch	Haverland	Jay	Jochum
Johnson	Knapp	Koenigs	Lageschulte
May	McKinney	Mullins	Neuhauser
Norrgard	Ollie	Osterberg	Parker
Pavich	Peters	Petersen, D. F.	Peterson, M. K.
Platt	Poncy	Renaud	Rosenberg
Running	Schrader	Sherzan	Shoning
Shoultz	Skow	Spear	Svoboda
Swartz	Tabor	Teaford	Wise
Mr. Speaker			

The nays were, 32:

Beaman	Bennett	Branstad	Corbett
Corey	Daggett	De Groot	Eddie
Fuller	Garman	Hermann	Hester
Holveck	Hummel	Kremer	Lundby
Maulsby	McKean	Metcalf	Miller
Paulin	Pellett	Plasier	Renken
Royer	Siegrist	Stromer	Stueland
Swearingen	Tyrrell	Van Camp	Van Maanen

Absent or not voting, 3:

Hanson, D. R.      Muhlbauer      Schnekloth

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

### RULES SUSPENDED

Arnould of Scott asked and received unanimous consent to suspend the rules and take up out of order House File 2439.

**House File 2439**, a bill for an act relating to the regulation of securities by amending the Iowa uniform securities Act to provide certain new and modified securities exemptions and transaction exemptions and to remove the broker-dealer bonding requirement for members of the securities investor protection corporation, was taken up for consideration.

Tabor of Jackson offered the following amendment H—5528 filed by him:

H—5528

- 1 Amend House File 2439 as follows:
- 2 1. Page 3, by inserting after line 16 the
- 3 following:
- 4 "Sec. \_\_\_\_\_. Section 502.203, Code 1987, is amended
- 5 by adding the following new subsection:
- 6 NEW SUBSECTION. 18. The offer or sale of
- 7 securities by a small business investment company
- 8 under the federal Small Business Investment Act of
- 9 1958 if all of the following are met:
- 10 a. The securities are offered or sold in
- 11 compliance with Rules 230.601-610a of Regulation E of
- 12 the federal Securities Exchange Act of 1933.
- 13 b. The issuer has filed with the administrator the
- 14 offering document to be used in connection with the
- 15 offer and sale of the securities not later than the
- 16 first use thereof in this state, a copy of the
- 17 notification on Form 1-E required by Rule 230.604 of
- 18 Regulation E, to be filed with the securities and

19 exchange commission, and a fee of one hundred  
20 dollars."

Tabor of Jackson offered the following amendment H-5545, to amendment H-5528, filed by him from the floor and moved its adoption:

H-5545

- 1 Amend amendment, H-5528, to House File 2439 as
- 2 follows:
- 3 1. Page 1, by inserting after line 20 the
- 4 following:
- 5 "\_\_\_\_\_. Page 3, by inserting after line 16 the
- 6 following:
- 7 "Sec. \_\_\_\_\_. Section 502.210, Code 1987, is amended
- 8 by striking the section and inserting in lieu thereof
- 9 the following:
- 10 502.210 REGISTRATION BY IOWA ISSUERS BY FILING.
- 11 1. A security meeting the conditions set forth in
- 12 this section may be registered by filing as provided
- 13 in this section.
- 14 2. In order to register under this section, the
- 15 issuer must meet all of the following conditions:
- 16 a. It must be a corporation incorporated under the
- 17 laws of this state.
- 18 b. Both before and upon completion of the
- 19 offering, the issuer must have its principal place of
- 20 business in this state.
- 21 c. Both before and upon completion of the
- 22 offering, at least fifty percent of the issuer's full-
- 23 time employees must be located in this state.
- 24 3. Only shares of common stock may be registered
- 25 under this section.
- 26 4. In order to register under this section, the
- 27 following conditions must be satisfied:
- 28 a. The aggregate consideration for all common
- 29 stock sold by the issuer in any period of twelve
- 30 consecutive months in the offering being registered
- 31 shall not exceed one million dollars or, if Rule 504
- 32 promulgated under the Securities Act of 1933 is
- 33 hereafter amended, the administrator shall by rule
- 34 increase the limit under this paragraph to conform to
- 35 that increased amount.
- 36 b. At least eighty percent of the net proceeds
- 37 from the offering must be used in connection with the
- 38 operations of the issuer in this state.
- 39 c. A commission or other remuneration shall not be
- 40 paid or given, directly or indirectly, for the sale of
- 41 the securities, except payments to broker-dealers and
- 42 agents registered under this chapter or except
- 43 payments as may be permitted by the administrator by
- 44 rule or by order issued upon written application

45 showing good cause for allowance of commission or  
46 other remuneration.

47 d. The issuer or a broker-dealer offering or  
48 selling the securities is not or would not be  
49 disqualified under section (2)(iii) of Rule 505  
50 promulgated under the Securities Act of 1933.

**Page 2**

1 e. An offering document meeting the disclosure  
2 requirements of Rule 502(b)(2) promulgated under the  
3 Securities Act of 1933 shall be delivered to each  
4 purchaser in the state prior to the sale of the  
5 securities.

6 f. The issuer shall file with the administrator an  
7 application for registration and the offering document  
8 to be used in connection with the offer and sale of  
9 the securities.

10 g. The issuer shall pay to the administrator a fee  
11 of fifty dollars and shall not be required to pay the  
12 filing fee set forth in section 208, subsection 2.

13 5. Unless the administrator issues a stop order  
14 denying the effectiveness of the registration, as  
15 provided in section 209, the registration statement  
16 shall become effective on the third business day after  
17 it has been filed with the administrator.

18 6. Notwithstanding any other provision of this  
19 chapter, the administrator shall not deny  
20 effectiveness to or suspend or revoke the  
21 effectiveness of a registration under this section on  
22 the basis of section 209, subsection 1, paragraph "f"  
23 or "h" and the administrator shall not impose the  
24 conditions specified in section 208, subsection 7.  
25 Section 208, subsection 9, paragraph "b", subparagraph  
26 (2) and section 208, subsection 12, are not applicable  
27 to a registration under this section.

28 7. In connection with an offering registered under  
29 this section, a person may be registered as an agent  
30 of the issuer under section 301 by the filing with the  
31 administrator of an application by the issuer for the  
32 registration of the person as an agent of the issuer  
33 and the paying of a fee of ten dollars.  
34 Notwithstanding any other provision of this chapter,  
35 the registration of the agent shall be effective until  
36 withdrawn by the issuer or until the securities  
37 registered pursuant to the registration statement have  
38 all been sold, whichever first occurs. The  
39 registration of an agent shall become effective when  
40 ordered by the administrator or on the third business  
41 day after the agent's application has been filed with  
42 the administrator, whichever occurs first, and the  
43 administrator may not impose any further conditions to



44 the registration of the agent. However, the  
 45 administrator continues to have the right to deny,  
 46 revoke, suspend, or withdraw the registration of the  
 47 agent as provided in section 304. Notwithstanding  
 48 section 302, subsection 5, for purposes of  
 49 registration of agents under this section, the issuer  
 50 and the agent are not required to post bond. An agent

**Page 3**

1 registered solely pursuant to this section is entitled  
 2 to sell only the securities registered under this  
 3 section.  
 4 8. Registration under this section shall not be  
 5 available to an offering which is a blind pool."  
 6 \_\_\_\_\_. Page 4, by striking line 3."

Amendment H—5545 was adopted.

On motion by Tabor of Jackson, amendment H—5528, as amended, was adopted.

Tabor of Jackson moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2439)

The ayes were, 94:

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	Fuller
Garman	Groninga	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Harper
Hatch	Haverland	Hermann	Hester
Holveck	Hummel	Jay	Jochum
Johnson	Knapp	Koenigs	Kremer
Lageschulte	Lundby	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	Running
Schrader	Sherzan	Shoning	Shoultz
Siegrist	Skow	Spear	Stromer
Stueland	Svoboda	Swartz	Swearingen
Tabor	Teaford	Tyrrell	Van Camp
Wise	Mr. Speaker		

The nays were, 2:

Maulsby                      Van Maanen

Absent or not voting, 4:

Daggett                      Hanson, D. R.                      Harbor                      Schnekloth

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

The House resumed consideration of **House File 2345**, a bill for an act relating to the certification of school personnel and approval of teacher education programs, including the establishment of a board of educational examiners and a teacher certification advisory committee, deferred March 3, 4, 7 and temporarily March 14, 1988.

Schrader of Marion in the chair at 5:35 p.m.

Daggett of Adams offered the following amendment H—5275 filed by him and moved its adoption:

H—5275

- 1 Amend House File 2345 as follows:
- 2 1. Page 4, line 11, by inserting after the word
- 3 "certificates." the following: "Fees collected under
- 4 this subsection shall be deposited in the general fund
- 5 of the state."
- 6 2. Page 4, by striking lines 18 through 20.
- 7 3. Page 5, by inserting after line 21 the follow-
- 8 ing:
- 9 "Sec. \_\_\_\_\_. Section 260.28, Code 1987, is amended
- 10 by adding the following new unnumbered paragraph:
- 11 NEW UNNUMBERED PARAGRAPH. The board of educational
- 12 examiners may expend funds in addition to the funds
- 13 appropriated to the board by the general assembly from
- 14 the general fund of the state if those additional
- 15 expenditures are greater than funds budgeted by the
- 16 board for expenses incurred by the board as a result
- 17 of services rendered by the attorney general's office
- 18 or other legal counsel for time spent in defending the
- 19 board in a legal action. Before the board expends or
- 20 encumbers an amount in excess of the funds budgeted by
- 21 the board for legal expenses the department of
- 22 management shall approve the expenditure or
- 23 encumbrance. Before approval is given, the department
- 24 of management shall determine that the legal expenses
- 25 exceed the amount budgeted by the board for these
- 26 purposes. Upon approval of the department of
- 27 management, the board may expend and encumber funds
- 28 for excess legal expenses. The amounts necessary to
- 29 fund the excess legal expenses shall be collected as

- 30 fees from examination applicants and shall be treated  
31 as repayment receipts.”  
32 4. By numbering and renumbering sections and cor-  
33 recting internal references as necessary.

Amendment H—5275 lost.

Daggett of Adams offered the following amendment H—5294 filed by him and moved its adoption:

H—5294

- 1 Amend House File 2345 as follows:  
2 1. Page 4, by striking lines 12 and 13.  
3 2. By striking page 5, line 22, through page 6,  
4 line 5.  
5 3. Page 7, by striking lines 5 through 9.

A non-record roll call was requested.

The ayes were 33, nays 47.

Amendment H—5294 lost.

The House resumed consideration of amendment H—5297B (found on page 619 of the House Journal).

Daggett of Adams moved the adoption of amendment H—5297B.

A non-record roll call was requested.

The ayes were 30, nays 43.

Amendment H—5297B lost.

Arnould of Scott asked and received unanimous consent that House File 2345 be deferred and that the bill retain its place on the calendar.

### IMMEDIATE MESSAGES

Arnould of Scott asked and received unanimous consent that House Files 2402, 2428 and 2439 be immediately messaged to the Senate.

Speaker Avenson in the chair at 6:08 p.m.

### EXPLANATIONS OF VOTE

I was necessarily absent from the House chamber on Friday, March 11, 1988. Had I been present, I would have voted “aye” on House Files 566, 2106, 2255, 2326, 2327, 2406, 2430 and 2432.

BISIGNANO of Polk

I was necessarily absent from the House chamber on March 11, 1988. Had I been present, I would have voted "aye" on House Files 431, 566, 2106, 2255, 2326, 2327, 2400, 2406, 2430 and 2432.

SHONING of Woodbury

I was necessarily absent from the House chamber on March 10 and March 11, 1988. Had I been present, I would have voted "aye" on House Files 431, 566, 2063, 2088, 2106, 2255, 2326, 2327, 2400, 2406, 2416, 2426, 2427, 2430 and 2432.

STUELAND of Clinton

### CERTIFICATES OF RECOGNITION

MR. SPEAKER: The Chief Clerk of the House respectfully reports that certificates of recognition have been issued as follows.

JOSEPH O'HERN

Chief Clerk of the House

- |         |  |
|---------|--|
| 1988-18 | Chad Zaputil, Centerville High School — Winning the 119 lb. Class 2-A State Wrestling Championship.  |
| 1988-19 | The Wrestling Team of Centerville High School — For their efforts in capturing the Class 2-A State Wrestling Championship.   |
| 1988-20 | Carrie Spann, Council Bluffs — Earning a first place award in the 6th-7th grade division of the statewide essay contest, "Write Women Back Into History".  |
| 1988-21 | Jenny Schuttinga, Spencer Middle School — Earning a second place award in the 6th-7th grade division of the statewide essay contest, "Write Women Back Into History".                                  |
| 1988-22 | Sadye Brooker, McKinley Middle School — Earning a third place award in the 6th-7th grade division of the statewide essay contest, "Write Women Back Into History".                                     |
| 1988-23 | Lori Fehr, Fair Oaks Middle School — Earning a first place award in the 8th-9th grade division of the statewide essay contest, "Write Women Back Into History".  |
| 1988-24 | Meg Symmonds, West Middle School — Earning the Edith Rose Murphy Sackett Award and a second place award in the 8th-9th grade division of the statewide essay contest, "Write Women Back Into History". |
| 1988-25 | Dawn Thompson, Fair Oaks Middle School — Earning a third place award in the 8th-9th grade division of the statewide essay contest, "Write Women Back Into History".                                    |
| 1988-26 | Coach Richard Bangs, The Garnavillo Girls Basketball Team — Recognition for their participation in the 1988 Girls State Basketball Tournament.   |

## AMENDMENTS FILED

H—5536	H.F.	2369	Sherzan of Polk
H—5537	H.F.	2392	Peterson of Carroll
H—5538	H.F.	2356	Sherzan of Polk
H—5539	H.F.	2403	Neuhauser of Johnson
			Poncy of Wapello
			Dvorsky of Johnson
H—5540	S.F.	2196	Van Maanen of Mahaska
H—5542	S.F.	2117	Corbett of Linn
H—5543	S.F.	2196	Fuller of Hardin
			Svoboda of Tama
H—5544	S.F.	2196	Daggett of Adams
			Harbor of Mills
			Shoning of Woodbury
			Beaman of Clarke
			Jay of Appanoose
H—5546	H.F.	2440	Stueland of Clinton
H—5547	H.F.	2423	Cooper of Lucas
			Royer of Page
H—5548	S.F.	2196	Svoboda of Tama
			Fuller of Hardin
H—5549	H.F.	2440	Van Maanen of Mahaska
H—5550	S.F.	2196	Svoboda of Tama
			Hansen of Woodbury
H—5551	H.F.	2444	Van Maanen of Mahaska
H—5552	S.F.	2196	McKean of Jones
			Tyrrell of Iowa
			De Groot of Lyon
			Hammond of Story
			Johnson of Winneshiek
			Mullins of Kossuth
H—5553	S.F.	2196	McKean of Jones
			Osterberg of Linn
			Johnson of Winneshiek
H—5554	H.F.	2345	Spear of Lee
H—5555	H.F.	2354	Buhr of Polk
			Neuhauser of Johnson
H—5556	S.F.	2196	McKean of Jones
			Tyrrell of Iowa
			Johnson of Winneshiek
			Mullins of Kossuth

H—5557	S.F.	2196	McKean of Jones Tyrrell of Iowa
H—5558	S.F.	2196	Hermann of Scott
H—5559	H.F.	2444	Hermann of Scott
H—5560	H.F.	2444	Tyrrell of Iowa
H—5561	H.F.	2345	Stromer of Hancock
H—5562	H.F.	2345	Daggett of Adams
H—5563	H.F.	2394	Dvorsky of Johnson Diemer of Black Hawk Branstad of Winnebago Black of Jasper Schrader of Marion Corbett of Linn
H—5564	H.F.	2444	Van Camp of Scott
H—5565	H.F.	2444	Van Camp of Scott
H—5566	H.F.	2444	Van Camp of Scott
H—5567	H.F.	2444	Van Camp of Scott
H—5568	H.F.	2444	Van Camp of Scott
H—5569	H.F.	2440	Van Maanen of Mahaska
H—5570	H.F.	2374	Spear of Lee
H—5571	H.F.	2441	Petersen of Muscatine
H—5572	H.F.	2441	Petersen of Muscatine
H—5573	H.F.	2345	Stromer of Hancock
H—5574	H.F.	2345	Daggett of Adams
H—5575	S.F.	2023	Black of Jasper
H—5576	S.F.	2196	Connolly of Dubuque Platt of Muscatine
H—5577	S.F.	2023	Corrective Committee on Transportation Amendment
H—5578	S.F.	2023	Black of Jasper
H—5579	S.F.	2023	Black of Jasper
H—5580	H.F.	2345	Carpenter of Polk
H—5581	H.F.	2441	Van Camp of Scott
H—5582	H.F.	2345	Carpenter of Polk
H—5583	H.F.	2345	Carpenter of Polk
H—5584	H.F.	2444	Tyrrell of Iowa
H—5585	S.F.	2023	Black of Jasper
H—5586	S.F.	2023	Black of Jasper
H—5587	S.F.	2023	Black of Jasper

H—5588	H.F. 2345	Maulsby of Calhoun
H—5589	H.F. 2436	De Groot of Lyon
H—5590	S.F. 2023	Black of Jasper
H—5591	H.F. 2294	Sherzan of Polk
		Hammond of Story
		Harper of Black Hawk
		Mullins of Kossuth

On motion by Arnould of Scott, the House adjourned at 6:16 p.m., until 9:00 a.m., Tuesday, March 15, 1988.

# JOURNAL OF THE HOUSE

Sixty-fifth Calendar Day — Forty-third Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Tuesday, March 15, 1988

The House met pursuant to adjournment, Speaker Avenson in the chair.

Prayer was offered by the Honorable Steve Hansen, state representative from Woodbury County.

The Journal of Monday, March 14, 1988, was approved.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Hanson of Delaware, until his arrival, on request of Renken of Grundy.

## SENATE MESSAGES CONSIDERED

**Senate File 2018**, by Holden, a bill for an act creating a family support subsidy program.

Read first time and referred to committee on **human resources**.

**Senate File 2072**, by Miller of Cerro Gordo, Scott, Wells, Riordan, Vande Hoef and Jensen, a bill for an act providing for a percentage of lottery revenues collected in each city of the state and each area formed under a chapter 28E agreement with a population of five thousand or more to be returned to the city or area to be used for economic development initiatives.

Read first time and referred to committee on **economic development**.

**Senate File 2201**, by committee on state government, a bill for an act to remove the bond required for class "A", "B", "C", and "D" liquor control licenses and retail wine and beer permits.

Read first time and referred to committee on **state government**.

**Senate File 2238**, by committee on judiciary, 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.

Read first time and referred to committee on **judiciary and law enforcement**.



**Senate File 2244**, by Hultman, a bill for an act relating to the establishment of the council for Iowa's economic future by the Iowa department of economic development to contribute to the strengthening of the state's economy, and making an appropriation.

Read first time and referred to committee on **economic development**.

**Senate File 2249**, by committee on human resources, a bill for an act relating to the labeling, advertising, adulteration, misbranding, and dispensing of drugs, devices, and cosmetics, providing penalties, and providing properly related matters.

Read first time and referred to committee on **small business and commerce**.

**Senate File 2261**, by committee on agriculture, a bill for an act relating to horse and dog racing.

Read first time and referred to committee on **state government**.

**Senate File 2278**, by committee on education, a bill for an act relating to implementation of educational standards adopted by the state board of education, including delaying the effective date and providing for additional study of certain standards.

Read first time and referred to committee on **education**.

### MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 14, 1988, passed the following bill in which the concurrence of the House is asked:

Senate File 93, a bill for an act relating to the regulation of pawnbrokers on a statewide basis and providing penalties.

Also: That the Senate has on March 14, 1988, passed the following bill in which the concurrence of the House is asked:

Senate File 2019, a bill for an act relating to the credentialing and regulation of respiratory care practitioners.

Also: That the Senate has on March 14, 1988, passed the following bill in which the concurrence of the House is asked:

Senate File 2162, a bill for an act allowing the issuance of collegiate registration plates for certain vehicles and providing an effective date.

Also: That the Senate has on March 14, 1988, passed the following bill in which the concurrence of the House is asked:

Senate File 2167, a bill for an act relating to the definition and regulation of tip-up fishing devices, and providing a penalty.

Also: That the Senate has on March 14, 1988, passed the following bill in which the concurrence of the House is asked:

Senate File 2223, a bill for an act relating to health care facilities, including personnel of intermediate care facilities, and penalties for violations of statutes or rules by health care facilities.

Also: That the Senate has on March 14, 1988, passed the following bill in which the concurrence of the House is asked:

Senate File 2239, a bill for an act relating to administrative agency and the Iowa employment security law by providing that administrative determinations are not binding in separate actions.

Also: That the Senate has on March 14, 1988, passed the following bill in which the concurrence of the House is asked:

Senate File 2247, a bill for an act relating to the regulation and reporting of certain pesticides.

Also: That the Senate has on March 14, 1988, passed the following bill in which the concurrence of the House is asked:

Senate File 2263, a bill for an act relating to horse and dog racing by allowing the application of cold ice, cold packs, or similar treatments to the limbs of a horse or a dog prior to the start of a race and by allowing the use of certain drugs on racing horses under rules adopted by the state racing commission.

Also: That the Senate has on March 14, 1988, passed the following bill in which the concurrence of the House is asked:

Senate File 2264, a bill for an act to allow the owner of a homestead to claim the homestead tax credit where the homestead is located on land owned by a partnership or corporation and the owner is a partner or shareholder.

Also: That the Senate has on March 14, 1988, passed the following bill in which the concurrence of the House is asked:

Senate File 2267, a bill for an act relating to residential water treatment systems, incorporating a penalty, and providing effective dates.

Also: That the Senate has on March 14, 1988, passed the following bill in which the concurrence of the House is asked:

Senate File 2270, a bill for an act relating to the suspension of the collection of taxes, special assessments, and other assessments by the county board of supervisors:

JOHN F. DWYER, Secretary

## RULE 57 SUSPENDED

Arnould of Scott asked and received unanimous consent to suspend Rule 57, relating to committee notice and agenda, for a committee on ways and means meeting at 2:00 p.m. today.

## RULES SUSPENDED

Arnould of Scott asked and received unanimous consent to suspend the rules and take up out of order House Files 2437 and 2370 and Senate File 2196.

## CONSIDERATION OF BILLS

### Regular Calendar

**House File 2437**, a bill for an act relating to utilization of energy resources in the state including the implementation of energy conservation measures, was taken up for consideration.

Spear of Lee asked and received unanimous consent to withdraw amendment H—5527 filed by him on March 11, 1988.

Johnson of Winneshiek moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2437)

The ayes were, 97:

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.
Harbor	Harper	Hatch	Haverland
Hermann	Hester	Holveck	Hummel
Jochum	Johnson	Knapp	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
Renaud	Renken	Rosenberg	Royer
Running	Schnekloth	Schrader	Sherzan
Shoning	Shoultz	Siegrist	Skow
Spear	Stromer	Stueland	Svoboda
Swartz	Swearingen	Tabor	Teaford
Tyrrell	Van Camp	Van Maanen	Wise
Mr. Speaker			

The nays were, none.

Absent or not voting, 3:

Hanson, D. R.

Jay

Poney

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Poney of Wapello on request of Running of Linn.

**House File 2370**, a bill for an act relating to the provision of sewer services to state agency buildings and providing an effective date, was taken up for consideraion.

Cooper of Lucas moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2370)

The ayes were, 87:

Adams	Arnould	Beaman	Beatty
Bisignano	Black	Blanshan	Brammer
Buhr	Carpenter	Chapman	Clark
Cohoon	Connolly	Connors	Cooper
Corbett	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	Holveck
Jay	Jochum	Johnson	Knapp
Koenigs	Kremer	Lageschulte	Lundby
May	McKean	McKinney	Metcalf
Muhlbauer	Mullins	Neuhauser	Norrgard
Ollie	Osterberg	Parker	Pavich
Peters	Petersen, D. F.	Peterson, M. K.	Plasier
Platt	Renaud	Rosenberg	Royer
Running	Schnekloth	Schrader	Sherzan
Shoning	Shoultz	Siegrist	Skow
Spear	Stromer	Svoboda	Swartz
Swearingen	Tabar	Teaford	Tyrrell
Van Camp	Wise	Mr. Speaker	

The nays were, 11:

Bennett	Branstad	Corey	Hummel
Maulsby	Miller	Paulin	Pellett
Renken	Stueland	Van Maanen	

Absent or not voting, 2:

Hanson, D. R.

Poney

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

### Ways and Means Calendar

**Senate File 2196**, a bill for an act relating to transportation funding by providing for a network of commercial and industrial highways, increasing the excise taxes on motor fuel and special fuel, increasing the standing appropriation for public transit assistance, authorizing the transfer of RISE funds to the primary road fund, providing for a study of highway financing, providing for a performance and efficiency audit of state transportation and the RISE program as it relates to job creation and economic development, making appropriations from the road use tax fund, and providing effective dates, with report of committee recommending amendment and passage was taken up for consideration.

The House stood at ease at 10:24 a.m., until the fall of the gavel.

The House resumed session and consideration of Senate File 2196 at 11:42 a.m., Speaker Avenson in the chair.

(Senate File 2196 pending at recess.)

On motion by Arnould of Scott, the House was recessed at 11:45 a.m., until 12:45 p.m.

### AFTERNOON SESSION

The House reconvened, Speaker Avenson in the chair.

### QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed sixty-one members present, thirty-nine absent.

### BUSINESS PENDING AT RECESS

The House resumed consideration of **Senate File 2196**, a bill for an act relating to transportation funding by providing for a network of commercial and industrial highways, increasing the excise taxes on motor fuel and special fuel, increasing the standing appropriation for public transit assistance, authorizing the transfer of RISE funds to the primary road fund, providing for a study of highway financing, providing for a performance and efficiency audit of state transportation and the RISE program as it relates to job creation and economic development, making appropriations from the road use tax fund, and providing effective dates, pending at recess.

Connolly of Dubuque offered the following amendment H—5520 filed by the committee on ways and means.

H—5520

1 Amend Senate File 2196, 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 307A.2, Code 1987, is amended  
6 by adding the following new unnumbered paragraph:  
7 NEW UNNUMBERED PARAGRAPH. The commission shall  
8 identify, within the primary road system, a network of  
9 commercial and industrial highways. The improvement  
10 of this network shall be considered in the development  
11 of the long-range program and plan of improvements  
12 under this section.

13 Sec. 2. Section 312.1, Code 1987, is amended by  
14 adding the following new unnumbered paragraph:  
15 NEW UNNUMBERED PARAGRAPH. Notwithstanding section  
16 453.7, subsection 2, interest or earnings on  
17 investments or time deposits of the moneys in the road  
18 use tax fund and the funds to which moneys from the  
19 road use tax fund are credited shall be credited to  
20 the respective funds which generated the interest or  
21 earnings.

22 Sec. 3. Section 312.2, subsection 17, Code  
23 Supplement 1987, is amended to read as follows:

24 17. The treasurer of state, before making the  
25 allotments provided for in this section, shall credit  
26 monthly from the road use tax fund to the public  
27 transit assistance fund, created under section 601J.6,  
28 an amount equal to ~~one fortieth~~ one-twentieth of the  
29 revenue credited to the road use tax fund under  
30 section 423.24, subsection 1, paragraph "b".

31 Sec. 4. Section 312.2, Code Supplement 1987, is  
32 amended by adding the following new subsection:

33 NEW SUBSECTION. 20. The treasurer of state,  
34 before making the allotments provided for in this  
35 section, shall credit annually from the revenue to be  
36 credited to the road use tax fund under section  
37 423.24, subsection 1, paragraph "b", the sum of one  
38 million dollars to the state department of  
39 transportation for the purpose of acquiring,  
40 constructing, and improving recreational trails within  
41 the state. Unobligated portions of this allotment  
42 shall remain available to the state department of  
43 transportation for the purposes for which the funds  
44 are originally allocated. The state department of  
45 transportation shall adopt rules under chapter 17A to  
46 establish procedures for the expenditure of the funds  
47 allotted under this subsection.

48 Sec. 5. Section 312.2, Code Supplement 1987, is  
49 amended by adding the following new subsection:

50 NEW SUBSECTION. 21. The treasurer of state shall

**Page 2**

1 credit for the fiscal period beginning July 1, 1988,  
2 and ending March 31, 1990, the moneys received under  
3 section 314.20 to the living roadway trust fund, which  
4 is created in the office of the treasurer of state.  
5 The moneys in this fund shall be used exclusively for  
6 the development of alternative roadside vegetation for  
7 living windbreaks, wildlife habitat, roadside erosion  
8 control, and esthetic purposes. The moneys shall only  
9 be expended adjacent to streets and highways. The  
10 state department of transportation and the department  
11 of natural resources shall jointly establish standards  
12 relating to the type of projects available for  
13 assistance. Of the moneys in the fund, fifty-six  
14 percent shall be expended for state department of  
15 transportation projects. Thirty percent shall be  
16 expended on county projects and fourteen percent shall  
17 be expended for city projects. Any city or county  
18 which has a project which qualifies for the use of  
19 these funds shall submit a request for the funds to  
20 the state department of transportation. The state  
21 department of transportation and the department of  
22 natural resources shall determine which projects  
23 qualify for the funds and which projects shall be  
24 funded if the requests for the funds exceed the  
25 availability of the funds. Funds allocated under this  
26 subsection shall be in addition to expenditures  
27 currently made for the purposes specified in this  
28 subsection. Beginning April 1, 1990, the moneys in  
29 the fund shall be allocated between the state,  
30 counties, and cities in the same proportion that the  
31 road use tax funds are allocated under section 312.2,  
32 subsections 1, 2, 3, and 4.

33 Sec. 6. Section 313.4, Code 1987, is amended by  
34 adding the following new subsection:

35 NEW SUBSECTION. 5. During the fiscal year  
36 beginning July 1, 1990, and ending June 30, 1991, and  
37 each subsequent fiscal year, the department shall  
38 spend from the primary road fund an amount of not less  
39 than thirty million dollars for the network of  
40 commercial and industrial highways.

41 Sec. 7. Section 313.8, Code 1987, is amended to  
42 read as follows:

43 313.8 IMPROVEMENT OF PRIMARY SYSTEM.

44 The department shall proceed to the improvement of  
45 the primary road system as rapidly as funds become  
46 available therefor until the entire mileage of the  
47 primary road system is built to established grade,  
48 bridged and surfaced with pavement or other surface  
49 suited to the traffic on such road. Improvements  
50 shall be made and carried out in such manner as to

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1 equalize the condition of the primary roads and  
2 accessibility for commercial and industrial economic  
3 development purposes, as nearly as possible, in all  
4 sections of the state.

5 Sec. 8. NEW SECTION. 314.20 UTILITY EASEMENTS ON  
6 HIGHWAY RIGHT-OF-WAY.

7 The department shall develop an accommodation plan  
8 for the longitudinal utility use of freeway right-of-  
9 way, in consultation with the utilities board. The  
10 plan shall be consistent with the rules of the federal  
11 highway administration of the United States department  
12 of transportation and shall be submitted to the  
13 federal highway administration for its approval by  
14 January 1, 1989. In developing the plan, the  
15 department shall provide for extended payment and  
16 lease agreements to provide continuous funding for the  
17 living roadway trust fund. The plan shall provide for  
18 charges for the use of the right-of-way and all moneys  
19 collected shall be credited to the living roadway  
20 trust fund established in section 312.2, subsection  
21 21, and shall be used by the department for the  
22 planting and maintenance of alternative roadside  
23 vegetation on interstate highways.

24 Sec. 9. Section 315.3, Code 1987, is amended by  
25 adding the following new subsection:

26 NEW SUBSECTION. 3. The state transportation  
27 commission may authorize the temporary transfer of  
28 funds between the department's share of the RISE fund  
29 under section 315.4 and the primary road fund in an  
30 amount not to exceed forty million dollars at one  
31 time. Transferred funds shall be repaid not later  
32 than July 1, 1993. The commission shall manage the  
33 RISE fund to ensure that funds will be available to  
34 meet contract obligations on approved RISE projects.

35 Sec. 10. Section 321.122, subsection 1, paragraph  
36 a, Code 1987, is amended to read as follows:

37 a. For a combined gross weight of three tons or  
38 ~~less forty-five~~ sixty-five dollars and a vehicle which  
39 is more than ten model years old ~~thirty-five~~ fifty-  
40 five dollars and a vehicle which is more than thirteen  
41 model years old forty-five dollars and a vehicle which  
42 is more than fifteen years old thirty-five dollars.

43 Sec. 11. Section 321.122, subsection 1, paragraph  
44 b, Code 1987, is amended to read as follows:

45 b. For a combined gross weight exceeding three  
46 tons, the annual registration fee shall be as set  
47 forth in the following schedule:

48 For a combined gross	And not	The annual
49 weight exceeding:	exceeding:	registration fee
50		shall be:



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1	3 Tons .....	4 Tons .....	\$ 60
2			80
3	4 Tons .....	5 Tons .....	\$ 70
4			90
5	5 Tons .....	6 Tons .....	\$ 85
6			105
7	6 Tons .....	7 Tons .....	\$ 110
8			130
9	7 Tons .....	8 Tons .....	\$ 145
10			165
11	8 Tons .....	9 Tons .....	\$ 180
12			200
13	9 Tons .....	10 Tons .....	\$ 215
14			235
15	10 Tons .....	11 Tons .....	\$ 250
16			270
17	11 Tons .....	12 Tons .....	\$ 285
18			305
19	12 Tons .....	13 Tons .....	\$ 320
20			340
21	13 Tons .....	14 Tons .....	\$ 355
22			375
23	14 Tons .....	15 Tons .....	\$ 445
24	15 Tons .....	16 Tons .....	\$ 485
25	16 Tons .....	17 Tons .....	\$ 525
26	17 Tons .....	18 Tons .....	\$ 565
27	18 Tons .....	19 Tons .....	\$ 610
28	19 Tons .....	20 Tons .....	\$ 675
29	20 Tons .....	21 Tons .....	\$ 715
30	21 Tons .....	22 Tons .....	\$ 755
31	22 Tons .....	23 Tons .....	\$ 795
32	23 Tons .....	24 Tons .....	\$ 835
33	24 Tons .....	25 Tons .....	\$ 965
34	25 Tons .....	26 Tons .....	\$1,010
35	26 Tons .....	27 Tons .....	\$1,060
36	27 Tons .....	28 Tons .....	\$1,105
37	28 Tons .....	29 Tons .....	\$1,150
38	29 Tons .....	30 Tons .....	\$1,200
39	30 Tons .....	31 Tons .....	\$1,245
40	31 Tons .....	32 Tons .....	\$1,295
41	32 Tons .....	33 Tons .....	\$1,340
42	33 Tons .....	34 Tons .....	\$1,415
43	34 Tons .....	35 Tons .....	\$1,465
44	35 Tons .....	36 Tons .....	\$1,510
45	36 Tons .....	37 Tons .....	\$1,555
46	37 Tons .....	38 Tons .....	\$1,605
47	38 Tons .....	39 Tons .....	\$1,650
48	39 Tons .....	40 Tons .....	\$1,695

49 Sec. 12. Section 324.3, unnumbered paragraph 1,  
50 Code 1987, is amended to read as follows:

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1 For the privilege of operating motor vehicles in  
2 this state an excise tax of fifteen cents per gallon  
3 for the period beginning July 1, 1985 and ending  
4 December 31, 1985, and sixteen cents per gallon for  
5 the period beginning January 1, 1986, and ending March  
6 31, 1988, and eighteen cents per gallon for the period  
7 beginning April 1, 1988, and ending December 31, 1988,  
8 and twenty cents per gallon beginning January 1, 1989,  
9 is imposed upon the use of all motor fuel used for any  
10 purpose except motor fuel containing at least ten  
11 percent alcohol distilled from cereal grains grown in  
12 the United States for the period beginning July 1,  
13 1978 and ending June 30, 1992 and except as otherwise  
14 provided in this division.

15 Sec. 13. Section 324.3, unnumbered paragraph 4,  
16 Code 1987, is amended to read as follows:

17 For the privilege of operating motor vehicles in  
18 this state an excise tax of fourteen cents per gallon  
19 beginning July 1, 1985 and ending December 31, 1985,  
20 and fifteen cents per gallon for the period beginning  
21 January 1, 1986, and ending March 31, 1988, and  
22 seventeen cents per gallon for the period beginning  
23 April 1, 1988, and ending December 31, 1988, and  
24 nineteen cents per gallon beginning January 1, 1989,  
25 and ending June 30, 1992, is imposed upon the use of  
26 gasohol used for any purpose except as otherwise  
27 provided in this division.

28 Sec. 14. Section 324.34, unnumbered paragraph 1,  
29 Code 1987, is amended to read as follows:

30 For the privilege of operating motor vehicles in  
31 this state, there is imposed an excise tax on the use,  
32 as defined in section 324.33, of special fuel in a  
33 motor vehicle. The tax rate on special fuel for  
34 diesel engines is sixteen and one-half cents per  
35 gallon for the period beginning July 1, 1985 and  
36 ending December 31, 1985, is seventeen and one-half  
37 cents per gallon for the period beginning January 1,  
38 1986 and ending December 31, 1986, and is eighteen and  
39 one-half cents per gallon for the period beginning  
40 January 1, 1987, and ending March 31, 1988, and is  
41 twenty and one-half cents per gallon for the period  
42 beginning April 1, 1988, and ending December 31, 1988,  
43 and twenty-two and one-half cents per gallon beginning  
44 January 1, 1989. On all other special fuel the per  
45 gallon rate is the same as the motor fuel tax.

46 Sec. 15. Section 324.34, unnumbered paragraph 9,  
47 Code 1987, is amended to read as follows:

48 For natural gas used as a special fuel the rate of  
49 tax that is equivalent to the motor fuel tax shall be  
50 thirteen sixteen cents per hundred cubic feet adjusted

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1 to a base temperature of sixty degrees Fahrenheit and  
2 a pressure of fourteen and seventy-three hundredths  
3 pounds per square inch absolute. The tax on natural  
4 gas shall attach at the time of delivery into  
5 equipment for compressing the gas for subsequent  
6 delivery into the fuel supply tank of a motor vehicle  
7 and shall be paid over to the department by the person  
8 operating the compressing equipment under the  
9 applicable provisions for users or dealers. Natural  
10 gas used as a special fuel shall be delivered into  
11 compressing equipment through sealed meters certified  
12 for accuracy by the department of agriculture and land  
13 stewardship.

14 Sec. 16. There is appropriated from the road use  
15 tax fund to the legislative service bureau the sum of  
16 three hundred thousand (300,000) dollars, or so much  
17 thereof as may be necessary, for the purpose of  
18 carrying out a study of the mechanisms for the  
19 distribution of the revenues derived from fuel taxes,  
20 vehicle registration fees, license fees, the use tax  
21 on vehicles, and other sources of the road use tax  
22 fund. The study shall be independently conducted but  
23 administered by a steering committee composed of two  
24 members appointed by the state transportation  
25 commission, two members appointed by the Iowa state  
26 association of counties, and two members appointed by  
27 the league of Iowa municipalities. The steering  
28 committee shall report the findings of the study to  
29 the governor, the chief clerk of the house of  
30 representatives, and the secretary of the senate not  
31 later than January 31, 1989.

32 Sec. 17. There is appropriated from the public  
33 transit assistance fund to the legislative service  
34 bureau the sum of seventy-five thousand (75,000)  
35 dollars, or so much thereof as may be necessary, for  
36 the purpose of carrying out a study of the mechanisms  
37 for the distribution of the public transit assistance  
38 fund. All sources of funding for public transit shall  
39 be considered for purposes of this study. The study  
40 shall be independently conducted but administered by a  
41 steering committee composed of two members appointed  
42 by the state transportation commission, two members  
43 appointed by the regional transit systems, two members  
44 appointed by the large urban transit systems, and two  
45 members appointed by the small urban transit systems.  
46 The steering committee shall report the findings of  
47 the study to the governor, the chief clerk of the  
48 house of representatives, and the secretary of the  
49 senate not later than January 31, 1989.

50 Sec. 18. There is appropriated from the road use

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1 tax fund to the legislative service bureau the sum of  
2 fifty thousand (50,000) dollars, or so much thereof as  
3 is necessary, for the purpose of conducting a study to  
4 develop an immediate long-range policy for the  
5 planting and maintenance of alternative roadside  
6 vegetation adjacent to the streets and highways in the  
7 state. The study shall be independently conducted by  
8 a consultant employed by a steering committee composed  
9 of two members appointed by the state transportation  
10 commission, two members appointed by the Iowa state  
11 association of counties, and two members appointed by  
12 the league of Iowa municipalities. The steering  
13 committee shall report the findings of the study to  
14 the governor, the chief clerk of the house of  
15 representatives, and the secretary of the senate not  
16 later than January 31, 1989.

17 Sec. 19. There is appropriated from the road use  
18 tax fund for the fiscal year beginning July 1, 1988,  
19 and ending June 30, 1989, for the purpose of replacing  
20 lost federal highway funds, to the primary road fund  
21 the sum of twelve million seven hundred eighty-eight  
22 thousand one hundred forty-four (12,788,144) dollars,  
23 to the farm-to-market road fund the sum of three  
24 million fifty-four thousand six hundred eighty-eight  
25 (3,054,688) dollars, to the secondary road fund of the  
26 counties the sum of nine hundred forty-one thousand  
27 four hundred fifty-five (941,455) dollars, and to the  
28 street construction fund of the cities the sum of  
29 seven hundred eleven thousand one hundred thirty-one  
30 (711,131) dollars.

31 Sec. 20. There is appropriated from the road use  
32 tax fund for the fiscal year beginning July 1, 1989,  
33 and ending June 30, 1990, for the purpose of replacing  
34 lost federal highway funds, to the primary road fund  
35 the sum of twenty million nine hundred thirty-two  
36 thousand (20,932,000) dollars, to the farm-to-market  
37 road fund the sum of five million (5,000,000) dollars,  
38 to the secondary road fund of the counties the sum of  
39 one million five hundred forty-one thousand  
40 (1,541,000) dollars, and to the street construction  
41 fund of the cities the sum of one million one hundred  
42 sixty-four thousand (1,164,000) dollars.

43 Sec. 21. There is appropriated from the road use  
44 tax fund for the fiscal year beginning July 1, 1988,  
45 and ending June 30, 1989, to the primary road fund for  
46 the commercial and industrial network of highways the  
47 sum of eleven million nine hundred seventy-four  
48 thousand three hundred seventy-five (11,974,375)  
49 dollars, to the secondary road fund of the counties  
50 the sum of nine million nine hundred fifty-eight

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1 thousand two hundred eighty-one (9,958,281) dollars,  
2 and to the street construction fund of the cities the  
3 sum of five million nine hundred eighty-seven thousand  
4 one hundred eighty-eight (5,987,188) dollars.

5 Sec. 22. There is appropriated from the road use  
6 tax fund for the fiscal period beginning July 1, 1989,  
7 and ending March 31, 1990, to the primary road fund  
8 for the commercial and industrial network of highways  
9 the sum of ten million four hundred thousand  
10 (10,400,000) dollars, to the secondary road fund of  
11 the counties the sum of eight million seven hundred  
12 thousand (8,700,000) dollars, and to the street  
13 construction fund of the cities the sum of five  
14 million two hundred thousand (5,200,000) dollars.

15 Sec. 23. Beginning April 1, 1990, the treasurer of  
16 state shall, each month before distributing funds  
17 allotted from the road use tax fund under section  
18 312.2, credit to a separate fund held by the treasurer  
19 of state the following amounts:

20 1. From the moneys allotted to the primary road  
21 fund, one-twelfth of twenty-eight million three  
22 hundred thousand dollars.

23 2. From the moneys allotted to the secondary road  
24 fund of the counties, one-twelfth of eleven million  
25 three hundred thousand dollars.

26 3. From the moneys allotted to the farm-to-market  
27 road fund, one-twelfth of three million six hundred  
28 thousand dollars.

29 4. From the moneys allotted to the street  
30 construction fund of the cities, one-twelfth of six  
31 million eight hundred thousand dollars.

32 The moneys in this separate fund, together with  
33 interest or earnings on investments or time deposits  
34 of the moneys, shall be restored to the road use tax  
35 fund upon completion of the study required by section  
36 14 of this Act and action by the general assembly on  
37 the formula for allocating road use tax funds between  
38 jurisdictions.

39 Sec. 24. Sections 2, 3, and 4 of this Act take  
40 effect July 1 following enactment.

41 Sec. 25. Sections 10 and 11 of this Act take  
42 effect July 1 following enactment for vehicle  
43 registrations subject to renewal and new vehicle  
44 registrations on or after that date for vehicles  
45 registered for a combined gross weight of five tons or  
46 less.

47 Sec. 26. Section 11 of this Act takes effect  
48 December 1 following enactment for vehicle  
49 registrations subject to renewal and new vehicle  
50 registrations on or after that date for vehicles

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- 1 registered for a combined gross weight exceeding five
- 2 tons.
- 3 Sec. 27. Section 15 of this Act takes effect April
- 4 1 following enactment.
- 5 Sec. 28. This Act, being deemed of immediate
- 6 importance, takes effect upon its enactment."
- 7 2. Amend the title, lines 6 through 9, by
- 8 striking the words "providing for a performance and
- 9 efficiency audit of state transportation and the RISE
- 10 program as it relates to job creation and economic
- 11 development,".

McKean of Jones offered the following amendment H—5552, to the committee amendment H—5520, filed by McKean, et al., and moved its adoption:

H—5552

- 1 Amend the Committee on Ways and Means amendment, H—
- 2 5520, to Senate File 2196, as amended, passed, and re-
- 3 printed by the Senate, as follows:
- 4 1. Page 1, by inserting before line 5 the follow-
- 5 ing:
- 6 "Section 1. NEW SECTION. 306.60 ROAD
- 7 CONSTRUCTION.
- 8 Effective April 1, 1988, highway authorities
- 9 receiving funds from the road use tax fund shall not
- 10 expend any funds for the construction of new highways.
- 11 This section shall not be construed to prohibit a
- 12 highway authority from reconstructing an existing
- 13 highway or making repairs and maintenance on a
- 14 highway. This section shall not be construed to
- 15 prohibit the construction of new highways with funds
- 16 received under chapter 315."
- 17 2. Renumber sections and correct internal
- 18 references as necessary.

A non-record roll call was requested.

The ayes were 29, nays 37.

Amendment H—5552 lost.

McKean of Jones offered the following amendment H—5556, to the committee amendment H—5520, filed by McKean, et al., and moved its adoption:

H—5556

- 1 Amend the Committee on Ways and Means amendment, H—
- 2 5520, to Senate File 2196, as amended, passed, and re-
- 3 printed by the Senate, as follows:

- 4 .1. Page 1, by inserting after line 4 the  
5 following:  
6 "Section 1. Section 306.9, unnumbered paragraph 1,  
7 Code 1987, is amended to read as follows:  
8 It is declared to be the policy of the state of  
9 Iowa that relocation of primary highways ~~through~~  
10 ~~cultivated land~~ shall be avoided to the maximum extent  
11 possible. Whenever the volume of traffic for which  
12 the road is designed or other conditions require such  
13 relocation, diagonal routes shall be avoided wherever  
14 feasible and prudent alternatives exist."  
15 2. Renumber sections and correct internal  
16 references as necessary.

Amendment H—5556 lost.

Connolly of Dubuque asked and received unanimous consent to temporarily defer action on amendment H—5550.

Hansen of Woodbury offered the following amendment H—5607, to the committee amendment H—5520, filed by him from the floor and moved its adoption:

H—5607

- 1 Amend the Committee on Ways and Means amendment, H—  
2 5520, to Senate File 2196, as amended, passed, and  
3 reprinted by the Senate, as follows:  
4 1. Page 1, line 21, by inserting after the word  
5 "earnings." the following: "Income received from the  
6 lease or rental of highway right-of-way shall be  
7 credited to a special fund and the state department of  
8 transportation shall use the funds received for  
9 projects on those highways from which the income was  
10 received."

Amendment H—5607 lost.

Koenigs of Mitchell offered the following amendment H—5602, to the committee amendment H—5520, filed from the floor by him and Lageschulte of Bremer and moved its adoption:

H—5602

- 1 Amend the Committee on Ways and Means amendment, H—  
2 5520, to Senate File 2196, as amended, passed, and  
3 reprinted by the Senate, as follows:  
4 1. Page 1, line 28, by striking the word "one-  
5 twentieth" and inserting the following: "one twenty-  
6 third".

A non-record roll call was requested.

The ayes were 26, nays 52.

Amendment H—5602 lost.

Fogarty of Palo Alto in the chair at 1:32 p.m.

Svoboda of Tama offered the following amendment H—5550 (temporarily deferred), to the committee amendment H—5520, filed by her and Hansen of Woodbury and moved its adoption:

H—5550

1 Amend the Committee on Ways and Means amendment, H—  
2 5520, to Senate File 2196, as amended, passed, and  
3 reprinted by the Senate, as follows:

4 1. Page 1, by inserting after line 21 the  
5 following:

6 "Sec. 100. Section 312.2, subsection 16, Code  
7 Supplement 1987, is amended by striking the  
8 subsection."

9 2. Page 8, by inserting after line 38 the  
10 following:

11 "Sec. 200. Sections 315.1, 315.2, 315.3, 315.4,  
12 315.5, 315.7, 315.8, 315.9, and 315.10, Code 1987, are  
13 repealed.

14 Sec. 300. Section 315.6, Code Supplement 1987, is  
15 repealed.

16 Sec. 400. Funds on deposit in the RISE fund on the  
17 effective date of this Act shall be credited to the  
18 road use tax fund, subject to the limitations provided  
19 in this section. Any moneys in the RISE fund which  
20 have been allocated for expenditure on a specific RISE  
21 project which has been approved and for which a  
22 construction contract has been entered into shall  
23 remain in the fund for payment for the project."

24 3. Page 9, by inserting after line 4 the follow-  
25 ing:

26 "Sec. \_\_\_\_\_. Sections 100, 200, 300, and 400 of this  
27 Act take effect April 1 following enactment."

28 4. Renumber sections and correct internal  
29 references as necessary.

A non-record roll call was requested.

The ayes were 22, nays 53.

Amendment H—5550 lost.

Speaker Avenson in the chair at 1:39 p.m.

Renken of Grundy offered the following amendment H—5601, to the committee amendment H—5520, filed from the floor by Renken, Royer, Fuller, Pellett, Halvorson of Clayton, Branstad and Skow and moved its adoption:



H—5601

- 1 Amend the Committee on Ways and Means amendment, H—
- 2 5520, to Senate File 2196, as amended, passed, and
- 3 reprinted by the Senate, as follows:
- 4 1. Page 1, by striking lines 22 through 30.
- 5 2. Renumber sections and correcting internal
- 6 references as necessary.

A non-record roll call was requested.

The ayes were 7, nays 53.

Amendment H—5601 lost.

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Plasier of Sioux, until his return, on request of Hester of Pottawattamie.

Harbor of Mills offered the following amendment H—5592, to the committee amendment H—5520, filed from the floor by Harbor, Royer, De Groot and Renken and moved its adoption:

H—5592

- 1 Amend the Committee on Ways and Means amendment, H—
- 2 5520, to Senate File 2196, as amended, passed, and
- 3 reprinted by the Senate, as follows:
- 4 1. Page 1, line 35, by striking the word
- 5 "annually" and inserting the following: "in the
- 6 fiscal year beginning July 1, 1988, and ending June
- 7 30, 1989,".

Roll call was requested by Hansen of Woodbury and Maulsby of Calhoun.

On the question "Shall amendment H—5592, to the committee amendment H—5520, be adopted?" (S.F. 2196)

The ayes were, 35:

Beaman	Bennett	Branstad	Clark
Corey	Daggett	De Groot	Eddie
Garman	Halvorson, R. A.	Harbor	Hermann
Hester	Hummel	Jay	Kremer
Lageschulte	Maulsby	Miller	Muhlbauer
Mullins	Paulin	Pellett	Peters
Petersen, D. F.	Renken	Royer	Schneklath
Shoning	Skow	Stueland	Svoboda
Swearingen	Van Camp	Van Maanen	

The nays were, 59:

Adams	Arnould	Beatty	Bisignano
Black	Blanshan	Brammer	Buhr
Carpenter	Chapman	Cohoon	Connolly
Cooper	Corbett	Diemer	Doderer
Dvorsky	Fey	Fogarty	Fuller
Groninga	Gruhn	Halvorson, R. N.	Hammond
Hansen, S. D.	Hanson, D. R.	Harper	Hatch
Holveck	Jochum	Johnson	Knapp
Koenigs	Lundby	May	McKean
McKinney	Metcalf	Neuhauser	Norrgard
Ollie	Osterberg	Parker	Pavich
Peterson, M. K.	Platt	Renaud	Rosenberg
Running	Schrader	Sherzan	Shoultz
Siegrist	Spear	Swartz	Tabor
Teaford	Wise	Mr. Speaker	

Absent or not voting, 6:

Connors	Haverland	Plasier	Poney
Stromer	Tyrell		

Amendment H—5592 lost.

Arnould of Scott asked and received unanimous consent that Senate File 2196 be deferred and that the bill retain its place on the calendar.

(The committee amendment H—5520 pending.)

## INTRODUCTION OF BILLS

**House File 2445**, by committee on appropriations, a bill for an act relating to the funding for amending the basis for rates paid to intermediate care facilities and the schedule of basic needs under the aid to families with dependent children program by imposing a nonrefundable filing fee for corporations subject to state income tax and corporations or partnerships whose income is taxed to its shareholders or partners, making appropriations, and providing an effective date.

Read first time and referred to committee on **ways and means**.

**House File 2446**, by committee on appropriations, a bill for an act making an appropriation from the road use tax fund of the state to a certain person in settlement of claims made against the state of Iowa.

Read first time and placed on the **appropriations calendar**.

The House stood at ease at 2:06 p.m., until the fall of the gavel.

The House resumed session at 2:19 p.m., Speaker Avenson in the chair.

### MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 15, 1988, passed the following bill in which the concurrence of the House is asked:

Senate File 4, a bill for an act relating to the offense of prostitution and providing penalties.

Also: That the Senate has on March 15, 1988, passed the following bill in which the concurrence of the House is asked:

Senate File 450, a bill for an act relating to the regulation of the operation of trains and to the safety of transportation of railroad company workers and equipment and providing a penalty and effective date.

Also: That the Senate has on March 15, 1988, passed the following bill in which the concurrence of the House is asked:

Senate File 2280, a bill for an act relating to the time of filing a nonprofit corporation's annual report.

Also: That the Senate has on March 15, 1988, passed the following bill in which the concurrence of the House is asked:

Senate File 2281, a bill for an act relating to service of notice on a judgment debtor in garnishment proceedings.

Also: That the Senate has on March 15, 1988, passed the following bill in which the concurrence of the House is asked:

Senate File 2287, a bill for an act relating to the possession or making of motor vehicle licenses, nonoperator's identification cards, and blank motor vehicle license forms, and providing penalties.

Also: That the Senate has on March 15, 1988, passed the following bill in which the concurrence of the House is asked:

Senate File 2289, a bill for an act relating to the sale of certificates of deposit, issued by foreign associations, within the state.

JOHN F. DWYER, Secretary

### CONSIDERATION OF BILLS Ways and Means Calendar

The House resumed consideration of **Senate File 2196**, a bill for an act relating to transportation funding by providing for a network of commercial and industrial highways, increasing the excise taxes on motor fuel and special fuel, increasing the standing appropriation

for public transit assistance, authorizing the transfer of RISE funds to the primary road fund, providing for a study of highway financing, providing for a performance and efficiency audit of state transportation and the RISE program as it relates to job creation and economic development, making appropriations from the road use tax fund, and providing effective dates, and the committee amendment H—5520 (found on pages 805 through 813 of the House Journal).

Hermann of Scott offered the following amendment H—5558, to the committee amendment H—5520, filed by him and moved its adoption:

H—5558

- 1 Amend the Committee on Ways and Means amendment, H—
- 2 5520, to Senate File 2196, as amended, passed, and
- 3 reprinted by the Senate, as follows:
- 4 1. Page 1, lines 37 and 38, by striking the words
- 5 “one million” and inserting the following: “five
- 6 hundred thousand”.

Amendment H—5558 lost.

Peters of Woodbury in the chair at 2:35 p.m.

Harbor of Mills offered the following amendment H—5593, to the committee amendment H—5520, filed from the floor by Harbor, Royer and De Groot and moved its adoption:

H—5593

- 1 Amend the Committee on Ways and Means amendment, H—
- 2 5520, to Senate File 2196, as amended, passed, and
- 3 reprinted by the Senate, as follows:
- 4 1. Page 1, by striking lines 31 through 47.
- 5 2. Renumber sections and correct internal
- 6 references as necessary.

Roll call was requested by Harbor of Mills and Halvorson of Clayton.

On the question “Shall amendment H—5593, to the committee amendment H—5520, be adopted?” (S.F. 2196)

The ayes were, 38:

Beaman	Bennett	Clark	Cooper
Corey	Daggett	De Groot	Eddie
Halvorson, R. A.	Harbor	Hermann	Hester
Hummel	Jay	Knapp	Kremer
Lageschulte	Maulsby	Miller	Muhlbauer
Mullins	Paulin	Pellett	Petersen, D. F.

Renken	Royer	Schnekloth	Shoning
Skow	Stromer	Stueland	Svoboda
Swearingen	Tyrrell	Van Camp	Van Maanen
Wise	Mr. Speaker (Peters)		

The nays were, 57:

Adams	Arnould	Avenson	Beatty
Bisignano	Black	Blanshan	Brammer
Branstad	Buhr	Carpenter	Chapman
Cohoon	Connolly	Corbett	Diemer
Doderer	Dvorsky	Fey	Fogarty
Fuller	Garman	Groninga	Gruhn
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. R.
Harper	Hatch	Holveck	Jochum
Johnson	Koenigs	Lundby	May
McKean	McKinney	Metcalf	Neuhauser
Norrgard	Ollie	Osterberg	Parker
Pavich	Peterson, M. K.	Platt	Renaud
Rosenberg	Running	Schrader	Shoultz
Siegrist	Spear	Swartz	Tabor
Teaford			

Absent or not voting, 5:

Connors	Haverland	Plasier	Poney
Sherzan			

Amendment H—5593 lost.

Petersen of Muscatine offered the following amendment H—5599, to the committee amendment H—5520, filed from the floor by Petersen of Muscatine, Eddie, Miller and Tabor:

H—5599

- 1 Amend the Committee on Ways and Means amendment, H—
- 2 5520, to Senate File 2196, as amended, passed, and
- 3 reprinted by the Senate, as follows:
- 4 1. By striking page 1, line 48, through page 2,
- 5 line 32.
- 6 2. Page 3, by striking lines 5 through 23.
- 7 3. By striking page 6, line 50, through page 7,
- 8 line 16.
- 9 4. Renumber sections and correct internal
- 10 references as necessary.

Fuller of Hardin in the chair at 2:59 p.m.

Speaker Avenson in the chair at 3:05 p.m.

Petersen of Muscatine moved the adoption of amendment H—5599, to the committee amendment H—5520.

A non-record roll call was requested.

Rule 75 was invoked.

The ayes were 45, nays 48.

Amendment H—5599 lost.

Hansen of Woodbury offered the following amendment H—5614, to the committee amendment H—5520, filed by him from the floor and moved its adoption:

H—5614

- 1 Amend the Committee on Ways and Means amendment, H—
- 2 5520, to Senate File 2196, as amended, passed, and
- 3 reprinted by the Senate, as follows:
- 4 1. Page 2, by inserting after line 32 the
- 5 following:
- 6 "Sec. \_\_\_\_\_. Section 312.2, Code Supplement 1987, is
- 7 amended by adding the following new subsection:
- 8 **NEW SUBSECTION. 22.** Beginning July 1, 1988, the
- 9 treasurer of state, before making the allotments
- 10 provided for in this section, shall credit quarterly
- 11 to the cities and counties in the state an amount
- 12 equal to the actual amount received from one cent of
- 13 the excise tax on special fuel collected under section
- 14 324.34. Each city's share shall be based upon the
- 15 actual sales of special fuel within the corporate
- 16 limits of the city. Each county's share shall be
- 17 based upon sales of special fuel within the county but
- 18 outside the corporate limits of a city. Cities and
- 19 counties shall expend funds received under this
- 20 subsection for the construction and maintenance of
- 21 streets and highways."
- 22 2. Renumber as necessary.

A non-record roll call was requested.

The ayes were 9, nays 49.

Amendment H—5614 lost.

McKean of Jones offered the following amendment H—5553, to the committee amendment H—5520, filed by McKean, et al., and moved its adoption:

H—5553

- 1 Amend the Committee on Ways and Means amendment, H—
- 2 5520, to Senate File 2196, as amended, passed, and
- 3 reprinted by the Senate, as follows:
- 4 1. Page 3, by inserting after line 4 the
- 5 following:

6 "Sec. \_\_\_\_\_. NEW SECTION. 314.15 ENVIRONMENTAL  
7 PROTECTION.

8 Highway construction and reconstruction shall not  
9 cause unnecessary destruction of the natural or  
10 historic heritage of the state. Accordingly, the  
11 following features shall be protected in the design,  
12 construction, and reconstruction of highways:

13 1. WOODLANDS. All natural woodland removed shall  
14 be replaced by plantings of the same species mix on  
15 the same number of acres as the woodland removed on  
16 similar terrain as close as possible to the  
17 construction site, or by purchase of an equal number  
18 of acres of natural woodland in the general vicinity  
19 for public ownership and preservation.

20 2. WETLANDS. All natural wetlands removed shall  
21 be replaced by purchase of natural wetlands in the  
22 same general vicinity for public ownership and  
23 preservation.

24 3. PUBLIC PARKS. Highways constructed through  
25 publicly owned parks, preserves, and recreation areas  
26 shall be designed to blend aesthetically with the  
27 areas and to minimize noise as requested by the public  
28 entity owning the land. Highways crossing rivers,  
29 streams, or wetlands and their associated riparian  
30 vegetation within publicly owned areas shall be built  
31 on structures to minimize damage to aesthetic and  
32 natural values. Any land taken from publicly owned  
33 parks, preserves, or recreation areas for highway  
34 construction shall be replaced by purchase of an equal  
35 or greater number of acres for public use, to be  
36 chosen in cooperation with the public entity owning  
37 the land.

38 4. PRIME AGRICULTURAL LAND. Topsoil shall be  
39 removed and stockpiled and shall be made available at  
40 no cost to the former landowner or other landowners  
41 whose land was purchased for the highway construction.  
42 Excess topsoil shall be utilized for landscaping."

43 2. Renumber sections and correct internal  
44 references as necessary.

A non-record roll call was requested.

Rule 75 was invoked.

The ayes were 51, nays 38.

Amendment H—5553 was adopted.

Skow of Guthrie in the chair at 3:56 p.m.

Bennett of Ida offered the following amendment H—5600, to the committee amendment H—5520, filed by him from the floor and moved its adoption:

H—5600

- 1 Amend the Committee on Ways and Means amendment, H—
- 2 5520, to Senate File 2196, as amended, passed, and
- 3 reprinted by the Senate, as follows:
- 4 1. Page 3, line 37, by striking the word "three"
- 5 and inserting the following: "~~three~~ four".
- 6 2. Page 3, line 45, by striking the word "three"
- 7 and inserting the following: "~~three~~ four".
- 8 3. Page 4, by striking lines 1 and 2 and
- 9 inserting the following:
- 10 "~~3 Tons~~ ..... 4 Tons ..... \$60".

Amendment H—5600 lost.

Van Maanen of Mahaska offered the following amendment H—5540, to the committee amendment H—5520, filed by him and moved its adoption:

H—5540

- 1 Amend the Committee on Ways and Means amendment, H—
- 2 5520, to Senate File 2196, as amended, passed, and
- 3 reprinted by the Senate, as follows:
- 4 1. By striking page 3, line 43, through page 4,
- 5 line 48.
- 6 2. Renumber sections and correct internal
- 7 references as necessary.

A non-record roll call was requested.

The ayes were 29, nays 33.

Amendment H—5540 lost.

Speaker Avenson in the chair at 4:08 p.m.

McKean of Jones offered the following amendment H—5608, to the committee amendment H—5520, filed by him from the floor and moved its adoption:

H—5608

- 1 Amend the Committee on Ways and Means amendment, H—
- 2 5520, to Senate File 2196, as amended, passed, and
- 3 reprinted by the Senate, as follows:
- 4 1. Page 5, line 6, by striking the words "for the
- 5 period".
- 6 2. Page 5, by striking lines 7 and 8 and
- 7 inserting the following: "beginning April 1, 1988,".
- 8 3. Page 5, by striking lines 23 and 24 and
- 9 inserting the following: "April 1, 1988,".
- 10 4. Page 5, line 41, by striking the words "for



11 the period".

12 5. Page 5, by striking lines 42 and 43.

13 6. Page 5, line 44, by striking the word and

14 figures "January 1, 1989" and inserting the following:

15 "beginning April 1, 1988".

16 7. Page 5, line 50, by striking the word

17 "sixteen" and inserting the following: "fifteen".

A non-record roll call was requested.

The ayes were 36, nays 45.

Amendment H—5608 lost.

McKean of Jones asked and received unanimous consent to withdraw amendment H—5557, to the committee amendment H—5520, filed by him and Tyrrell of Iowa on March 14, 1988.

Fuller of Hardin offered the following amendment H—5543, to the committee amendment H—5520, filed by him and Svoboda of Tama and moved its adoption:

H—5543

1 Amend the Committee on Ways and Means amendment, H—

2 5520, to Senate File 2196, as amended, passed, and

3 reprinted by the Senate, as follows:

4 1. Page 5, line 22, by striking the word

5 "seventeen" and inserting the following: "sixteen".

6 2. Page 5, by striking lines 23 and 24, and

7 inserting the following: "April 1, 1988".

Roll call was requested by Maulsby of Calhoun and Bennett of Ida.

On the question "Shall amendment H—5543, to the committee amendment H—5520, be adopted?" (S.F. 2196)

The ayes were, 46:

Beaman	Bennett	Bisignano	Black
Blanshan	Branstad	Clark	Cooper
Corbett	Corey	Daggett	De Groot
Dvorsky	Fogarty	Fuller	Garman
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Harbor
Hester	Hummel	Jay	Kremer
Lageschulte	Maulsby	McKean	McKinney
Miller	Muhlbauer	Mullins	Osterberg
Pellet	Peters	Petersen, D. F.	Peterson, M. K.
Renken	Royer	Running	Schneklath
Schrader	Skow	Stueland	Svoboda
Tyrrell	Van Maanen		

The nays were, 46:

Adams	Arnould	Brammer	Buhr
Carpenter	Cohoon	Connolly	Connors
Diemer	Doderer	Fey	Groninga
Hammond	Hansen, S. D.	Hanson, D. R.	Harper
Hatch	Haverland	Holveck	Jochum
Johnson	Knapp	Koenigs	Lundby
May	Metcalf	Neuhauser	Norrgard
Ollie	Paulin	Pavich	Plasier
Platt	Renaud	Rosenberg	Sherzan
Shoning	Shoultz	Siegrist	Spear
Swartz	Tabor	Teaford	Van Camp
Wise	Mr. Speaker		

Absent or not voting, 8:

Beatty	Chapman	Eddie	Hermann
Parker	Poncy	Stromer	Swearingen

Amendment H — 5543 lost.

Harbor of Mills offered the following amendment H — 5596, to the committee amendment H — 5520, filed from the floor by Harbor, Royer, Cooper and Renken and moved its adoption:

H—5596

- 1 Amend the Committee on Ways and Means amendment, H—
- 2 5520, to Senate File 2196, as amended, passed, and
- 3 reprinted by the Senate, as follows:
- 4 1. By striking page 4, line 49 through page 5,
- 5 line 27.
- 6 2. Renumber sections and correct internal
- 7 references as necessary.

A non-record roll call was requested.

The ayes were 43, nays 44.

Amendment H — 5596 lost.

Tabor of Jackson in the chair at 4:52 p.m.

Daggett of Adams offered the following amendment H — 5544, to the committee amendment H — 5520, filed by Daggett, et al.:

H—5544

- 1 Amend the Committee on Ways and Means amendment, H—
- 2 5520, to Senate File 2196, as amended, passed, and
- 3 reprinted by the Senate, as follows:
- 4 1. Page 5, by inserting after line 27 the
- 5 following:
- 6 "Sec. \_\_\_\_\_. NEW SECTION. 324.3A REDUCED RATE OF

7 TAX FOR CERTAIN DEALERS.

8 Notwithstanding the rate of tax imposed under  
9 section 324.3, the excise tax on motor fuel delivered  
10 to a qualified dealer is reduced as provided in this  
11 section.

12 1. The excise tax on motor fuel delivered to a  
13 qualified dealer located not more than eight miles  
14 from the border of a state contiguous to Iowa which  
15 has in effect a motor fuel tax which makes the Iowa  
16 motor fuel tax uncompetitive is reduced to be five  
17 cents per gallon in excess of the motor fuel tax in  
18 effect for the contiguous state.

19 2. The excise tax on motor fuel delivered to a  
20 qualified dealer located more than eight miles but not  
21 more than sixteen miles from the border of a state  
22 contiguous to Iowa which has in effect a motor fuel  
23 tax which makes the Iowa motor fuel tax uncompetitive  
24 is reduced to be six cents per gallon in excess of the  
25 motor fuel tax in effect for the contiguous state.

26 3. The excise tax on motor fuel delivered to a  
27 qualified dealer located more than sixteen miles but  
28 not more than twenty-four miles from the border of a  
29 state contiguous to Iowa which has in effect a motor  
30 fuel tax which makes the Iowa motor fuel tax  
31 uncompetitive is reduced to be seven cents per gallon  
32 in excess of the motor fuel tax in effect for the  
33 contiguous state.

34 4. The excise tax on motor fuel delivered to a  
35 qualified dealer located more than twenty-four miles  
36 but not more than thirty-two miles from the border of  
37 a state contiguous to Iowa which has in effect a motor  
38 fuel tax which makes the Iowa motor fuel tax  
39 uncompetitive is reduced to be eight cents per gallon  
40 in excess of the motor fuel tax in effect for the  
41 contiguous state.

42 As used in this section, a "qualified dealer" means  
43 a dealer located within the distances provided under  
44 subsections 1 through 4 measured by the shortest  
45 distance from the border of the contiguous state. If  
46 a qualified dealer is located within the corporate  
47 limits of a city, all dealers within the corporate  
48 limits of the city are qualified dealers.

49 As used in this section, a "motor fuel tax in  
50 effect for the contiguous state" means the total

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1 excise, sales or use taxes in effect in the contiguous  
2 state on the sale of motor fuel expressed in cents per  
3 gallon. The department of revenue and finance shall  
4 adopt rules pursuant to chapter 17A establishing the  
5 methodology for ascertaining the motor fuel tax in

6 effect for contiguous states. As used in this  
7 section, a contiguous state has a "motor fuel tax  
8 which makes the Iowa motor fuel tax uncompetitive" if  
9 the excise tax on motor fuel under section 324.3  
10 exceeds the motor fuel tax in effect for the  
11 contiguous state by more than five cents per gallon.

12 If more than one contiguous state has in effect a  
13 motor fuel tax which makes the Iowa motor fuel tax  
14 uncompetitive, the excise tax for a qualified dealer  
15 located not more than thirty-two miles from the  
16 borders of two such contiguous states is the excise  
17 tax under the application of subsections 1 through 4  
18 which results in the lowest excise tax to the  
19 qualified dealer.

20 A qualified dealer shall be allowed a credit by the  
21 distributor for the amount of the reduction in motor  
22 fuel tax allowed and a qualified dealer, before  
23 receiving the credit, shall be registered by the  
24 department of revenue and finance. The department of  
25 revenue and finance shall adopt rules pursuant to  
26 chapter 17A for registering dealers and accounting for  
27 credits by distributors.

28 This section only applies to qualified dealers who  
29 would experience a reduction in the excise tax on  
30 motor fuel through its application."

31 2. Page 6, by inserting after line 13 the  
32 following:

33 "Sec. \_\_\_\_\_. **NEW SECTION. 324.34A REDUCED RATE OF**  
34 **TAX FOR CERTAIN DEALERS.**

35 Notwithstanding the rate of tax imposed under  
36 section 324.34, the excise tax on special fuel for  
37 diesel engines delivered to a qualified dealer is  
38 reduced as provided in this section.

39 1. The excise tax on special fuel for diesel  
40 engines delivered to a qualified dealer located not  
41 more than eight miles from the border of a state  
42 contiguous to Iowa which has in effect a tax on  
43 special fuel for diesel engines which makes the Iowa  
44 excise tax on special fuel for diesel engines  
45 uncompetitive is reduced to be seven and one-half  
46 cents per gallon in excess of the tax on special fuel  
47 for diesel engines in effect for the contiguous state.

48 2. The excise tax on special fuel for diesel  
49 engines delivered to a qualified dealer located more  
50 than eight miles but not more than sixteen miles from

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1 the border of a state contiguous to Iowa which has in  
2 effect a tax on special fuel for diesel engines which  
3 makes the Iowa excise tax on special fuel for diesel  
4 engines uncompetitive is reduced to be eight and one-

5 half cents per gallon in excess of the tax on special  
6 fuel for diesel engines in effect for the contiguous  
7 state.

8 3. The excise tax on special fuel delivered to a  
9 qualified dealer located more than sixteen miles but  
10 not more than twenty-four miles from the border of a  
11 state contiguous to Iowa which has in effect a tax on  
12 special fuel for diesel engines which makes the Iowa  
13 excise tax on special fuel for diesel engines  
14 uncompetitive is reduced to be nine and one-half cents  
15 per gallon in excess of the tax on special fuel for  
16 diesel engines in effect for the contiguous state.

17 4. The excise tax on special fuel delivered to a  
18 qualified dealer located more than twenty-four miles  
19 but not more than thirty-two miles from the border of  
20 a state contiguous to Iowa which has in effect a tax  
21 on special fuel for diesel engines which makes the  
22 Iowa excise tax on special fuel for diesel engines  
23 uncompetitive is reduced to be ten and one-half cents  
24 per gallon in excess of the tax on special fuel for  
25 diesel engines in effect for the contiguous state.

26 As used in this section, a "qualified dealer" means  
27 a dealer located within the distances provided under  
28 subsections 1 through 4 measured by the shortest  
29 distance from the border of the contiguous state. If  
30 a qualified dealer is located within the corporate  
31 limits of a city, all dealers within the corporate  
32 limits of the city are qualified dealers.

33 As used in this section, a "tax on special fuel for  
34 diesel engines in effect for the contiguous state"  
35 means the total excise, sales or use taxes in effect  
36 in the contiguous state on the sale of special fuel  
37 for diesel engines expressed in cents per gallon. The  
38 department of revenue and finance shall adopt rules  
39 pursuant to chapter 17A establishing the methodology  
40 for ascertaining the tax on special fuel for diesel  
41 engines in effect for contiguous states. As used in  
42 this section, a contiguous state has a "tax on special  
43 fuel for diesel engines which makes the Iowa excise  
44 tax on special fuel for diesel engines uncompetitive"  
45 if the excise tax on special fuel for diesel engines  
46 under section 324.34 exceeds the tax on special fuel  
47 for diesel engines in effect for the contiguous state  
48 by more than seven and one-half cents per gallon.

49 If more than one contiguous state has in effect a  
50 tax on special fuel for diesel engines which makes the

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1 Iowa excise tax on special fuel for diesel engines  
2 uncompetitive, the excise tax for a qualified dealer  
3 located not more than thirty-two miles from the

4 borders of two such contiguous states is the excise  
5 tax under the application of subsections 1 through 4  
6 which results in the lowest excise tax to the  
7 qualified dealer.

8 A qualified dealer shall be allowed a credit by the  
9 distributor for the amount of the reduction in excise  
10 tax on special fuel for diesel engines allowed and a  
11 qualified dealer, before receiving the credit, shall  
12 be registered by the department of revenue and  
13 finance. The department of revenue and finance shall  
14 adopt rules pursuant to chapter 17A for registering  
15 dealers and accounting for credits by distributors.

16 This section only applies to qualified dealers who  
17 would experience a reduction in the excise tax on  
18 special fuel for diesel engines through its  
19 application."

20 3. Renumber sections as necessary.

Speaker Avenson in the chair at 5:09 p.m.

Daggett of Adams moved the adoption of amendment H—5544,  
to the committee amendment H—5520.

A non-record roll call was requested.

The ayes were 31, nays 44.

Amendment H—5544 lost.

Metcalf of Polk offered the following amendment H—5621, to the  
committee amendment H—5520, filed by her and Schnekloth of Scott  
from the floor and moved its adoption:

H—5621

1 Amend the Committee on Ways and Means amendment, H—  
2 5520, to Senate File 2196, as amended, passed, and  
3 reprinted by the Senate, as follows:

4 1. Page 5, by striking lines 41 through 44 and  
5 inserting the following: "nineteen and one-half cents  
6 per gallon for the period beginning April 1, 1988, and  
7 ending December 31, 1988, and twenty and one-half  
8 cents per gallon for the period beginning January 1,  
9 1989, and ending June 30, 1989, and twenty-one and  
10 one-half cents per gallon for the period beginning  
11 July 1, 1989, and ending December 31, 1989, and  
12 twenty-two and one-half cents per gallon beginning  
13 January 1, 1990. On all other special fuel the per".

A non-record roll call was requested.

The ayes were 42, nays 49.

Amendment H—5621 lost.

Svoboda of Tama asked and received unanimous consent to withdraw amendment H—5548 filed by her and Fuller of Hardin on March 14, 1988.

Corbett of Linn offered the following amendment H—5610, to the committee amendment H—5520, filed by him and Tyrrell of Iowa from the floor:

H—5610

- 1 Amend the Committee on Ways and Means amendment, H—
- 2 5520, to Senate File 2196, as amended, passed, and
- 3 reprinted by the Senate, as follows:
- 4 1. Page 6, by inserting after line 13 the
- 5 following:
- 6 "Sec. \_\_\_\_\_. NEW SECTION. 324.87 COLLECTION OF
- 7 FEDERAL GAS TAX.
- 8 The department of revenue and finance shall enter
- 9 into negotiations with the United States department of
- 10 treasury and the United States department of
- 11 transportation to allow the department to collect and
- 12 remit to the United States department of treasury and
- 13 the United States department of transportation on a
- 14 quarterly basis the revenues received by the state
- 15 from the motor fuel and special fuel taxes imposed by
- 16 federal law."
- 17 2. Renumber sections and correct internal
- 18 references as necessary.

Doderer of Johnson rose on a point of order that amendment H—5610 was not germane.

The Speaker ruled the point well taken and amendment H—5610 not germane.

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Swearingen of Keokuk, for the remainder of the day, on request of Van Maanen of Mahaska.

Tyrrell of Iowa offered the following amendment H—5619, to the committee amendment H—5520, filed by him from the floor and moved its adoption:

H—5619

- 1 Amend the Committee on Ways and Means amendment, H—
- 2 5520, to Senate File 2196, as amended, passed, and
- 3 reprinted by the Senate, as follows:
- 4 1. Page 6, by inserting after line 13 the
- 5 following:

- 6 "Sec. \_\_\_\_\_. Section 324.65, Code 1987, is amended  
7 by adding the following new unnumbered paragraph:  
8 **NEW UNNUMBERED PARAGRAPH.** When a return is filed  
9 and the taxes due are paid in the manner prescribed,  
10 the licensee or other person shall be allowed a credit  
11 or discount of one percent of the taxes due. This  
12 credit or discount is allowed the licensee or other  
13 person as partial remuneration for collecting the tax,  
14 keeping the records, and filing the returns required  
15 by this chapter."  
16 2. By renumbering as necessary.

Amendment H—5619 lost.

Connolly of Dubuque offered the following amendment H—5576, to the committee amendment H—5520, filed by him and Platt of Muscatine and moved its adoption:

H—5576

- 1 Amend amendment H—5520 to Senate File 2196 as  
2 amended, passed and reprinted by the Senate as follows:  
3 1. Page 6, line 18, by inserting after the word  
4 "of" the following: "the needs for the total road  
5 network and".

Amendment H—5576 was adopted.

Hansen of Woodbury offered the following amendment H—5606, to the committee amendment H—5520, filed by him from the floor and moved its adoption:

H—5606

- 1 Amend the Committee on Ways and Means amendment, H—  
2 5520, to Senate File 2196, as amended, passed, and  
3 reprinted by the Senate, as follows:  
4 1. Page 7, by inserting after line 16 the  
5 following:  
6 "Sec. \_\_\_\_\_. There is appropriated from the road use  
7 tax fund for the fiscal year beginning July 1, 1988,  
8 and ending June 30, 1989, to the college of civil  
9 engineering of Iowa State University, the sum of sixty  
10 thousand (60,000) dollars, or as much thereof as  
11 necessary, for the purpose of conducting an economic  
12 feasibility study of an additional east-west four-lane  
13 route across Iowa. The scope of the study shall  
14 include, but not be limited to, the current and future  
15 maintenance and rebuilding costs associated with  
16 interstate 80 and the potential for economic growth in  
17 areas that would be served by such a four-lane  
18 highway. This report shall be submitted to the



- 19 general assembly and transportation commission not  
20 later than January 15, 1989.”  
21 2. Renumber as necessary.

Amendment H—5606 lost.

De Groot of Lyon offered the following amendment H—5622, to the committee amendment H—5520, filed by him from the floor and moved its adoption:

H—5622

- 1 Amend the Committee on Ways and Means amendment, H—  
2 5520, to Senate File 2196, as amended, passed, and  
3 reprinted by the Senate, as follows:  
4 1. Page 8, by inserting after line 4 the  
5 following:  
6 “Sec. \_\_\_\_\_. The increases in the excise tax rates  
7 specified in sections 12, 13, 14, and 15 of this Act  
8 shall be void and the rates in effect on December 31,  
9 1988, shall become effective on July 1, 1989, if an  
10 increase in the rate of the sales, service, and use  
11 tax is enacted by the Seventy-third General Assembly.”  
12 2. Renumber sections and correct internal  
13 references as necessary.

A non-record roll call was requested.

The ayes were 38, nays 45.

Amendment H—5622 lost.

Connolly of Dubuque offered the following amendment H—5598, to the committee amendment H—5520, filed by him from the floor and moved its adoption:

H—5598

- 1 Amend the Committee on Ways and Means amendment, H—  
2 5520, to Senate File 2196, as amended, passed, and  
3 reprinted by the Senate, as follows:  
4 1. Page 8, line 36, by striking the figure “14”  
5 and inserting the following: “16”.

Amendment H—5598 was adopted.

Harbor of Mills offered the following amendment H—5594, to the committee amendment H—5520, filed from the floor by Harbor, Royer and De Groot and moved its adoption:

H—5594

- 1 Amend the Committee on Ways and Means amendment, H—  
2 5520, to Senate File 2196, as amended, passed, and

3 reprinted by the Senate, as follows:

- 4 1. By striking page 7, line 17, through page 8,  
5 line 38.  
6 2. Renumber sections and correct internal  
7 references as necessary.

Roll call was requested by Harbor of Mills and Halvorson of Clayton.

On the question "Shall amendment H—5594, to the committee amendment H—5520, be adopted?" (S.F. 2196)

The ayes were, 57:

Adams	Beaman	Bennett	Black
Branstad	Clark	Connolly	Cooper
Corey	Daggett	De Groot	Eddie
Fogarty	Fuller	Garman	Gruhn
Halvorson, R. A.	Hansen, S. D.	Harbor	Hermann
Hester	Hummel	Jay	Johnson
Knapp	Koenigs	Kremer	Lageschulte
Lundby	Maulsby	May	McKean
McKinney	Miller	Muhlbauer	Mullins
Osterberg	Paulin	Pellett	Peters
Petersen, D. F.	Peterson, M. K.	Plasier	Renken
Royer	Running	Schneklath	Schrader
Shoning	Skow	Spear	Stromer
Stueland	Svoboda	Tyrrell	Van Camp
Van Maanen			

The nays were, 38:

Arnould	Beatty	Bisignano	Blanshan
Brammer	Buhr	Carpenter	Cohoon
Connors	Corbett	Diemer	Doderer
Dvorsky	Fey	Groninga	Halvorson, R. N.
Hammond	Hanson, D. R.	Harper	Hatch
Haverland	Holveck	Jochum	Metcalf
Norrgard	Ollie	Parker	Pavich
Platt	Renaud	Rosenberg	Shoultz
Siegrist	Swartz	Tabor	Teaford
Wise	Mr. Speaker		

Absent or not voting, 5:

Chapman	Neuhauser	Poncy	Sherzan
Swearingen			

Amendment H—5594 was adopted, placing out of order amendment H—5604 filed by Kremer of Buchanan from the floor and amendment H—5598 (found on page 832 of the House Journal), previously adopted, both to the committee amendment H—5520.

Hansen of Woodbury offered the following amendment H—5615,

to the committee amendment H—5520, filed by him from the floor:

H—5615

1 Amend the Committee on Ways and Means amendment, H—  
2 5520, to Senate File 2196, as amended, passed, and  
3 reprinted by the Senate, as follows:

4 1. Page 1, by inserting after line 21 the  
5 following:

6 "Sec. \_\_\_\_\_. Section 312.2, subsection 16, Code  
7 Supplement 1987, is amended by striking the  
8 subsection."

9 2. Page 6, by inserting after line 13 the  
10 following:

11 "Sec. \_\_\_\_\_. NEW SECTION. 422C.1 LOCAL VEHICLE  
12 FUEL TAX.

13 A city or county may impose by ordinance of the  
14 governing body a local vehicle fuel tax, at a rate not  
15 to exceed two cents in increments of one cent, on each  
16 gallon of motor fuel and special fuel taxed by the  
17 state under chapter 324 for use in a motor vehicle in  
18 the city or in the case of the county, in the  
19 unincorporated areas of the county. For purposes of  
20 this section, "motor fuel" and "special fuel" mean the  
21 same as defined in sections 324.2 and 324.33,  
22 respectively, and "use" means the same as defined in  
23 section 324.33.

24 Sec. \_\_\_\_\_. NEW SECTION. 422C.2 ADMINISTRATION.

25 A local vehicle fuel tax shall be imposed either  
26 January 1, April 1, July 1, or October 1 following the  
27 notification of the director of revenue and finance.

28 A local vehicle fuel tax shall be repealed only on  
29 March 31, June 30, September 30, or December 31. At  
30 least forty days before the imposition or repeal of  
31 the tax, a city or county shall provide notice of the  
32 action by certified mail to the director of revenue  
33 and finance.

34 The director of revenue and finance shall  
35 administer a local vehicle fuel tax as nearly as  
36 possible in conjunction with the administration of the  
37 state special fuel tax law. The director shall  
38 provide appropriate forms or provide on the regular  
39 state tax forms for reporting local vehicle fuel tax  
40 liability.

41 The ordinance of a city or county imposing a local  
42 vehicle fuel tax shall adopt by reference the  
43 applicable provisions of the appropriate sections of  
44 chapter 324, division II, except that references in  
45 those sections to special fuel includes motor fuel.  
46 All powers and requirements of the director to  
47 administer the state special fuel tax law are  
48 applicable to the administration of a local vehicle  
49 fuel tax law, including but not limited to, the  
50 provisions of chapter 324, division III, except

**Page 2**

1 sections 324.77 through 324.85. Local officials shall  
2 confer with the director of revenue and finance for  
3 assistance in drafting the ordinance imposing a local  
4 vehicle fuel tax. A certified copy of the ordinance  
5 shall be filed with the director as soon as possible  
6 after passage.

7 The director, in consultation with local officials,  
8 shall collect and account for a local vehicle fuel  
9 tax. The director shall certify each quarter the  
10 amount of local vehicle fuel tax receipts and any  
11 interest and penalties to be credited to the "local  
12 vehicle fuel tax fund" established in the office of  
13 the treasurer of state.

14 All local tax moneys and interest and penalties  
15 received or refunded one hundred eighty days or more  
16 after the date on which the city or county repeals its  
17 local vehicle fuel tax shall be deposited in or  
18 withdrawn from the state road use tax fund.

19 Sec. \_\_\_\_\_. NEW SECTION. 422C.3 PAYMENT TO LOCAL  
20 GOVERNMENTS - USE.

21 1. The treasurer of state, pursuant to rules of  
22 the director of revenue and finance, shall remit at  
23 least quarterly to each city and county which has  
24 imposed a local vehicle fuel tax the amount in the  
25 local vehicle fuel tax fund collected as a result of  
26 its tax.

27 2. Local vehicle fuel tax moneys received by a  
28 city or county shall be credited to the street  
29 construction fund of that city or the secondary road  
30 fund of that county to be used in the establishment,  
31 construction, improvement, and maintenance of roads  
32 and streets which promote economic development in the  
33 state by having any of the following effects:

34 a. Improving or maintaining highway access to  
35 specific development sites, including existing and  
36 future industrial locations.

37 b. Improving or maintaining highway access between  
38 urban centers or between urban centers and the  
39 interstate road system as defined in section 306.3.

40 c. Improving or maintaining highway access to  
41 economically depressed areas of the state.

42 d. Improving or maintaining highway access to  
43 points of shipment or processing of products.

44 e. Improving or maintaining highway access to  
45 trucking terminals and places of embarkation or  
46 shipment by other transportation modes.

47 f. Improving or maintaining highway access to  
48 scenic, recreational, historic, and cultural sites or  
49 other locations identified as tourist attractions."

50 3. Page 8, by inserting after line 38 the

**Page 3**

1 following:

2 "Sec. \_\_\_\_\_. Sections 315.1, 315.2, 315.3, 315.4,  
3 315.5, 315.7, 315.8, 315.9, and 315.10, Code 1987, are  
4 repealed.

5 Sec. \_\_\_\_\_. Section 315.6, Code Supplement 1987, is  
6 repealed.

7 Sec. \_\_\_\_\_. Funds on deposit in the RISE fund on the  
8 effective date of this Act shall be credited to the  
9 road use tax fund, subject to the limitations provided  
10 in this section. Any moneys in the RISE fund which  
11 have been allocated for expenditure on a specific RISE  
12 project which has been approved and for which a  
13 construction contract has been entered into shall  
14 remain in the fund for payment for the project."

15 4. Renumber sections and correct internal  
16 references as necessary.

Platt of Muscatine rose on a point of order that amendment  
H—5615 was not germane.

The Speaker ruled the point well taken and amendment H—5615  
not germane.

Van Maanen of Mahaska offered the following amendment  
H—5632, to the committee amendment H—5520, filed by him from  
the floor and moved its adoption:

H—5632

1 Amend the Committee on Ways and Means amendment, H—  
2 5520, to Senate File 2196, as amended, passed, and  
3 reprinted by the Senate, as follows:

4 1. Page 5, line 41, by striking the words "and  
5 one-half".

6 2. Page 5, line 43, by striking the words "and  
7 one-half".

Amendment H—5632 lost.

Arnould of Scott asked and received unanimous consent that  
Senate File 2196 be deferred and that the bill retain its place on the  
calendar.

(The committee amendment H—5520, as amended, pending.)

**INTRODUCTION OF BILL**

**House File 2447**, by committee on appropriations, a bill for an act  
relating to and making appropriations to the department of human  
services for the fiscal year beginning July 1, 1988, and ending June  
30, 1989.

Read first time and placed on the **appropriations calendar**.

### SENATE MESSAGE CONSIDERED

**Senate File 2267**, by committee on environment and energy utilities, a bill for an act relating to residential water treatment systems, incorporating a penalty, and providing effective dates.

Read first time and **passed on file**.

The House stood at ease at 6:32 p.m., until the fall of the gavel.

The House resumed session at 6:38 p.m., Speaker Avenson in the chair.

### MOTION TO RECONSIDER

(Amendment H—5594 to Senate File 2196)

I move to reconsider the vote by which amendment H—5594, to amendment H—5520, to Senate File 2196 was adopted by the House on March 15, 1988.

CONNOLLY of Dubuque

### MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 15, 1988, passed the following bill in which the concurrence of the House is asked:

Senate File 2075, a bill for an act relating to child abuse by expanding the definition of child in need of assistance, by requiring departmental coordination in cases of child abuse, and by expanding the definition of indecent contact with a child.

Also: That the Senate has on March 15, 1988, passed the following bill in which the concurrence of the House is asked:

Senate File 2252, a bill for an act relating to the contents of records affecting interests in property.

Also: That the Senate has on March 15, 1988, passed the following bill in which the concurrence of the House is asked:

Senate File 2259, a bill for an act relating to the disposal of abandoned personal property, including abandoned mobile homes.

Also: That the Senate has on March 15, 1988, passed the following bill in which the concurrence of the House is asked:

Senate File 2305, a bill for an act relating to civil and criminal immunity of civilian correctional officers and governmental subdivisions responsible for detaining persons taken into custody for an alleged violation of a court order or consent agreement.

Also: That the Senate has on March 15, 1988, passed the following bill in which the concurrence of the House is asked:

Senate File 2306, a bill for an act repealing a right to review by a juvenile court judge of a juvenile court referee's decision.

Also: That the Senate has on March 15, 1988, passed the following bill in which the concurrence of the House is asked:

Senate File 2307, a bill for an act relating to evidence for identification of certain criminals, providing for a study by the department of public safety, and providing an effective date.

JOHN F. DWYER, Secretary

### **BILL SIGNED BY THE GOVERNOR**

A communication was received from the Governor announcing that on March 15, 1988, he approved and transmitted to the Secretary of State the following bill:

Senate File 2089, an act establishing the eligibility of Iowans for inclusion of their names on the Iowa Vietnam Veterans Memorial.

### **PRESENTATION OF VISITORS**

Speaker Avenson presented to the House the Honorable Semor Tofte, former member of the House representing Winneshiek County.

Mullins of Kossuth presented to the House the Honorable Karl E. Kiilsholm, former member of the House representing Kossuth County.

The Speaker announced that the following visitors were present in the House chamber:

Six seventh grade students from Oelwein Junior High School, Oelwein. By Avenson of Fayette.

### **HOUSE STUDY BILL COMMITTEE ASSIGNMENT**

#### **H.S.B. 827 Economic Development**

To adjust provisions for appropriations to and approval of certain projects by the department of economic development.

### **SUBCOMMITTEE ASSIGNMENTS**

#### **Senate File 2049**

Local Government: Royer, Chair; Bisignano and Muhlbauer.

#### **Senate File 2182**

Local Government: Fuller, Chair; Norrgard and Petersen of Muscatine.

**Senate File 2183**

Local Government: Fuller, Chair; Eddie and Peters.

**Senate File 2230**

Local Government: Cooper, Chair; Eddie and Peters.

**COMMITTEE RECOMMENDATIONS**

**MR. SPEAKER:** The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

**JOSEPH O'HERN**  
Chief Clerk of the House

**COMMITTEE ON APPROPRIATIONS**

**Committee Bill**, making an appropriation from the road use tax fund of the state to a certain person in settlement of claims made against the state of Iowa.

Fiscal Note is not required.

Recommended **Do Pass** March 14, 1988.

**Committee Bill**, relating to the funding for amending the basis for rates paid to intermediate care facilities and the schedule of basic needs under the aid to families with dependent children program by imposing a nonrefundable filing fee for corporations subject to state income tax and corporations or partnerships whose income is taxed to its shareholders or partners, making appropriations, and providing an effective date.

Fiscal Note is not required.

Recommended **Do Pass** March 14, 1988.

**Committee Bill**, relating to and making appropriations to the department of human services for the fiscal year beginning July 1, 1988, and ending June 30, 1989.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 14, 1988.

**AMENDMENTS FILED**

H—5595	S.F.	2023	Koenigs of Mitchell
H—5597	H.F.	2335	Spear of Lee
H—5603	H.F.	2444	Renaud of Polk
H—5605	S.F.	2046	Harper of Black Hawk
H—5609	H.F.	2444	Tyrrell of Iowa
H—5611	H.F.	2419	Neuhauser of Johnson
H—5612	S.F.	2046	Metcalf of Polk
			Siegrist of Pottawattamie



H-5613	S.F.	2046	Metcalf of Polk
			Siegrist of Pottawattamie
H-5620	S.F.	2162	Schnekloth of Scott
H-5623	H.F.	2443	Sherzan of Polk
			Spear of Lee
H-5624	H.F.	2433	Shoultz of Black Hawk
H-5625	H.F.	2443	McKean of Jones
H-5626	H.F.	2443	McKean of Jones
H-5627	H.F.	2444	Van Camp of Scott
H-5628	H.F.	2444	Corey of Louisa
			Teaford of Black Hawk
H-5629	H.F.	2335	Spear of Lee
H-5630	H.F.	2368	Jay of Appanoose
H-5631	H.F.	2369	Rosenberg of Story
H-5633	H.F.	2444	Swartz of Marshall
			Renaud of Polk
H-5634	H.F.	2444	Jochum of Dubuque
H-5635	H.F.	2441	Hatch of Polk
H-5636	H.F.	2417	Osterberg of Linn
H-5637	H.F.	2417	Osterberg of Linn
H-5638	H.F.	2444	Van Camp of Scott
H-5639	H.F.	2444	Van Camp of Scott
H-5640	H.F.	2444	Van Camp of Scott
H-5641	H.F.	2443	McKean of Jones

On motion by Arnould of Scott, the House adjourned at 6:39 p.m., until 9:00 a.m., Wednesday, March 16, 1988.

# JOURNAL OF THE HOUSE

Sixty-sixth Calendar Day — Forty-fourth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Wednesday, March 16, 1988

The House met pursuant to adjournment, Speaker Avenson in the chair.

Prayer was offered by the Honorable Lee Plasier, state representative from Sioux County.

The Journal of Tuesday, March 15, 1988 was approved.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Corbett of Linn, until his arrival, on request of Royer of Page.

## SENATE MESSAGES CONSIDERED

**Senate File 4**, by Mann, a bill for an act relating to the offense of prostitution and providing penalties.

Read first time and referred to committee on **judiciary and law enforcement**.

**Senate File 93**, by Bruner, a bill for an act relating to the regulation of pawnbrokers on a statewide basis and providing penalties.

Read first time and referred to committee on **state government**.

**Senate File 450**, by Wells and Soorholtz, a bill for an act relating to the regulation of the operation of trains and to the safety of transportation of railroad company workers and equipment and providing a penalty and effective date.

Read first time and referred to committee on **transportation**.

**Senate File 2019**, by Dieleman, a bill for an act relating to the credentialing and regulation of respiratory care practitioners.

Read first time and referred to committee on **state government**.

**Senate File 2162**, by Wells, a bill for an act allowing the issuance of collegiate registration plates for certain vehicles and providing an effective date.

Read first time and referred to committee on **transportation**.

**Senate File 2167**, by Tieden, a bill for an act relating to the definition and regulation of tip-up fishing devices, and providing a penalty.

Read first time and referred to committee on **natural resources and outdoor recreation**.

**Senate File 2223**, by committee on human resources, a bill for an act relating to health care facilities, including personnel of intermediate care facilities, and penalties for violations of statutes or rules by health care facilities.

Read first time and referred to committee on **human resources**.

**Senate File 2239**, by committee on business and labor relations, a bill for an act relating to administrative agency and the Iowa employment security law by providing that administrative determinations are not binding in separate actions.

Read first time and referred to committee on **labor and industrial relations**.

**Senate File 2247**, by committee on environment and energy utilities, a bill for an act relating to the regulation and reporting of certain pesticides.

Read first time and referred to committee on **energy and environmental protection**.

**Senate File 2263**, by committee on agriculture, a bill for an act relating to horse and dog racing by allowing the application of cold with ice, cold packs, or similar treatments to the limbs of a horse or a dog prior to the start of a race and by allowing the use of certain drugs on racing horses under rules adopted by the state racing commission, and providing an effective date.

Read first time and referred to committee on **state government**.

**Senate File 2270**, by committee on local government, a bill for an act relating to the suspension of the collection of taxes, special assessments, and other assessments by the county board of supervisors.

Read first time and referred to committee on **local government**.

**Senate File 2281**, by committee on judiciary, a bill for an act relating to service of notice on a judgment debtor in garnishment proceedings.

Read first time and referred to committee on **judiciary and law enforcement**.

**Senate File 2287**, by committee on transportation, a bill for an act relating to the possession or making of motor vehicle licenses, nonoperator's identification cards, and blank motor vehicle license forms, and providing penalties.

Read first time and referred to committee on **transportation**.

**Senate File 2289**, by committee on commerce, a bill for an act relating to the sale of certificates of deposit, issued by foreign associations, within the state.

Read first time and referred to committee on **small business and commerce**.

### RULES SUSPENDED

Arnould of Scott asked and received unanimous consent to suspend the rules and take up out of order House Files 2369, 2417 and 2423.

### CONSIDERATION OF BILLS

#### Regular Calendar

**House File 2369**, a bill for an act relating to the duties and authority of the board of parole, was taken up for consideration.

Rosenberg of Story offered the following amendment H-5512 filed by him and moved its adoption:

H-5512

1 Amend House File 2369 as follows:

2 1. Page 1, by inserting before line 1 the  
3 following:

4 "Section 1. Section 246.909, Code 1987, is amended  
5 to read as follows:

6 246.909 WORK RELEASE VIOLATORS - REIMBURSEMENT TO  
7 THE DEPARTMENT OF CORRECTIONS FOR TRANSPORTATION  
8 COSTS.

9 A The department of corrections shall arrange for  
10 the return of a work release client who escapes or  
11 participates in an act of absconding from the facility  
12 to which the client is assigned to the client shall  
13 reimburse the department of corrections for the cost  
14 of transportation incurred because of the escape or  
15 act of absconding. The amount of reimbursement shall  
16 be the actual cost incurred by the department and  
17 shall be credited to the support account from which  
18 the billing occurred. The director of the department  
19 of corrections shall recommend rules pursuant to  
20 chapter 17A, subject to approval by the board of

21 corrections pursuant to section 246.105, subsection 7,  
22 to implement this section.”

23 2. Page 2, by striking lines 12 through 26 and  
24 inserting the following:

25 “3 5. The board shall gather and review  
26 information regarding new parole and work release  
27 programs being instituted or considered nationwide and  
28 determine which programs may be useful for this state.  
29 This information and the resulting recommendations  
30 shall be forwarded to the director of the Iowa  
31 department of corrections on a quarterly basis.

32 4 6. The board shall maintain records regarding  
33 those individuals granted parole, work release,  
34 furlough, or a similar release status, and the records  
35 shall reflect the relationship of the success of the  
36 inmates on release status to the programs completed by  
37 the inmates while in the institution. The information  
38 shall be forwarded to the office of the governor and  
39 to the chairpersons of the house standing committee on  
40 judiciary and law enforcement and the senate standing  
41 committee on judiciary annually.”

42 3. By renumbering as necessary.

Amendment H—5512 was adopted.

Connors of Polk asked and received unanimous consent to defer action on amendment H—5536.

Rosenberg of Story offered the following amendment H—5631 filed by him and moved its adoption:

H—5631

1 Amend House File 2369 as follows:

2 1. By striking page 4, line 28, through page 5,  
3 line 6, and inserting the following:

4 “908.1 ARREST OF ALLEGED PAROLE VIOLATOR — NEWLY  
5 DISCOVERED EVIDENCE.

6 A parole officer having probable cause to believe  
7 that any person released on parole has violated the  
8 parole plan or the conditions of parole may arrest  
9 such person, or the parole officer may make a  
10 complaint before a magistrate, charging such  
11 violation, and if it appears from such complaint, or  
12 from affidavits filed with it, that there is probable  
13 cause to believe that such person has violated the  
14 parole plan or the terms of parole, the magistrate  
15 shall issue a warrant for the arrest of such person.  
16 If a parole officer has newly discovered evidence  
17 which indicates that a person released on parole  
18 should not have been granted parole originally, the  
19 parole officer shall present the evidence to the board

20. of parole and the board may issue an order to rescind  
21 the parole."

Amendment H—5631 was adopted.

Rosenberg of Story offered the following amendment H—5536,  
previously deferred, filed by Sherzan of Polk:

H—5536

1 Amend House File 2369 as follows:

2 1. Page 1, by striking lines 25 through 32 and  
3 inserting the following:

4 "A member of the board of parole shall conduct  
5 parole or work release revocation hearings and may  
6 revoke a parole or work release, unless prior to the  
7 hearing the offender requests that the revocation  
8 hearing be conducted by a three-person panel of the  
9 board of parole, in which case a three-member panel of  
10 the board of parole shall conduct the revocation  
11 hearing and a majority vote of the panel is required  
12 to revoke the parole or work release.

13 2. A member of the board of parole shall  
14 adjudicate parole revocation appeals and reviews,  
15 unless the offender requests that the revocation  
16 appeal or review be conducted by a three-member panel  
17 of the board of parole, in which case a three-member  
18 panel of the board of parole shall adjudicate the  
19 revocation appeal or review and a majority of the  
20 panel is required to modify the parole revocation  
21 officer's decision."

22 2. Page 5, by inserting after line 6 the  
23 following:

24 "Sec. \_\_\_\_\_. Section 908.2, unnumbered paragraph 1,  
25 Code 1987, is amended to read as follows:

26 An officer making an arrest of an alleged parole  
27 violator shall take the arrested person before a  
28 magistrate without unnecessary delay for an initial  
29 appearance. At that time the alleged parole violator  
30 shall be furnished with a written notice of the  
31 claimed violation, shall be advised of the right to  
32 appointed counsel under rule 26 of the rules of  
33 criminal procedure, and shall be given notice that a  
34 parole revocation hearing will take place and that its  
35 purpose is to determine whether there is probable  
36 cause to believe that the alleged parole violator has  
37 committed a parole violation occurred and whether the  
38 alleged violator's parole should be revoked."

39 3. Page 5, line 9, by striking the words  
40 "PROBABLE CAUSE" and inserting the following:  
41 "PROBABLE CAUSE PAROLE REVOCATION".

42 4. Page 5, line 10, by striking the words

43 "probable cause" and inserting the following:  
44 "~~probable cause~~ parole revocation".  
45 5. Page 5, by striking lines 14 and 15 and  
46 inserting the following: "violation was issued".  
47 6. By striking page 5, line 16 through page 7,  
48 line 3, and inserting the following:  
49 "Sec. \_\_\_\_\_. Section 908.4, Code 1987, is amended by  
50 striking the section and inserting in lieu thereof the

## Page 2

1 following:  
2 908.4 PAROLE REVOCATION HEARING.  
3 The parole revocation hearing shall be conducted by  
4 a parole revocation officer who is an attorney  
5 appointed pursuant to section 904A.5. The revocation  
6 hearing shall determine the following:  
7 1. Whether the alleged parole violation occurred.  
8 2. Whether the violator's parole should be  
9 revoked.  
10 The parole revocation officer shall make a verbatim  
11 record of the proceedings. The alleged violator shall  
12 be informed of the evidence against the violator,  
13 shall be given an opportunity to be heard, shall have  
14 the right to present witnesses and other evidence, and  
15 shall have the right to cross-examine adverse  
16 witnesses, except if the revocation officer finds that  
17 a witness would be subjected to risk or harm if the  
18 witness' identity were disclosed. The revocation  
19 hearing may be conducted electronically.  
20 Sec. \_\_\_\_\_. Section 908.5, Code 1987, is amended by  
21 striking the section and inserting in lieu thereof the  
22 following:  
23 908.5 DISPOSITION.  
24 If the parole revocation officer determines that  
25 the parole should not be revoked, the parole  
26 revocation officer shall issue an order reinstating  
27 the parole upon terms and conditions the parole  
28 revocation officer shall determine, including the  
29 transfer of the parolee to work release if  
30 appropriate. If the parole revocation officer  
31 determines that the parole should be revoked, the  
32 parole revocation officer shall issue an order re-  
33 voking the parole. The order of the parole revocation  
34 officer shall contain findings of fact, conclusions of  
35 law, and a disposition of the matter.  
36 Sec. \_\_\_\_\_. Section 908.6, Code 1987, is amended by  
37 striking the section and inserting in lieu thereof the  
38 following:  
39 908.6 APPEAL OR REVIEW.  
40 The order of the parole revocation officer shall  
41 become the final decision of the board of parole  
42 unless, within the time provided by rule, the parole

43 violator appeals the decision or a panel of the board  
44 reviews the decision on its own motion. On appeal or  
45 review of the parole revocation officer's decision,  
46 the board panel has all the power which it would have  
47 in initially making the revocation hearing decision.  
48 The appeal or review shall be conducted pursuant to  
49 rules adopted by the board of parole. The record on  
50 appeal or review shall be the record made at the

**Page 3**

1 parole revocation hearing conducted by the parole  
2 revocation officer.

3 Sec. \_\_\_\_\_. Section 908.7, Code 1987, is amended by  
4 striking the section and inserting in lieu thereof the  
5 following:

6 908.7 WAIVER OF PAROLE REVOCATION HEARING.

7 The alleged parole violator may waive the parole  
8 revocation hearing, in which event the parole  
9 revocation officer shall proceed to determine the  
10 disposition of the matter. The parole revocation  
11 officer shall dispose of the case as provided in  
12 section 908.4. The parole revocation officer shall  
13 make a verbatim record of the proceedings. The waiver  
14 proceeding may be conducted electronically.

15 Sec. \_\_\_\_\_. Section 908.9, Code 1987, is amended to  
16 read as follows:

17 908.9 DISPOSITION OF VIOLATOR.

18 If the parole of a parole violator is revoked, the  
19 violator shall remain in the custody of the Iowa  
20 department of corrections under the terms of the  
21 parolee's original commitment. If the parole of a  
22 parole violator is not revoked, the board parole  
23 revocation officer or board panel shall order the  
24 person's release subject to the terms of the person's  
25 parole with any modifications that the board parole  
26 revocation officer or board panel determines proper.

27 Sec. \_\_\_\_\_. Section 908.10, Code 1987, is amended to  
28 read as follows:

29 908.10 CONVICTION OF OTHER OFFENSE AS VIOLATION.

30 When the alleged violation consists of a conviction  
31 of a public offense in this or any other state, such  
32 the conviction shall be proved by a certified copy of  
33 the judgment of conviction, together with evidence  
34 that the alleged violator is the person against whom  
35 the judgment was rendered. Neither the ~~haison~~  
36 officer, court, parole revocation officer nor board of  
37 parole the board panel shall retry the facts  
38 underlying such conviction.

39 Sec. \_\_\_\_\_. Section 908.8, Code 1987, is repealed."

40 7. By renumbering as required.

On motion by Sherzan of Polk, amendment H — 5536 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. 2369)

The ayes were, 94:

Adams	Arnould	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	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.	Platt	Poncy	Renaud
Renken	Rosenberg	Royer	Running
Schnekloth	Schrader	Sherzan	Shoning
Shoultz	Siegrist	Spear	Stromer
Stueland	Svoboda	Swartz	Swearingen
Teaford	Tyrrell	Van Camp	Van Maanen
Wise	Mr. Speaker		

The nays were, none.

Absent or not voting, 6:

Corbett	Groninga	Parker	Plasier
Skow	Tabor		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**House File 2417**, a bill for an act relating to residential water treatment systems, incorporating a penalty, and providing effective dates, was taken up for consideration.

Osterberg of Linn offered the following amendment H—5534 filed by him:

H—5534

- 1 Amend House File 2417 as follows:
- 2 1. Page 1, line 18, by inserting after the word

3 "“Label”" the following: “, as used in subsection 2,  
4 paragraph “h”,.”  
5 2. Page 1, line 25, by inserting after the word  
6 ““Seller”" the following: “, as used in subsection 2,  
7 paragraph “h”,.”  
8 3. Page 1, line 27, by inserting after the word  
9 ““Buyer”" the following: “, as used in subsection 2,  
10 paragraph “h”,.”  
11 4. Page 2, lines 3 and 4 by striking the words  
12 “and a public offense”.  
13 5. Page 2, by striking lines 9 through 15 and  
14 inserting the following:  
15 “(1) Has been performance tested by a third-party  
16 testing agency that has been authorized by the Iowa  
17 department of public health. The testing agency shall  
18 use approved methods of performance testing,  
19 determined to be appropriate by the state hygienic  
20 laboratory.  
21 (2) Has met the performance testing requirements  
22 specified in the testing protocol.”  
23 6. Page 3, by striking lines 18 through 20 and  
24 inserting the following: “a water treatment system  
25 shall be compiled by the Iowa department of public  
26 health, reviewed annually, and updated as necessary.  
27 The consumer information pamphlet shall be”.  
28 7. Page 3, line 24, by inserting after the word  
29 “shall” the following: “adopt rules pursuant to  
30 chapter 17A and”.  
31 8. Page 3, lines 26 and 27, by striking the words  
32 “and a public offense”.  
33 9. Page 3, by inserting after line 31, the  
34 following:  
35 “NEW LETTERED PARAGRAPH. j. It is an unlawful  
36 practice for a person to make any representation or  
37 claim that the seller’s water treatment system has  
38 been approved or endorsed by any agency of the state.”

Osterberg of Linn offered the following amendment H—5637, to amendment H—5534, filed by him and moved its adoption:

H—5637

- 1 Amend amendment H—5534 to House File 2417 as
- 2 follows:
- 3 1. Page 1, line 18, by striking the word “testing,”
- 4 and inserting the word “testing”.
- 5 2. Page 1, by striking lines 28 through 30.

Amendment H—5637 was adopted.

On motion by Osterberg of Linn, amendment H—5534, as amended, was adopted.

Osterberg of Linn offered the following amendment H—5636 filed by him and moved its adoption:

H—5636

- 1 Amend House File 2417 as follows:
- 2 1. Page 1, line 35, by striking the word "Supple-
- 3 ment".
- 4 2. Page 2, line 28, by striking the word "limited"
- 5 and inserting the following: "limited,".
- 6 3. Page 2, line 29, by striking the word "to," and
- 7 inserting the following: "to".
- 8 4. Page 3, line 23, by inserting following the word
- 9 "systems." the following: "The Iowa department of
- 10 public health shall adopt rules pursuant to chapter
- 11 17A and charge all fees necessary to administer this
- 12 section."
- 13 5. Page 3, by striking lines 24 and 25.

Amendment H—5636 was adopted.

#### SENATE FILE 2267 SUBSTITUTED FOR HOUSE FILE 2417

Osterberg of Linn asked and received unanimous consent to substitute Senate File 2267 for House File 2417.

**Senate File 2267**, a bill for an act relating to residential water treatment systems, incorporating a penalty, 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?" (S.F. 2267)

The ayes were, 85:

Adams	Beaman	Beatty	Bennett
Bisignano	Black	Blanshan	Brammer
Buhr	Carpenter	Chapman	Clark
Cohoon	Connolly	Connors	Cooper
Corey	Daggett	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	Lundby	May
McKean	McKinney	Metcalf	Muhlbauer

Mullins	Neuhauser	Norrgard	Ollie
Osterberg	Paulin	Pavich	Peters
Petersen, D. F.	Peterson, M. K.	Plasier	Platt
Poncy	Renaud	Rosenberg	Royer
Running	Schrader	Sherzan	Shoning
Shoultz	Siegrist	Skow	Spear
Stromer	Stueland	Swartz	Swearingen
Tabor	Teaford	Van Camp	Wise
Mr. Speaker			

The nays were, 11:

Branstad	De Groot	Hermann	Hummel
Maulsby	Miller	Pellett	Renken
Schnekloth	Tyrrell	Van Maanen	

Absent or not voting, 4:

Arnould	Corbett	Parker	Svoboda
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

### HOUSE FILE 2417 WITHDRAWN

Osterberg of Linn asked and received unanimous consent to withdraw House File 2417 from further consideration by the House.

**House File 2423**, a bill for an act relating to surety bonds for county officers and employees, was taken up for consideration.

Cooper of Lucas offered the following amendment H—5547 filed by him and Royer of Page and moved its adoption:

H—5547

- 1 Amend House File 2423 as follows:
- 2 1. Page 1, line 7, by striking the words "per
- 3 annum" and inserting the following: "~~per annum~~".
- 4 2. Page 1, line 13, by striking the words "per
- 5 annum" and inserting the following: "~~per annum~~".
- 6 3. Page 1, by striking lines 16 through 24 and
- 7 inserting the following:
- 8 "Sec. \_\_\_\_\_. Section 64.24, unnumbered paragraph 2,
- 9 Code 1987, is amended to read as follows:
- 10 Said The records shall have an index which, under
- 11 the title of each office, shall show the name of each
- 12 principal, ~~the principal's sureties~~, and the date of
- 13 the filing of the bond.
- 14 Sec. \_\_\_\_\_. Sections 64.3, 64.16, 64.17, and
- 15 331.556, Code 1987, are repealed."
- 16 4. Title page, by striking line 1 and inserting
- 17 the following: "An Act relating to sureties and
- 18 surety bonds for public officers and".

Amendment H—5547 was adopted.

Cooper of Lucas moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2423)

The ayes were, 97:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Black	Blanshan
Brammer	Branstad	Buhr	Carpenter
Chapman	Clark	Cphoon	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	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
Poney	Renaud	Renken	Rosenberg
Royer	Running	Schnekloth	Schrader
Sherzan	Shoning	Shultz	Siegrist
Skow	Spear	Stromer	Stueland
Swartz	Swearingen	Tabar	Teaford
Tyrrell	Van Camp	Van Maanen	Wise
Mr. Speaker			

The nays were, none.

Absent or not voting, 3:

Corbett	Peters	Svoboda
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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.

## RULES SUSPENDED

Arnould of Scott asked and received unanimous consent to suspend the rules and take up out of order House File 2190.

**House File 2190**, a bill for an act to provide for whole grade sharing between a school district located in this state and a contiguous school district located in a contiguous state, with report of commit-

tee recommending amendment and passage was taken up for consideration.

Ollie of Clinton offered the following amendment H—5305 filed by the committee on education:

H—5305

- 1 Amend House File 2190 as follows:
- 2 1. By striking page 1, line 34, through page 2,
- 3 line 8, and inserting the following:
- 4 "NEW SUBSECTION. 3. Notwithstanding section 282.8
- 5 and section 28E.9, a school district may negotiate an
- 6 agreement under subsection 1 for attendance of its
- 7 pupils in a school district located in a contiguous
- 8 state subject to a reciprocal agreement by the two
- 9 state boards in the manner provided in this
- 10 subsection. Prior to negotiating an agreement with
- 11 the school district in the contiguous state, the board
- 12 of directors shall file a written request with the
- 13 state board of education for a determination whether
- 14 the school district in the contiguous state meets
- 15 requirements substantially similar to those required
- 16 for accredited or approved school districts in this
- 17 state and the school district receives or has
- 18 available services equivalent to those that would be
- 19 provided in this state by an area education agency.
- 20 If the state board of this state and the corresponding
- 21 state board in the contiguous state agree that the
- 22 school districts of their respective states meet
- 23 substantially similar requirements and have
- 24 substantially similar services available to the school
- 25 district, the two state boards may sign a reciprocal
- 26 agreement for attendance of their pupils in the school
- 27 district of the other state, subject to the agreement
- 28 signed between the boards of directors of the two
- 29 districts. A school district that negotiates an
- 30 agreement with a school district in a contiguous state
- 31 under this subsection is not eligible for
- 32 supplementary weighting under section 442.39 as a
- 33 result of that agreement."
- 34 2. By striking page 2, line 27 through page 3,
- 35 line 8.

Blanshan of Greene offered the following amendment H—5440, to the committee amendment H—5305, filed by him and moved its adoption:

H—5440

- 1 Amend amendment, H—5305, to House File 2190 as
- 2 follows:

3 1. Page 1, by inserting after line 1, the

4 following:

5 "\_\_\_\_\_. Page 1, by inserting before line 1, the

6 following:

7 "Section 1. Section 256.9, Code Supplement 1987,

8 is amended by adding the following new subsection:

9 NEW SUBSECTION. 31. Conduct feasibility studies

10 of proposals for whole-grade sharing agreements

11 between Iowa districts and contiguous districts in

12 other states to determine whether to approve the

13 proposals. The feasibility study shall determine

14 whether the proposals contain educational programs

15 that are equal to or better than that offered by

16 contracts with contiguous Iowa districts and offer

17 geographical conditions and community alliances which

18 are significantly better than those offered by

19 agreements with contiguous Iowa districts. The

20 department shall approve or disapprove the proposals

21 based upon the results of the feasibility studies." "

22 2. Page 1, line 19, by inserting after the word

23 "agency." the following: "The school district shall

24 also obtain approval by the department of education of

25 the sharing proposal, before the agreement becomes

26 effective. Six months prior to making the request for

27 approval, the district shall request a feasibility

28 study from the department of education."

29 3. Page 1, line 25, by inserting after the word

30 "district," the following: "and if the Iowa

31 department of education approves the proposed

32 contract,".

33 4. By renumbering as necessary.

Amendment H—5440 was adopted.

On motion by Ollie of Clinton, the committee amendment H—5305, as amended, was adopted.

Halvorson of Clayton moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2190)

The ayes were, 90:

Arnould  
Bisignano  
Buhr  
Connolly  
Daggett  
Dvorsky  
Fuller

Beaman  
Black  
Chapman  
Connors  
De Groot  
Eddie  
Groninga

Beatty  
Blanshan  
Clark  
Cooper  
Diemer  
Fey  
Gruhn

Bennett  
Branstad  
Cohoon  
Corey  
Doderer  
Fogarty  
Halvorson, R. A.

Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. R.
Harbor	Hatch	Haverland	Hermann
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	Shoultz	Skow	Spear
Stueland	Swartz	Swearingen	Tabor
Teaford	Tyrrell	Van Camp	Van Maanen
Wise	Mr. Speaker		

The nays were, 7:

Adams	Brammer	Carpenter	Garman
Harper	Hester	Siegrist	

Absent or not voting, 3:

Corbett	Stromer	Svoboda
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

On motion by Arnould of Scott, the House was recessed at 10:47 a.m., until 2:30 p.m.

## AFTERNOON SESSION

The House reconvened, 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: House Files 2369, 2423, 2190, 2437 and 2370 and Senate File 2267.

## CONSIDERATION OF BILLS

### Appropriations Calendar

**House File 2440**, a bill for an act relating to and making appropriations to the department of agriculture and land stewardship and the department of natural resources, was taken up for consideration.

Van Maanen of Mahaska offered the following amendment H—5549 filed by him and moved its adoption:



H—5549

- 1 Amend House File 2440 as follows:
- 2 1. Page 1, line 27, by striking the words
- 3 "However, the".
- 4 2. Page 1, by striking lines 28 through 31.
- 5 3. Page 1, line 32, by striking the word
- 6 "dollars."
- 7 4. By striking page 5, line 31, through page 6,
- 8 line 5.
- 9 5. By striking page 9, line 22, through page 15,
- 10 line 6.
- 11 6. By renumbering as necessary.

Amendment H—5549 lost.

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Metcalf of Polk, for the remainder of the day, on request of Hanson of Delaware.

Stueland of Clinton offered the following amendment H—5546 filed by him:

H—5546

- 1 Amend House File 2440 as follows:
- 2 1. Page 2, line 12, by striking the figure
- 3 "985,270" and inserting the following: "735,270".

De Groot of Lyon offered the following amendment H—5651, to amendment H—5546, filed by him from the floor:

H—5651

- 1 Amend the amendment H—5546 to House File 2440 as
- 2 follows:
- 3 1. Page 1, by striking lines 2 and 3 and
- 4 inserting the following:
- 5 "\_\_\_\_\_. Page 2, by inserting after line 12 the
- 6 following:
- 7 "b. Of the amount appropriated from the general
- 8 fund of the state under paragraph "a" of this
- 9 subsection, two hundred fifty thousand (250,000)
- 10 dollars shall be transferred to the department of
- 11 economic development to establish the position of
- 12 agricultural trade specialist in each foreign trade
- 13 office operated by the department of economic
- 14 development. The specialist, in cooperation with
- 15 trade officials from federal and other state agencies,
- 16 including the department of agriculture and land
- 17 stewardship, shall do both of the following:
- 18 1. Serve as liaison between the department of

19 economic development and persons in business or  
 20 government with an interest in promoting trade between  
 21 agricultural businesses in this state and prospective  
 22 foreign buyers.

23 2. Facilitate efforts to expand the trade of  
 24 agricultural commodities produced in this state in  
 25 foreign markets.

26 The department of economic development shall  
 27 provide staff to support the trade specialists. In  
 28 addition, the department shall establish a European  
 29 trade coordinator and a Far East trade coordinator  
 30 within the department to provide in-house staff for  
 31 the specialists.

32 The department of agriculture and land stewardship  
 33 shall pay the costs related to the salary, support,  
 34 and maintenance of each agricultural trade specialist  
 35 and each trade coordinator." "

36 2. By renumbering as necessary.

May of Worth in the chair at 4:18 p.m.

De Groot of Lyon moved the adoption of amendment H—5651, to amendment H—5546.

Roll call was requested by Skow of Guthrie and Knapp of Dubuque.

On the question "Shall amendment H—5651, to amendment H—5546, be adopted?" (H.F. 2440)

The ayes were, 37:

Beaman	Bennett	Carpenter	Clark
Corbett	Corey	Daggett	De Groot
Diemer	Eddie	Garman	Halvorson, R. A.
Hanson, D. R.	Hermann	Hester	Hummel
Kremer	Lundby	Maulsby	McKean
Miller	Paulin	Pellett	Petersen, D. F.
Plasier	Platt	Renken	Royer
Schnekloth	Shoning	Siegrist	Stromer
Stueland	Swearingen	Tyrrell	Van Camp
Van Maanen			

The nays were, 52:

Adams	Arnould	Bisignano	Brammer
Branstad	Buhr	Chapman	Cohoon
Connolly	Connors	Cooper	Doderer
Dvorsky	Fey	Fogarty	Fuller
Groninga	Gruhn	Halvorson, R. N.	Hammond
Hansen, S. D.	Harper	Holveck	Jay
Jochum	Johnson	Knapp	Koenigs
McKinney	Muhlbauer	Neuhauser	Norrgard

Ollie	Osterberg	Parker	Pavich
Peters	Peterson, M. K.	Poncy	Renaud
Rosenberg	Running	Schrader	Sherzan
Shoultz	Skow	Spear	Svoboda
Swartz	Teaford	Wise	Mr. Speaker (May)

Absent or not voting, 11:

Avenson	Beatty	Black	Blanshan
Harbor	Hatch	Haverland	Lageschulte
Metcalfe	Mullins	Tabor	

Amendment H—5651 lost.

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Beatty of Warren, until her return, on request of Petersen of Muscatine.

Stueland of Clinton moved the adoption of amendment H—5546.

Roll call was requested by Swartz of Marshall and Stueland of Clinton.

On the question "Shall amendment H—5546 be adopted?"  
(H.F. 2440)

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	Miller	Mullins
Paulin	Pellett	Petersen, D. F.	Plasier
Platt	Renken	Royer	Schnekloth
Shoning	Siegrist	Stromer	Stueland
Swearingen	Tyrrell	Van Camp	Van Maanen

The nays were, 55:

Adams	Arnould	Avenson	Bisignano
Black	Brammer	Buhr	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	McKean	McKinney
Muhlbauer	Neuhauser	Norrgard	Ollie
Osterberg	Parker	Pavich	Peters
Peterson, M. K.	Poncy	Renaud	Rosenberg

Running	Schrader	Shoultz	Skow
Spear	Svoboda	Swartz	Tabor
Teaford	Wise	Mr. Speaker (May)	

Absent or not voting, 5:

Beatty	Blanshan	Chapman	Metcalf
Sherzan			

Amendment H—5546 lost.

Speaker Avenson in the chair at 4:56 p.m.

Van Maanen of Mahaska offered the following amendment H—5569 filed by him and moved its adoption:

H—5569

- 1 Amend House File 2440 as follows:
- 2 1. Page 14, by striking lines 7 through 12.
- 3 2. By striking page 14, line 16 through page 15,
- 4 line 6.

Roll call was requested by Stromer of Hancock and Bennett of Ida.

On the question "Shall amendment H—5569 be adopted?"  
(H.F. 2440)

The ayes were, 36:

Bennett	Branstad	Carpenter	Clark
Corbett	Corey	Daggett	De Groot
Eddie	Garman	Halvorson, R. A.	Hanson, D. R.
Harbor	Hermann	Hester	Hummel
Kremer	Lageschulte	Lundby	Maulsby
McKean	Miller	Paulin	Pellett
Petersen, D. F.	Plasier	Renken	Royer
Schnekloth	Shoning	Stromer	Stueland
Swearingen	Tyrrell	Van Camp	Van Maanen

The nays were, 57:

Adams	Arnould	Bisignano	Black
Brammer	Buhr	Chapman	Cohoon
Connolly	Connors	Cooper	Diemer
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
Ollie	Osterberg	Parker	Pavich
Peters	Peterson, M. K.	Platt	Poncy
Renaud	Rosenberg	Running	Schrader

Sherzan  
Svoboda  
Mr. Speaker

Siegrist  
Tabor

Skow  
Teaford

Spear  
Wise

Absent or not voting, 7:

Beaman  
Metcalf

Beatty  
Shoultz

Blanshan  
Swartz

Haverland

Amendment H—5569 lost.

Peters of Woodbury in the chair at 5:29 p.m.

Carpenter of Polk rose on a point of order and invoked Joint Rule 17, requiring a fiscal note on House File 2440.

The Speaker ruled the point well taken and Joint Rule 17 in order.

Arnould of Scott asked and received unanimous consent that House File 2440 be deferred and that the bill retain its place on the calendar.

**House File 2444**, a bill for an act relating to making appropriations to agencies, boards, commissions, departments, and programs of state government including the auditor of state, campaign finance, employment services, labor services, industrial services, job services, inspections and appeals, commerce, professional licensing and regulation, insurance, alcoholic beverages, banking, credit union, savings and loan, and utilities, was taken up for consideration.

Van Camp of Scott offered the following amendment H—5638 filed by him:

H—5638

- 1 Amend House File 2444 as follows:
- 2 1. By striking page 2, line 34 through page 3,
- 3 line 6 and inserting the following: "commissioner,
- 4 and two clerical employees."

Speaker Avenson in the chair at 6:00 p.m.

On motion by Van Camp of Scott, amendment H—5638 lost.

Van Camp of Scott offered amendment H—5640 filed by him and requested division as follows:

H—5640

- 1 Amend House File 2444 as follows:

H—5640A

- 2 1. Page 3, by striking lines 30 through 32.

H-5640B

- 3 2. Page 3, lines 33 and 34, by striking the words  
4 and figure "four hundred fifty-two thousand five  
5 hundred (452,500)" and inserting the following: "two  
6 hundred fifty thousand (250,000)".

H-5640C

- 7 3. Page 5, by inserting after line 28 the fol-  
8 lowing:  
9 "As a condition of these appropriations, all job  
10 service offices which were open and operating on June  
11 30, 1988, shall remain open and operating during  
12 fiscal year 1989. However, this provision shall not  
13 prevent the consolidation of multiple offices within  
14 the same city or the colocation of a job service  
15 office with another state office."

H-5640D

- 16 4. Page 17, by inserting after line 21 the  
17 following:  
18 "Sec. \_\_\_\_\_. Section 96.7, subsection 12, paragraph  
19 a, Code Supplement 1987, is amended to read as  
20 follows:  
21 a. An employer other than a governmental entity or  
22 a nonprofit organization, subject to this chapter,  
23 shall pay an administrative contribution surcharge  
24 equal in amount to ~~one-tenth~~ four-hundredths of one  
25 percent of federal state taxable wages, as defined in  
26 section 96.19, subsection 20, paragraph "b". The  
27 division shall recompute the amount as a percentage of  
28 taxable wages, as defined in section 96.19, subsection  
29 20, and shall add the percentage surcharge to the  
30 employer's contribution rate determined under this  
31 section. The division shall adopt rules prescribing  
32 the manner in which the surcharge ~~will~~ shall be  
33 collected. Interest shall accrue on all unpaid  
34 surcharges under this subsection at the same rate as  
35 on regular contributions and shall be collectible in  
36 the same manner."  
37 5. By renumbering and relettering as necessary.

Van Camp of Scott moved the adoption of amendment H-5640A.

A non-record roll call was requested.

The ayes were 20, nays 47.

Amendment H-5640A lost.

On motion by Van Camp of Scott, amendment H-5640B lost.

Van Camp of Scott asked and received unanimous consent to withdraw amendment H—5639 filed by him on March 15, 1988.

Van Camp of Scott offered the following amendment H—5627 filed by him and moved its adoption:

H—5627

- 1 Amend House File 2444 as follows:
- 2 1. Page 4, line 27 by striking the word "rural".
- 3 2. Page 5, line 4, by striking the word "rural".
- 4 3. Page 5, line 10, by inserting after the word
- 5 "offices" the following: ", including sharing office
- 6 locations with other state agencies".

Amendment H—5627 lost.

The House resumed consideration of amendment H—5640C.

On motion by Van Camp of Scott, amendment H—5640C was adopted.

Van Maanen of Mahaska offered the following amendment H—5551 filed by him and moved its adoption:

H—5551

- 1 Amend House File 2444 as follows:
- 2 1. Page 7, line 16, by striking the words "road
- 3 use tax fund" and inserting the following: "primary
- 4 road fund".

Amendment H—5551 lost, placing out of order amendment H—5584 filed by Tyrrell of Iowa on March 14, 1988.

Tyrrell of Iowa offered the following amendment H—5560 filed by him and moved its adoption:

H—5560

- 1 Amend House File 2444 as follows:
- 2 1. Page 7, by striking lines 3 through 15.
- 3 2. By renumbering as necessary.

Roll call was requested by Van Camp of Scott and Stromer of Hancock.

On the question "Shall amendment H—5560 be adopted?"  
(H.F. 2444)

The ayes were, 38:

Beaman

Bennett

Branstad

Carpenter

Clark	Corbett	Corey	Daggett
De Groot	Eddie	Garman	Halvorson, R. A.
Hanson, D. R.	Harbor	Hermann	Hester
Hummel	Kremer	Lundby	Maulsby
McKean	Miller	Mullins	Paulin
Pellett	Petersen, D. F.	Plasier	Platt
Renken	Royer	Schnekloth	Shoning
Siegrist	Stromer	Stueland	Swearingen
Tyrrell	Van Maanen		

The nays were, 55:

Adams	Arnould	Beatty	Bisignano
Black	Blanshan	Brammer	Buhr
Chapman	Cohon	Connolly	Connors
Cooper	Doderer	Dvorsky	Fey
Fogarty	Groninga	Gruhn	Halvorson, R. N.
Hammond	Hansen, S. D.	Harper	Hatch
Holveck	Jay	Jochum	Johnson
Knapp	Koenigs	May	McKinney
Neuhauser	Norrgard	Ollie	Osterberg
Parker	Pavich	Peters	Peterson, M. K.
Poncy	Renaud	Rosenberg	Running
Schrader	Sherzan	Shoultz	Skow
Spear	Svoboda	Tabor	Teaford
Van Camp	Wise	Mr. Speaker	

Absent or not voting, 7:

Diemer	Fuller	Haverland	Lageschulte
Metcalf	Muhlbauer	Swartz	

Amendment H—5560 lost.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Swearingen of Keokuk, for the remainder of the day, on request of Stromer of Hancock.

Tyrrell of Iowa offered the following amendment H—5609 filed by him and moved its adoption:

H—5609

- 1 Amend House File 2444 as follows:
- 2 1. Page 7, line 16, by striking the words "road
- 3 use tax fund" and inserting the following: "general
- 4 fund".

Amendment H—5609 lost.

Renaud of Polk offered the following amendment H—5603 filed by him and moved its adoption:



H—5603

- 1 Amend House File 2444 as follows:
- 2 1. Page 9, by striking lines 11 through 30.
- 3 2. Page 20, by striking lines 9 through 31, and
- 4 inserting the following:
- 5 "NEW SUBSECTION. 4. The professional licensing
- 6 and regulation division of the department of commerce
- 7 may expend additional funds, including funds for
- 8 additional personnel, if those additional expenditures
- 9 are directly the cause of actual examination expenses
- 10 exceeding funds budgeted for examinations. Before the
- 11 division expends or encumbers an amount in excess of
- 12 the funds budgeted for examinations, the director of
- 13 the department of management shall approve the
- 14 expenditure or encumbrance. Before approval is given,
- 15 the director of the department of management shall
- 16 determine that the examination expenses exceed the
- 17 funds budgeted by the general assembly to the division
- 18 and the division does not have other funds from which
- 19 the expenses can be paid. Upon approval of the
- 20 director of the department of management, the division
- 21 may expend and encumber funds for excess examination
- 22 expenses. The amounts necessary to fund the
- 23 examination expenses shall be collected as fees from
- 24 additional examination applicants and shall be treated
- 25 as repayment receipts as defined in section 8.2,
- 26 subsection 5."
- 27 3. By renumbering as necessary.

Amendment H—5603 was adopted.

Jochum of Dubuque offered the following amendment H—5634 filed by him and moved its adoption:

H—5634

- 1 Amend House File 2444 as follows:
- 2 1. Page 10, by inserting after line 35 the
- 3 following:
- 4 "Sec. \_\_\_\_\_. 1986 Iowa Acts, chapter 1246, section
- 5 755, is hereby reenacted and remains effective to the
- 6 extent that persons who were employed by the division
- 7 of alcoholic beverages whose positions were terminated
- 8 as a result of sections 724 through 761 of chapter
- 9 1246 of the 1986 Iowa Acts shall continue to be
- 10 accorded the hiring preferences for other positions in
- 11 state departments provided by section 755."

Amendment H—5634 was adopted.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Lageschulte of Bremer on request of Pellett of Cass; Diemer of Black Hawk on request of Kremer of Buchanan, both for the remainder of the day.

Van Camp of Scott offered the following amendment H—5568 filed by him and moved its adoption:

H—5568

- 1 Amend House File 2444 as follows:
- 2 1. Page 14, lines 30 through 32, by striking the
- 3 words: "sixty percent, provided that the fee
- 4 increases in section 18 are implemented otherwise the
- 5 department shall transfer".
- 6 2. Page 16, by striking lines 11 through 22.
- 7 3. Renumber sections and correct internal
- 8 references as necessary.

Roll call was requested by Van Camp of Scott and Petersen of Muscatine.

Rule 75 was invoked.

On the question "Shall amendment H—5568 be adopted?" (H.F. 2444)

The ayes were, 32:

Beaman	Bennett	Branstad	Carpenter
Clark	Corbett	Corey	Daggett
De Groot	Garman	Halvorson, R. A.	Hanson, D. R.
Harbor	Hermann	Hester	Hummel
Kremer	Maulsby	McKean	Miller
Mullins	Paulin	Petersen, D. F.	Plasier
Platt	Renken	Royer	Schnekloth
Shoning	Stromer	Tyrrell	Van Maanen

The nays were, 62:

Adams	Arnould	Beatty	Bisignano
Black	Blanshan	Brammer	Buhr
Chapman	Cohoon	Connolly	Connors
Cooper	Doderer	Dvorsky	Eddie
Fey	Fogarty	Fuller	Groninga
Gruhn	Halvorson, R. N.	Hammond	Hansen, S. D.
Harper	Hatch	Holveck	Jay
Jochum,	Johnson	Knapp	Koenigs
Lundby	May	McKinney	Muhlbauer
Neuhauser	Norrsgard	Ollie	Osterberg
Parker	Pavich	Pellett	Peters
Peterson, M. K.	Poncy	Renaud	Rosenberg
Running	Schrader	Sherzan	Shoultz
Siegrist	Skow	Spear	Stueland
Svoboda	Tabor	Teaford	Van Camp
Wise	Mr. Speaker		

Absent or not voting, 6:

Diemer  
Swartz

Haverland  
Swearingen

Lageschulte

Metcalf

Amendment H—5568 lost.

Arnould of Scott asked and received unanimous consent that House File 2444 be deferred and that the bill retain its place on the calendar.

The House resumed consideration of **House File 2440**, a bill for an act relating to and making appropriations to the department of agriculture and land stewardship and the department of natural resources, previously deferred.

Knapp of Dubuque moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2440)

The ayes were, 60:

Adams	Arnould	Beaman	Beatty
Bisignano	Black	Brammer	Buhr
Chapman	Cohoon	Connolly	Connors
Cooper	Daggett	Doderer	Dvorsky
Fey	Fogarty	Fuller	Groninga
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Hansen, S. D.	Harbor	Harper	Hatch
Holveck	Jay	Jochum	Johnson
Knapp	Koenigs	May	McKinney
Muhlbauer	Mullins	Neuhauser	Norrsgard
Ollie	Osterberg	Parker	Pavich
Pellett	Peters	Peterson, M. K.	Poncy
Renaud	Rosenberg	Running	Schrader
Sherzan	Shoultz	Skow	Spear
Tabor	Teaford	Wise	Mr. Speaker

The nays were, 32:

Bennett	Branstad	Carpenter	Clark
Corbett	Corey	De Groot	Eddie
Garman	Hanson, D. R.	Hermann	Hester
Hummel	Kremer	Lundby	Maulsby
McKean	Miller	Paulin	Petersen, D. F.
Plasier	Platt	Renken	Royer
Schneklath	Shoning	Siegrist	Stromer
Stueland	Tyrrell	Van Camp	Van Maanen

Absent or not voting, 8:

Blanshan  
Metcalf

Diemer  
Svoboda

Haverland  
Swartz

Lageschulte  
Swearingen

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

### INTRODUCTION OF BILL

**House File 2448**, by committee on ways and means, a bill for an act relating to the funding for amending the basis for rates paid to intermediate care facilities and the schedule of basic needs under the aid to families with dependent children program by imposing a non-refundable filing fee for corporations subject to state income tax and corporations or partnerships whose income is taxed to its shareholders or partners and imposing or repealing the state sales, services and use taxes on certain services, making appropriations, and providing a retroactive 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 March 16, 1988, passed the following bill in which the concurrence of the House is asked:

Senate File 2309, a bill for an act relating to and making appropriations to the department of economic development.

Also: That the Senate has on March 16, 1988, passed the following bill in which the concurrence of the House is asked:

Senate File 2310, a bill for an act relating to and making appropriations to the Iowa state civil rights commission, the department of human rights, the department for the blind, the department of elder affairs, and the department of public health, transferring the criminal and juvenile justice planning agency to the department of human rights, and establishing a division on the status of blacks.

Also: That the Senate has on March 16, 1988, passed the following bill in which the concurrence of the House is asked:

Senate File 2311, a bill for an act relating to and making appropriations to various state agencies including the elected officials, the executive council, the department of general services, the department of personnel, the department of revenue and finance, the office of state-federal relations, and the department of management appropriating certain membership fees, increasing fees collected by the office of the secretary of state, transferring moneys in the Iowa economic emergency fund to the general fund of the state, and appropriating moneys to the county assistance fund, the municipal assistance fund, and the moneys and credits replacement fund.

JOHN F. DWYER, Secretary

**MOTION TO RECONSIDER**  
**(Amendment H—5621 to Senate File 2196)**

I move to reconsider the vote by which amendment H—5621, to amendment H—5520, to Senate File 2196 failed to be adopted by the House on March 15, 1988.

SVOBODA of Tama

**COMMUNICATION RECEIVED**

The following communication was received and is on file in the office of the Chief Clerk:

**DEPARTMENT OF INSPECTIONS AND APPEALS**

The Annual Report, pursuant to Chapter 7E.3(4), Code of Iowa.

**PRESENTATION OF VISITORS**

Connors of Polk presented to the House the Honorable Richard “Dick” Welden, former member of the House representing Hardin County.

**SUBCOMMITTEE ASSIGNMENTS**

**House File 2445**

Ways and Means: Tabor, Chair; Metcalf and Wise.

**Senate File 4**

Judiciary and Law Enforcement: Poncy, Chair; Paulin and Renaud.

**Senate File 450**

Transportation: Koenigs, Chair; Harbor and Muhlbauer.

**Senate File 2020**

Judiciary and Law Enforcement: McKinney, Chair; Chapman, Lageschulte, Peterson of Carroll and Siegrist.

**Senate File 2039**

Transportation: Neuhauser, Chair; Cohoon and Royer.

**Senate File 2107**

Judiciary and Law Enforcement: Jay, Chair; Halvorson of Clayton, Hansen of Woodbury, Lageschulte and McKinney.

**Senate File 2162**

Transportation: Neuhauser, Chair; Cohoon and Royer.

**Senate File 2174**

Labor and Industrial Relations: Running, Chair; Connors and Eddie.

**Senate File 2186**

Judiciary and Law Enforcement: Rosenberg, Chair; Brammer and Clark.

**Senate File 2209**

Judiciary and Law Enforcement: Chapman, Chair; Halvorson of Clayton and Peterson of Carroll.

**Senate File 2238**

Judiciary and Law Enforcement: Jay, Chair; Halvorson of Clayton and McKinney.

**Senate File 2239**

Labor and Industrial Relations: Brammer, Chair; Connors and Tyrrell.

**Senate File 2258**

Judiciary and Law Enforcement: McKinney, Chair; Chapman, Lageschulte, Peterson of Carroll and Siegrist.

**Senate File 2281**

Judiciary and Law Enforcement: Chapman, Chair; Hammond and Paulin.

**Senate File 2287**

Transportation: Cohoon, Chair; Beaman and Neuhauser.

**HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS****House Study Bill 782**

Ways and Means: May, Chair; Chapman and De Groot.

**House Study Bill 788**

Ways and Means: Wise, Chair; Carpenter and Rosenberg.

**COMMITTEE RECOMMENDATIONS**

**MR. SPEAKER:** The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

**JOSEPH O'HERN**

Chief Clerk of the House

**COMMITTEE ON TRANSPORTATION**

**Senate File 2146**, a bill for an act relating to entering private land for highway construction purposes.

Fiscal Note is not required.

Committee Action: **Failed to Pass** March 16, 1988.

**COMMITTEE ON WAYS AND MEANS**

**Committee Bill** (Formerly House File 2445), relating to the funding for amending the basis for rates paid to intermediate care facilities and the schedule of basic needs

under the aid to families with dependent children program by imposing a nonrefundable filing fee for corporations subject to state income tax and corporations or partnerships whose income is taxed to its shareholders or partners, making appropriations, and providing an effective date.

Fiscal Note is required.

Recommended Amend and Do Pass March 16, 1988.

### AMENDMENTS FILED

H-5642	H.F.	2368	Jay of Appanoose
H-5643	H.F.	2443	Peterson of Carroll
			Spear of Lee
			Fogarty of Palo Alto
			Adams of Hamilton
			McKean of Jones
H-5644	H.F.	2443	Peterson of Carroll
			Spear of Lee
H-5645	S.F.	2223	Jay of Appanoose
H-5646	H.F.	2444	Hermann of Scott
H-5647	S.F.	2196	Schnekloth of Scott
H-5648	H.F.	2444	Renaud of Polk
H-5649	H.F.	2419	Corbett of Linn
H-5650	S.F.	2070	Muhlbauer of Crawford
H-5652	H.F.	2447	Hatch of Polk
			Jochum of Dubuque
			Haverland of Polk
H-5653	H.F.	2444	Teaford of Black Hawk
H-5654	H.F.	2444	Swartz of Marshall
H-5655	S.F.	2070	Skow of Guthrie
			Svoboda of Tama
			Fogarty of Palo Alto
			Branstad of Winnebago
			Koenigs of Mitchell
			May of Worth
			McKinney of Dallas
H-5656	S.F.	2070	Skow of Guthrie
			Svoboda of Tama
			Gruhn of Dickinson
			Branstad of Winnebago
			Koenigs of Mitchell
			May of Worth
			McKinney of Dallas
H-5657	H.F.	2443	Eddie of Buena Vista

H—5658	H.F. 2443	Paulin of Plymouth Garman of Story
H—5659	H.F. 2443	McKean of Jones
H—5660	H.F. 2429	Johnson of Winneshiek May of Worth De Groot of Lyon Hanson of Delaware

On motion by Arnould of Scott, the House adjourned at 6:52 p.m., until 9:00 a.m., Thursday, March 17, 1988.



# JOURNAL OF THE HOUSE

Sixty-seventh Calendar Day — Forty-fifth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Thursday, March 17, 1988

The House met pursuant to adjournment, Speaker Avenson in the chair.

Prayer was offered by the Honorable Jane Teafor, state representative from Black Hawk County.

The Journal of Wednesday, March 16, 1988 was approved.

## PETITIONS FILED

The following petitions were received and placed on file:

By Corey of Louisa, from thirty-two constituents favoring House File 2405, an act relating to the IPERS program.

By Peterson of Carroll, from three hundred eighty-one constituents opposing House Study Bill 782, increasing the tax on beer, wine or liquor.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Hanson of Delaware on request of Renken of Grundy.

## SPECIAL PRESENTATION

Fogarty of Palo Alto presented to the House Gail Bonnstetter, West Bend. Gail is Miss Shamrock, Queen for the annual St. Patrick's Celebration in Emmetsburg.

The House rose and expressed its welcome.

## PRESENTATION OF IRISH DIGNITARY

Fogarty of Palo Alto escorted to the Chief Clerk's station and presented to the House Bernard Allen, a member of the Irish Parliament.

Mr. Allen, accompanied by his wife Mary, is in Iowa to represent the Republic of Ireland at the 1988 St. Patrick's Celebration in Emmetsburg. He is from the city of Cork and greeted the House in his native tongue extending one hundred thousand welcomes from Ireland, inviting all Iowans to visit.

Mr. Allen noted the progressive Ireland of today and gave a brief history of his country and the turmoil they have endured. He presented Speaker Avenson with a copy of the Anglo/Irish agreement.

The House rose and expressed its welcome.

### SENATE MESSAGES CONSIDERED

**Senate File 2075**, by Bruner, a bill for an act relating to child abuse by providing for examination of a child, by providing for filing complaints of alleged child sexual abuse, by requiring departmental coordination in cases of child abuse, and by expanding the definition of indecent contact with a child.

Read first time and referred to committee on **judiciary and law enforcement**.

**Senate File 2252**, by Varn, a bill for an act relating to the contents of records affecting interests in property.

Read first time and referred to committee on **judiciary and law enforcement**.

**Senate File 2259**, by committee on judiciary, a bill for an act relating to the disposal of abandoned mobile homes and abandoned personal property of the abandoned mobile home owner.

Read first time and referred to committee on **judiciary and law enforcement**.

**Senate File 2264**, by committee on local government, a bill for an act to allow the owner of a homestead to claim the homestead tax credit where the homestead is located on land owned by a partnership or corporation and the owner is a partner or shareholder.

Read first time and referred to committee on **ways and means**.

**Senate File 2280**, by committee on judiciary, a bill for an act relating to the time of filing a nonprofit corporation's annual report.

Read first time and referred to committee on **small business and commerce**.

**Senate File 2305**, by committee on judiciary, a bill for an act relating to civil and criminal immunity of civilian correctional officers and governmental subdivisions responsible for detaining persons taken into custody for an alleged violation of a court order or consent agreement.

Read first time and referred to committee on **judiciary and law enforcement**.

**Senate File 2306**, by committee on judiciary, a bill for an act repealing a right to review by a juvenile court judge of a juvenile court referee's decision.

Read first time and referred to committee on **judiciary and law enforcement**.

**Senate File 2307**, by committee on judiciary, a bill for an act relating to evidence for identification of certain criminals, providing for a study by the department of public safety, and providing an effective date.

Read first time and referred to committee on **judiciary and law enforcement**.

### IMMEDIATE MESSAGE

(House File 2440)

Arnould of Scott asked and received unanimous consent that House File 2440 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 Files 2388, 2294 and 2444.

### CONSIDERATION OF BILLS

#### Regular Calendar

**House File 2388**, a bill for an act relating to the petition signatures required to call an election to fill a vacancy in an elective city office, was taken up for consideration.

Eddie of Buena Vista moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2388)

The ayes were, 93:

Adams	Arnould	Beaman	Bennett
Bisignano	Black	Blanshan	Brammer
Branstad	Buhr	Carpenter	Chapman
Clark	Cohoon	Connolly	Connors
Cooper	Corey	Daggett	De Groot
Diemer	Doderer	Dvorsky	Eddie
Fey	Fuller	Garman	Groninga
Gruhn	Halvorson, R. A.	Hammond	Hansen, S. D.
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	Schnekloth	Schrader	Sherzan
Shoning	Shoultz	Siegrist	Skow
Spear	Stromer	Stueland	Svoboda
Swartz	Swearingen	Tabor	Teaford
Tyrrell	Van Camp	Van Maanen	Wise
Mr. Speaker			

The nays were, 4:

Corbett	Halvorson, R. N.	Knapp	Running
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Absent or not voting, 3:

Beatty	Fogarty	Hanson, D. R.
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

The House resumed consideration of **House File 2294**, a bill for an act relating to testing for and confidentiality of human immunodeficiency virus-related matters and providing penalties, reconsidered on March 9, 1988.

Tabor of Jackson in the chair at 9:49 a.m.

Sherzan of Polk offered the following amendment H—5591 filed by Sherzan, et al., and moved its adoption:

H—5591

- 1 Amend House File 2294 as follows:
- 2 1. Page 3, by striking lines 32 and 33 and
- 3 inserting the following: "except for statistical
- 4 purposes. Notwithstanding any other provision of law,
- 5 however, the minor shall be informed prior to testing
- 6 that upon confirmation according to prevailing medical
- 7 technology of a positive test result the minor's legal
- 8 guardian is required to be informed by the testing
- 9 facility. Testing facilities where minors are tested
- 10 shall have available a program to assist minors and
- 11 legal guardians with the notification process which
- 12 emphasizes the need for family support and assists in
- 13 making available the resources necessary to accomplish
- 14 that goal. However, a testing facility which is
- 15 precluded by federal statute, regulation, or center

16 for disease control guidelines, from informing the  
17 legal guardian is exempt from the notification  
18 requirement, but not from the requirement for an  
19 assistance program. The minor shall give written  
20 consent to these procedures and to receive the  
21 services, screening, or treatment. Such consent is  
22 not subject to later disaffirmance by reason of  
23 minority."

24 2. Page 3, by striking line 35 and inserting the  
25 following:

26 "1. A person possessing information regulated by  
27 this chapter shall not disclose the identity of any  
28 other person upon whom an HIV-related test is  
29 performed or the results of such a test in a manner  
30 which would permit identification of another person  
31 and a person shall not be compelled to disclose".

32 3. Page 4, line 6, by inserting after the word  
33 "guardian" the following: "subject to the provisions  
34 of section 135I.2, subsection 6, when applicable".

35 4. Page 5, by inserting after line 23 the  
36 following:

37 "i. An employer, if the test is authorized to be  
38 required under any other provision of law."

39 5. Page 8, by inserting after line 7 the  
40 following:

41 "Sec. \_\_\_\_\_. The Code editor shall codify the  
42 provisions of this Act and senate file 2157 and other  
43 appropriate Acts approved by the general assembly into  
44 one chapter relating to acquired immune deficiency  
45 syndrome and shall provide appropriate divisions  
46 within that chapter".

47 6. By renumbering as necessary.

A non-record roll call was requested.

The ayes were 59, nays 10.

Amendment H—5591 was adopted, placing the following amendments out of order:

H—5150, as amended, (found on pages 475 and 476 of the House Journal) previously adopted.

H—5175 (found on page 476 of the House Journal), to amendment H—5150, previously adopted.

H—5346 filed by Sherzan of Polk on March 7, 1988.

Hammond of Story moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2294)

The ayes were, 88:

Adams	Arnould	Avenson	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Buhr	Carpenter
Chapman	Clark	Cphoon	Connolly
Connors	Cooper	Corbett	Daggett
Diemer	Dvorsky	Fey	Fogarty
Fuller	Garman	Groninga	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Hansen, S. D.
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.	Platt	Poncy
Renaud	Rosenberg	Running	Schneklath
Schrader	Sherzan	Shoning	Shoultz
Siegrist	Skow	Spear	Stueland
Svoboda	Swartz	Swearingen	Teaford
Tyrrell	Van Camp	Wise	Mr. Speaker (Tabor)

The nays were, 8:

Branstad	Corey	De Groot	Eddie
Maulsby	Plasier	Renken	Van Maanen

Absent or not voting, 4:

Doderer	Hanson, D. R.	Royer	Stromer
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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 (House Files 2388 and 2294)

Arnould of Scott asked and received unanimous consent that House Files 2388 and 2294 be immediately messaged to the Senate.

### Appropriations Calendar

The House resumed consideration of **House File 2444**, a bill for an act relating to making appropriations to agencies, boards, commissions, departments, and programs of state government including the auditor of state, campaign finance, employment services, labor services, industrial services, job services, inspections and appeals, commerce, professional licensing and regulation, insurance, alcoholic beverages, banking, credit union, savings and loan, and utilities, deferred March 16, 1988.

Hermann of Scott offered the following amendment H—5559 filed by him:

H—5559

1 Amend House File 2444 as follows:  
2 1. Page 17, by inserting after line 17, the  
3 following:  
4 "Sec. \_\_\_\_\_. Section 11.18, Code 1987, is amended by  
5 adding the following new unnumbered paragraph:  
6 NEW UNNUMBERED PARAGRAPH. The auditor of state may  
7 review the audit workpapers prepared by a certified or  
8 registered accountant in the performance of an  
9 examination of the financial condition and  
10 transactions of a city. However, unless the public  
11 interest requires otherwise, a review of audit  
12 workpapers shall not be made more than once in any  
13 three-year period if the same certified or registered  
14 accountant performs the examination of the city during  
15 that period. The actual and necessary expenses  
16 incurred by the auditor of state in performance of the  
17 review shall be reimbursed by the certified or  
18 registered accountant whose workpapers are subject to  
19 review, but the amount reimbursed shall not exceed the  
20 greater of one thousand dollars or ten percent of the  
21 fee collected by the accountant from the city to  
22 conduct the examination."

Hermann of Scott offered the following amendment H—5646, to amendment H—5559, filed by him and moved its adoption:

H—5646

1 Amend amendment H—5559, to House File 2444 as  
2 follows:  
3 1. Page 1, by striking lines 2 through 6 and  
4 inserting the following:  
5 "1. Page 2, by inserting after line 1, the  
6 following:  
7 "As a condition of this appropriation, the auditor  
8 of state may"."

Amendment H—5646 was adopted.

Hermann of Scott moved the adoption of amendment H—5559, as amended.

Roll call was requested by Hermann of Scott and Bennett of Ida.

On the question "Shall amendment H—5559, as amended, be adopted?" (H.F. 2444)

The ayes were, 41:

Beaman	Bennett	Branstad	Carpenter
Clark	Corbett	Corey	Daggett
De Groot	Dvorsky	Eddie	Fey
Garman	Halvorson, R. A.	Harbor	Hermann
Hester	Hummel	Kremer	Lageschulte
Lundby	Maulsby	McKean	Metcalf
Mullins	Norrgard	Ollie	Paulin
Pellett	Petersen, D. F.	Platt	Renken
Royer	Schnekloth	Shoning	Siegrist
Stueland	Swearingen	Tyrrell	Van Camp
Van Maanen			

The nays were, 51:

Adams	Arnould	Beatty	Bisignano
Brammer	Buhr	Chapman	Cohoon
Connolly	Cooper	Doderer	Fogarty
Fuller	Groninga	Gruhn	Halvorson, R. N.
Hammond	Hansen, S. D.	Harper	Hatch
Holveck	Jay	Jochum	Johnson
Knapp	Koenigs	May	McKinney
Miller	Muhlbauer	Neuhauser	Osterberg
Parker	Pavich	Peters	Peterson, M. K.
Plasier	Poney	Renaud	Rosenberg
Running	Schrader	Sherzan	Shoultz
Skow	Spear	Svoboda	Swartz
Teaford	Wise	Mr. Speaker (Tabor)	

Absent or not voting, 8:

Avenson	Black	Blanshan	Connors
Diemer	Hanson, D. R.	Haverland	Stromer

Amendment H—5559, as amended, lost.

The House resumed consideration of amendment H—5640D.

Renaud of Polk rose on a point of order that amendment H—5640D was not germane.

The Speaker ruled the point well taken and amendment H—5640D not germane.

Van Camp of Scott offered the following amendment H—5564 filed by him and moved its adoption:

H—5564

- 1 Amend House File 2444 as follows:
- 2 1. Page 19, by striking lines 6 through 13.
- 3 2. Renumber sections and correct internal
- 4 references as necessary.



Roll call was requested by Bennett of Ida and Van Camp of Scott.

On the question "Shall amendment H—5564 be adopted?"  
(H.F. 2444)

The ayes were, 42:

Beaman	Bennett	Branstad	Carpenter
Clark	Corbett	Corey	Daggett
De Groot	Eddie	Fogarty	Garman
Halvorson, R. A.	Harbor	Hermann	Hester
Hummel	Knapp	Kremer	Lageschulte
Lundby	Maulsby	McKean	Metcalf
Miller	Muhlbauer	Mullins	Paulin
Pellett	Petersen, D. F.	Plasier	Platt
Renken	Royer	Running	Schnekloth
Shoning	Stueland	Swearingen	Tyrrell
Van Camp	Van Maanen		

The nays were, 54:

Adams	Arnould	Avenson	Beatty
Bisignano	Blanshan	Brammer	Buhr
Chapman	Cphoon	Connolly	Connors
Cooper	Diemer	Doderer	Dvorsky
Fey	Fuller	Groninga	Gruhn
Halvorson, R. N.	Hammond	Hansen, S. D.	Harper
Hatch	Haverland	Holveck	Jay
Jochum	Johnson	Koenigs	May
McKinney	Neuhauser	Norrgard	Ollie
Osterberg	Parker	Pavich	Peters
Peterson, M. K.	Poncy	Renaud	Rosenberg
Schrader	Sherzan	Shoultz	Siegrist
Skow	Spear	Swartz	Teaford
Wise	Mr. Speaker (Tabor)		

Absent or not voting, 4:

Black	Hanson, D. R.	Stromer	Svoboda
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Amendment H—5564 lost.

Van Camp of Scott offered the following amendment H—5565 filed by him and moved its adoption:

H—5565

- 1 Amend House File 2444 as follows:
- 2 1. Page 19, by striking lines 14 through 19.
- 3 2. Renumber sections and correct internal
- 4 references as necessary.

A non-record roll call was requested.

The ayes were 30, nays 46.

Amendment H—5565 lost.

Speaker Avonson in the chair at 10:50 a.m.

Van Camp of Scott offered the following amendment H—5567 filed by him and moved its adoption:

H—5567

- 1 Amend House File 2444 as follows:
- 2 1. Page 19, by striking lines 20 through 35.
- 3 2. Renumber sections and correct internal
- 4 references as necessary.

Amendment H—5567 lost.

Van Camp of Scott offered the following amendment H—5566 filed by him and moved its adoption:

H—5566

- 1 Amend House File 2444 as follows:
- 2 1. Page 20, by striking lines 3 through 6.
- 3 2. Renumber sections and correct internal
- 4 references as necessary.

A non-record roll call was requested.

The ayes were 18, nays 27.

Amendment H—5566 lost.

Swartz of Marshall offered the following amendment H—5633 filed by him and Renaud of Polk:

H—5633

- 1 Amend House File 2444 as follows:
- 2 1. Page 20, by inserting after line 31 the
- 3 following:
- 4 "Sec. \_\_\_\_\_. Section 546.10, Code 1987, is amended
- 5 by adding the following new subsection:
- 6 **NEW SUBSECTION. 5.** The administrator of
- 7 professional licensing and regulation may adopt rules
- 8 conditioning licensing of a member of a profession
- 9 regulated by the division upon proof of an adequate
- 10 level of financial responsibility for professional
- 11 liability. Proof of financial responsibility may be
- 12 required in the form of commercial bonding, insurance,
- 13 self-insurance, or other professional financial
- 14 responsibility program adopted by rule of, or approved
- 15 by, the administrator."

Swartz of Marshall offered the following amendment H—5654, to amendment H—5633, filed by him:

H—5654

1 Amend the amendment, H—5633, to House File 2444 as  
2 follows:

3 1. Page 1, by striking lines 2 through 15, and  
4 inserting the following:

5 "\_\_\_\_\_. Page 9, by inserting after line 30, the  
6 following:

7 "Sec. \_\_\_\_\_. No later than January 15, 1989, the  
8 administrator of the division of professional  
9 licensing of the department of commerce shall prepare  
10 and submit a study to the general assembly evaluating  
11 the feasibility of adopting financial responsibility  
12 rules meeting the following criteria:

13 1. The rules shall require a member of a regulated  
14 profession to carry errors or omissions insurance to  
15 cover all regulated activities of the profession, or  
16 similar professional malpractice insurance.

17 2. The rules shall permit the administrator to  
18 contract with an insurance provider for a group policy  
19 for each or all professions regulated by the  
20 administrator. The contract shall be solicited by  
21 competitive, sealed bid.

22 3. A group policy obtained by the administrator to  
23 satisfy the mandate of subsection 1 shall be made  
24 available to all members of the regulated profession  
25 with no right on the part of the insurance provider to  
26 cancel coverage for any member.

27 4. A member of a profession shall have the option  
28 of obtaining insurance independently, provided that  
29 the coverage contained in an independently obtained  
30 policy complies with the minimum requirements adopted  
31 by rule of the administrator.

32 5. The administrator shall determine the terms and  
33 conditions of coverage for the annual policy at least  
34 thirty days prior to the annual policy renewal date.  
35 The study shall include proposed terms and conditions.  
36 A certificate of coverage, showing compliance with the  
37 required terms and conditions of coverage, must be  
38 filed with the administrator as a condition to license  
39 renewal by a member opting not to participate in the  
40 group insurance program contracted for by the  
41 administrator.

42 6. If the administrator is unable to obtain a  
43 group policy of errors and omissions insurance  
44 coverage at a reasonable premium to insure all members  
45 of a regulated profession who choose to participate in  
46 the group insurance program, the insurance or proof of  
47 financial responsibility requirement shall not be

- 48 applicable to that profession during the applicable  
49 contract year.  
50 The study shall include an evaluation of the

**Page 2**

- 1 availability of a group policy meeting the listed  
2 criteria, and an estimate of the premiums costs for a  
3 member of each regulated profession. The study shall  
4 describe the minimum requirements contemplated,  
5 including, but not limited to deductible amounts and  
6 minimum coverage limits. The study shall also  
7 describe the availability and cost of currently  
8 available insurance programs for each profession, both  
9 group and individual. The study shall contain a  
10 recommendation of the administrator whether to adopt  
11 professional financial responsibility rules for each  
12 regulated profession and whether to provide a group  
13 insurance policy program as described in this  
14 subsection." "

Van Camp of Scott rose on a point of order that amendment H—5654 was not germane to amendment H—5633.

Van Camp of Scott asked and received unanimous consent to withdraw his request for a germaneness ruling on amendment H—5654.

On motion by Swartz of Marshall, amendment H—5654, to amendment H—5633, was adopted.

On motion by Swartz of Marshall, amendment H—5633, as amended, was adopted.

Corey of Louisa offered the following amendment H—5628 filed by him and Teaforde of Black Hawk:

H—5628

- 1 Amend House File 2444 as follows:  
2 1. Page 20, by inserting after line 33, the  
3 following:  
4 "Sec. 33. NEW SECTION. 237.23 AUTOMATIC REPEAL.  
5 Sections 237.15 through 237.22, Code 1987, are  
6 repealed July 1, 1992.  
7 Sec. \_\_\_\_\_. The department of human services, the  
8 foster care review board, and the supreme court shall  
9 submit a coordinated foster care plan to the  
10 legislature on or before January 15, 1989. The plan  
11 shall coordinate foster care services between the  
12 participants to avoid duplication, to improve delivery  
13 of services, and improve fact-finding, review, and  
14 appeal processes, both nonjudicial and judicial, to  
15 the extent possible. The plan should include specific

16 proposals for legislative action necessary to  
17 implement the plan. The plan shall also include a  
18 critical review and summary of problems with the  
19 current system."

20 2. Page 21, by inserting after line 1 the  
21 following:

22 "Sec. \_\_\_\_\_. Section 33 of this Act is effective  
23 June 30, 1988."

24 3. Title page, line 7, by inserting after the  
25 word "utilities" the following: "and providing an  
26 effective date".

Teaford of Black Hawk offered the following amendment H—5653,  
to amendment H—5628, filed by her and moved its adoption:

H—5653

1 Amend the amendment H—5628 to House File 2444 as  
2 follows:

3 1. Page 1, by striking lines 4 through 7, and  
4 inserting the following:

5 "Sec. \_\_\_\_\_. The department of human services, the".

6 2. Page 1, by striking lines 20 through 26.

A non-record roll call was requested.

The ayes were 18, nays 35.

Amendment H—5653 lost.

On motion by Corey of Louisa, amendment H—5628 was adopted.

Renaud of Polk offered the following amendment H—5648 filed  
by him:

H—5648

1 Amend House File 2444 as follows:

2 1. Page 1, line 10, by inserting after the word  
3 "reimbursed" the following: ", out of the examined  
4 agency's appropriation,".

5 2. Page 2, line 28, by striking the word  
6 "purposes:" and inserting the following:  
7 "purposes:".

8 3. Page 2, line 35, by striking the word  
9 "workers" and inserting the following: "workers".

10 4. Page 7, by inserting after line 15, the  
11 following:

12 "The board of cosmetology examiners and the board  
13 of barber examiners shall by rule implement this fee  
14 schedule."

15 5. Page 8, lines 11 and 12, by striking the words  
16 "and regulation division".

- 17 6. Page 17, by striking lines 28 and 29, and  
 18 inserting the following: "thousand. After".  
 19 7. Page 21, line 3, by striking the words "this  
 20 division of".  
 21 8. Title page, line 1, by inserting after the  
 22 words "relating to" the following: "regulatory bodies  
 23 of state government by".  
 24 9. Title page, line 7, by inserting after the  
 25 word "utilities" the following: ", by mandating  
 26 certain studies, policies, and other actions by  
 27 certain regulatory bodies, by increasing certain fees,  
 28 by allocating certain expenses between state agencies,  
 29 and by exempting certain regulatory personnel from the  
 30 merit pay system".

Renaud of Polk offered the following amendment H—5665, to amendment H—5648, filed by him from the floor and moved its adoption:

H—5665

- 1 Amend amendment H—5648 to House File 2444 as  
 2 follows:  
 3 1. Page 1, by striking lines 17 and 18 and  
 4 inserting the following:  
 5 "6. Page 17, by striking lines 28 and 29 and  
 6 inserting the following; "thousand or for the  
 7 division-approved training fund funded in section 6,  
 8 subsection 2, of this Act. After".

Amendment H—5665 was adopted.

On motion by Renaud of Polk, amendment H—5648, as amended, was adopted.

Renaud of Polk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2444)

The ayes were, 71:

Adams	Arnould	Beaman	Beatty
Bisignano	Black	Brammer	Buhr
Chapman	Cohon	Connolly	Cooper
Daggett	Diemer	Doderer	Dvorsky
Fey	Fogarty	Fuller	Groninga
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Hansen, S. D.	Harper	Hatch	Haverland
Hermann	Hester	Holveck	Jay
Jochum	Johnson	Knapp	Koenigs
Lageschulte	Lundby	May	McKean

McKinney	Muhlbauer	Mullins	Neuhauser
Norrgard	Ollie	Osterberg	Parker
Pavich	Pellett	Peters	Peterson, M. K.
Platt	Poncy	Renaud	Renken
Rosenberg	Schrader	Sherzan	Shoning
Shoultz	Siegrist	Skow	Spear
Svoboda	Swartz	Tabor	Teaford
Van Camp	Wise	Mr. Speaker	

The nays were, 26:

Bennett	Branstad	Carpenter	Clark
Corbett	Corey	De Groot	Eddie
Garman	Harbor	Hummel	Kremer
Maulsby	Metcalf	Miller	Paulin
Petersen, D. F.	Plasier	Royer	Running
Schnekloth	Stromer	Stueland	Swearingen
Tyrrell	Van Maanen		

Absent or not voting, 3:

Blanshan	Connors	Hanson, D. R.
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The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

### IMMEDIATE MESSAGE (House File 2444)

Arnould of Scott asked and received unanimous consent that House File 2444 be immediately messaged to the Senate.

On motion by Arnould of Scott, the House was recessed at 11:32 a.m., until 2:00 p.m.

### AFTERNOON SESSION

The House reconvened, Speaker Avenson in the chair.

### INTRODUCTION OF BILLS

**House File 2449**, by Halvorson of Clayton, a bill for an act to legalize the proceedings of the board of directors of the M-F-L Community School District relating to the sale of certain real estate.

Read first time and referred to committee on **judiciary and law enforcement**.

**House File 2450**, by committee on ways and means, a bill for an act relating to the taxation of certain pensions, annuities, and retirement allowances received for purposes of the state individual income tax and providing an effective date.

Read first time and placed on the **ways and means calendar**.

**House File 2451**, by committee on ways and means, a bill for an act relating to the treatment of interest and dividends from state and other political subdivisions and from regulated investment companies in determining the alternative minimum tax for corporations and providing for retroactive applicability and effective dates.

Read first time and placed on the **ways and means calendar**.

### SENATE MESSAGES CONSIDERED

**Senate File 2309**, by committee on appropriations, a bill for an act relating to and making appropriations to the department of economic development.

Read first time and referred to committee on **appropriations**.

**Senate File 2310**, by committee on appropriations, a bill for an act relating to and making appropriations to the Iowa state civil rights commission, the department of human rights, the department for the blind, the department of elder affairs, and the department of public health, transferring the criminal and juvenile justice planning agency to the department of human rights, and establishing a division on the status of blacks.

Read first time and referred to committee on **appropriations**.

**Senate File 2311**, by committee on appropriations, a bill for an act relating to and making appropriations to various state agencies including the elected officials, the executive council, the department of general services, the department of personnel, the department of revenue and finance, the office of state-federal relations, and the department of management appropriating certain membership fees, increasing fees collected by the office of the secretary of state, transferring moneys in the Iowa economic emergency fund to the general fund of the state, and appropriating moneys to the county assistance fund, the municipal assistance fund, and the moneys and credits replacement fund.

Read first time and referred to committee on **appropriations**.

The House stood at ease at 2:06 p.m., until the fall of the gavel.

The House resumed session at 2:25 p.m., Speaker Avenson in the chair.



REFERRED TO COMMITTEE ON WAYS AND MEANS  
(House File 2429)

Arnould of Scott asked and received unanimous consent that House File 2429, presently on the **regular calendar**, be referred to the committee on **ways and means**.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 17, 1988, passed the following bill in which the concurrence of the House is asked:

Senate File 2130, a bill for an act repealing the prohibition against selling or offering for sale decorative gas lamps.

Also: That the Senate has on March 17, 1988, passed the following bill in which the concurrence of the House is asked:

Senate File 2248, a bill for an act relating to indemnification and the limitation of liability of directors and officers and to the indemnification of a present or former director, officer, employee, member, or volunteer of a cooperative association for certain judgments and expenses.

Also: That the Senate has on March 17, 1988, passed the following bill in which the concurrence of the House is asked:

Senate File 2271, a bill for an act relating to claims against public corporations for nonpayment of moneys due on public improvements.

Also: That the Senate has on March 17, 1988, passed the following bill in which the concurrence of the House is asked:

Senate File 2288, a bill for an act relating to unemployment compensation benefits for certain employees of the natural resource commission and providing an effective date.

Also: That the Senate has on March 17, 1988, passed the following bill in which the concurrence of the House is asked:

Senate File 2302, a bill for an act relating to the investment powers of state banks.

Also: That the Senate has on March 17, 1988, passed the following bill in which the concurrence of the House is asked:

Senate File 2304, a bill for an act relating to the representation of indigent and incompetent persons by appointed attorneys, public defenders, and the appellate defender's office; and the determination of indigency.

JOHN F. DWYER, Secretary

The House stood at ease at 2:26 p.m., until the fall of the gavel.

The House resumed session at 3:08 p.m., Speaker Avenson in the chair.

**MOTIONS TO RECONSIDER WITHDRAWN**  
(House File 2427)

Maulsby of Calhoun asked and received unanimous consent to withdraw the motion to reconsider House File 2427, a bill for an act to repeal certain health-related regulation responsibilities of the department of agriculture and land stewardship, filed by him on March 11, 1988.

(House File 2106)

Mullins of Kossuth and Spear of Lee asked and received unanimous consent to withdraw the motions to reconsider House File 2106, a bill for an act prohibiting the advertisement, sale, or use in this state of home testing kits for human immunodeficiency virus antibody or antigen testing, and providing a penalty, filed by them on March 11, 1988.

**RULES SUSPENDED**

Arnould of Scott asked and received unanimous consent to suspend the rules and take up out of order House File 2443.

**LEAVE OF ABSENCE**

Leave of absence was granted as follows:

Skow of Guthrie, until his return, on request of Black of Jasper.

**CONSIDERATION OF BILLS**  
**Appropriations Calendar**

**House File 2443**, a bill for an act relating to and making appropriations to the justice system and providing an effective date, was taken up for consideration.

McKean of Jones offered the following amendment H—5626 filed by him and moved its adoption:

H—5626

- 1 Amend House File 2443 as follows:
- 2 1. Page 4, by inserting after line 27, the
- 3 following:
- 4 "In addition to the other funds appropriated under
- 5 this subsection, there is appropriated from the
- 6 general fund of the state to the department of
- 7 corrections for the fiscal year beginning July 1,
- 8 1988, and ending June 30, 1989, the sum of five
- 9 hundred ninety-four thousand (594,000) dollars, to be
- 10 used for the employment of correctional officers,

11. equaling twenty-seven full-time equivalent positions,
- 12 at the adult correctional institutions. The
- 13 distribution of these full-time equivalent positions
- 14 among the institutions shall be determined by the
- 15 legislative fiscal bureau."

Roll call was requested by McKean of Jones and Branstad of Winnebago.

On the question "Shall amendment H—5626 be adopted?"  
(H.F. 2443)

The ayes were, 37:

Beaman	Bennett	Branstad	Carpenter
Clark	De Groot	Diemer	Garman
Halvorson, R. A.	Halvorson, R. N.	Harbor	Hermann
Hester	Hummel	Kremer	Lageschulte
Maulsby	McKean	Metcalf	Miller
Mullins	Norrsgard	Paulin	Pellett
Petersen, D. F.	Plasier	Renken	Royer
Running	Schnekloth	Shoning	Stromer
Stueland	Swearingen	Tyrrell	Van Camp
Van Maanen			

The nays were, 52:

Adams	Beatty	Bisignano	Black
Blanshan	Buhr	Chapman	Cohoon
Connolly	Connors	Cooper	Corbett
Corey	Doderer	Dvorsky	Eddie
Fey	Fogarty	Groninga	Gruhn
Hammond	Hansen, S. D.	Harper	Hatch
Haverland	Holveck	Jochum	Johnson
Koenigs	Lundby	May	McKinney
Muhlbauer	Neuhauser	Parker	Pavich
Peters	Peterson, M. K.	Poncy	Renaud
Rosenberg	Schrader	Sherzan	Shoultz
Siegrist	Spear	Svoboda	Swartz
Tabor	Teaford	Wise	Mr. Speaker

Absent or not voting, 11:

Arnould	Brammer	Daggett	Fuller
Hanson, D. R.	Jay	Knapp	Ollie
Osterberg	Platt	Skow	

Amendment H—5626 lost.

McKean of Jones offered the following amendment H—5641 filed by him:

H—5641

1 Amend House File 2443 as follows:

2 1. Page 4, by inserting after line 27 the  
3 following:

4 "i. For major maintenance and repairs at the adult  
5 correctional institutions for the fiscal year  
6 beginning July 1, 1988, and ending June 30, 1989, the  
7 sum of four hundred thirty-four thousand five hundred  
8 thirty-six (434,536) dollars, or so much thereof as is  
9 necessary, which appropriation is contingent upon the  
10 enactment of a monthly twenty-dollar supervision fee  
11 to be paid by persons placed by an authority on  
12 probation, parole, or other form of release, subject  
13 to supervision by a judicial district department of  
14 correctional services program established under  
15 chapter 905."

16 2. Page 14, by inserting after line 24, the  
17 following:

18 "Sec. \_\_\_\_\_. NEW SECTION. 905.13 CONDITION OF  
19 RELEASE.

20 1. A person placed by an authority on probation,  
21 parole, or other form of release, subject to  
22 supervision by a judicial district department of  
23 correctional services program established under this  
24 chapter, is required to pay a monthly fee of twenty  
25 dollars to offset the costs of supervision. Fees are  
26 payable one month following the commencement of  
27 probation, parole, or other supervised release and at  
28 one-month intervals thereafter. The fee shall be  
29 collected by the district department on a monthly  
30 basis and remitted to the state treasurer each  
31 quarter. The fees remitted shall be credited to the  
32 general fund.

33 2. The state department of corrections shall adopt  
34 rules for determining whether a person subject to the  
35 fee established in subsection 1 is indigent. If a  
36 determination of indigency is made the fee shall be  
37 waived. The department shall establish a procedure  
38 for periodic review of the financial situation of a  
39 person determined to be indigent. A person initially  
40 determined to be indigent who at some point during the  
41 term of probation, or other conditional release, is  
42 determined not to be indigent, is subject to the fee  
43 established in subsection 1.

44 Sec. \_\_\_\_\_. Section 906.15, Code 1987, is amended to  
45 read as follows:

46 906.15 DISCHARGE FROM PAROLE.

47 Unless sooner discharged, a person released on  
48 parole shall be discharged when the person's term of  
49 parole equals the period of imprisonment specified in  
50 the person's sentence, less all time served in

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1 confinement. If the fees required to be paid under  
2 section 905.13 are not waived by the department of  
3 corrections and are not paid in full, a record of the  
4 amount unpaid shall be perfected and constitutes a  
5 lien in the same manner as a judgment for an unpaid  
6 fine, which has been filed with the clerk, becomes a  
7 lien under section 909.6. Discharge from parole may  
8 be granted prior to ~~such~~ that time, when an early  
9 discharge is appropriate. The board shall  
10 periodically review all paroles, and when it shall  
11 ~~determine~~ determines that ~~any~~ a person on parole is  
12 able and willing to fulfill the obligations of a law-  
13 abiding citizen without further supervision, it shall  
14 discharge the person from parole. In either event,  
15 discharge from parole shall terminate the person's  
16 sentence. However, a person convicted of a violation  
17 of section 709.3, 709.4 or 709.8 committed on or with  
18 a child shall not be discharged from parole until the  
19 person's term of parole equals the period of  
20 imprisonment specified in the person's sentence, less  
21 all time served in confinement.

22 Sec. \_\_\_\_\_. Section 907.3, subsection 1, unnumbered  
23 paragraph 1, Code 1987, is amended to read as follows:

24 With the consent of the defendant, the court may  
25 defer judgment and place the defendant on probation  
26 upon ~~such~~ conditions as it may require, or defer  
27 sentence and assign the defendant to the judicial  
28 district department of correctional services. Upon a  
29 showing that ~~such~~ the person is not co-operating with  
30 the program or is not responding to it, the court may  
31 withdraw the person from the program and impose any  
32 sentence authorized by law. Before taking such  
33 action, the court shall give the person an opportunity  
34 to be heard on any matter relevant to the proposed  
35 action. Upon fulfillment of the conditions of  
36 probation and payment of fees imposed under section  
37 905.13, unless waived by the department of  
38 corrections, the defendant shall be discharged without  
39 entry of judgment. Upon violation of the conditions  
40 of probation, the court may proceed as provided in  
41 chapter 908.

42 Sec. \_\_\_\_\_. Section 907.3, subsection 2, Code 1987,  
43 is amended to read as follows:

44 2. By record entry at the time of or after  
45 sentencing, the court may suspend the sentence and  
46 place the defendant on probation upon ~~such~~ terms and  
47 conditions as it may require including the payment of  
48 fees imposed under section 905.13 and commitment to an  
49 alternate jail facility or a community correctional  
50 residential treatment facility for a specific number

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1 of days to be followed by a term of probation as  
2 specified in section 907.7. A person so committed who  
3 has probation revoked shall be given credit for such  
4 time served.

5 Sec. \_\_\_\_\_. Section 907.7, unnumbered paragraphs 1  
6 and 2, Code 1987, are amended to read as follows:

7 The length of the probation shall be for such a  
8 term as the court may fix but not to exceed five years  
9 if the offense is a felony or not to exceed two years  
10 if the offense is a misdemeanor. If the fees are not  
11 waived by the department of corrections, and are not  
12 paid in full, a record of the amount unpaid shall be  
13 perfected and constitutes a lien in the same manner as  
14 a judgment for an unpaid fine, which has been filed  
15 with the clerk, becomes a lien under section 909.6.

16 The length of the probation shall not be less than  
17 one year if the offense is a misdemeanor and shall not  
18 be less than two years if the offense is a felony.  
19 However, the court may subsequently reduce the length  
20 of the probation if the court determines that the  
21 purposes of probation have been fulfilled and the fees  
22 imposed under section 905.13 are paid to or waived by  
23 the department of corrections. The purposes of  
24 probation are to provide maximum opportunity for the  
25 rehabilitation of the defendant and to protect the  
26 community from further offenses by the defendant and  
27 others.

28 Sec. \_\_\_\_\_. Section 907.9, Code 1987, is amended to  
29 read as follows:

30 907.9 DISCHARGE FROM PROBATION.

31 At any time that the court determines that the  
32 purposes of probation have been fulfilled, the court  
33 may order the discharge of any a person from probation  
34 if the fees imposed under section 905.13 are paid to  
35 or waived by the department of corrections. At If the  
36 fees imposed under section 905.13 are paid to or  
37 waived by the department of corrections at the  
38 expiration of the period of probation, in cases where  
39 the court fixes the term of probation, the court shall  
40 order the discharge of such the person from probation,  
41 and the court shall forward to the governor a  
42 recommendation for or against restoration of  
43 citizenship rights to such the person. A person who  
44 has been discharged from probation shall no longer be  
45 held to answer for the person's offense. Upon  
46 discharge from probation, if judgment has been  
47 deferred under section 907.3, the court's criminal  
48 record with reference to the deferred judgment shall  
49 be expunged. The record maintained by the supreme  
50 court administrator as required by section 907.4 shall

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1 not be expunged. The court's record shall not be  
2 expunged in any other circumstances.

3 Sec. \_\_\_\_\_. Section 907.10, Code 1987, is amended to  
4 read as follows:

5 907.10 RELEASE ON PROBATION AFTER COMPLETING  
6 PROGRAM.

7 When the court has determined that any a person  
8 ordered to participate in a locally administered  
9 correctional program, pursuant to section 907.3,  
10 subsection 1, has successfully completed ~~such~~ the  
11 program, the court shall order ~~such~~ the person to be  
12 released on probation if the fees imposed under  
13 section 905.13 are paid or waived."

14 3. Page 15, by inserting after line 9 the  
15 following:

16 "Sec. \_\_\_\_\_.

17 1. The provisions of this Act may apply to an  
18 individual released prior to the effective date of  
19 this Act under a program subject to supervision by a  
20 judicial district department of correctional services  
21 program established under chapter 905 upon enactment.

22 2. It is the intent of the general assembly that  
23 the provisions of this Act amending sections 905.13,  
24 906.15, 907.3, 907.7, 907.9, and 907.10, are intended  
25 to further the rehabilitation of persons released on  
26 parole or probation by promoting responsible behavior  
27 in these individuals during their release. It is the  
28 intent of the general assembly that the program  
29 established in these sections be administered in a  
30 manner to promote characteristics relating to punctual  
31 and timely payment of the cost for services rendered  
32 to the person, responsibility for one's actions, and  
33 for duties required of any individual under law."

34 4. Renumber as necessary, including internal  
35 references to sections of the bill.

McKean of Jones offered the following amendment H-5667, to  
amendment H-5641, filed by him from the floor and moved its  
adoption:

H-5667

1 Amend amendment H-5641 to House File 2443 as  
2 follows:

3 1. Page 1, by striking lines 6 through 9 and  
4 inserting the following: "beginning July 1, 1988, and  
5 ending June 30, 1989, there is appropriated an amount  
6 equal to the amount of the supervision fees collected  
7 during the fiscal year, or so much thereof as is  
8 necessary, which appropriation is contingent upon  
9 the".

Amendment H—5667 was adopted.

Sherzan of Polk rose on a point of order that amendment H—5641 was not germane.

The Speaker ruled the point well taken and amendment H—5641, as amended, not germane.

McKean of Jones offered the following amendment H—5659 filed by him and moved its adoption:

H—5659

- 1 Amend House File 2443 as follows:
- 2 1. Page 4, line 35, by inserting after the word
- 3 "information." the following:
- 4 "This report shall also include detailed information
- 5 concerning the repairs needed and the cost of these
- 6 repairs at the institutions."

Amendment H—5659 lost.

Peterson of Carroll offered the following amendment H—5643 filed by Peterson of Carroll, et al.:

H—5643

- 1 Amend House File 2443 as follows:
- 2 1. Page 5, line 30, by striking the word "thirty-
- 3 eight" and inserting the following: "forty-one".
- 4 2. Page 5, line 32, by striking the figure
- 5 "1,734,135" and inserting the following: "1,854,534".

Peterson of Carroll offered the following amendment H—5677, to amendment H—5643, filed by him from the floor and moved its adoption:

H—5677

- 1 Amend amendment, H—5643, to House File 2443 as
- 2 follows:
- 3 1. Page 1, by inserting after line 3 the
- 4 following:
- 5 "\_\_\_\_\_ Page 5, line 31, by inserting after the
- 6 word "positions" the following: "including three
- 7 personnel management specialists".

Amendment H—5677 was adopted.

Peterson of Carroll moved the adoption of amendment H—5643, as amended.

A non-record roll call was requested.



The ayes were 28, nays 14.

Amendment H—5643, as amended, was adopted.

McKean of Jones offered the following amendment H—5625 filed by him and moved its adoption:

H—5625

- 1 Amend House File 2443 as follows:
- 2 1. Page 6, line 31, by striking the figure
- 3 "115,584" and inserting the following: "615,584".

A non-record roll call was requested.

The ayes were 26, nays 37.

Amendment H—5625 lost.

Sherzan of Polk offered the following amendment H—5623 filed by him and Spear of Lee and moved its adoption:

H—5623

- 1 Amend House File 2443 as follows:
- 2 1. By striking page 7, line 3, through page 12,
- 3 line 8 and inserting the following:
- 4 "a. For the first judicial district department of
- 5 correctional services for the fiscal year beginning
- 6 July 1, 1988, and ending June 30, 1989, the sum of
- 7 three million one hundred sixty-four thousand nine
- 8 hundred forty (3,164,940) dollars, or so much thereof
- 9 as is necessary, and as a condition, limitation, and
- 10 qualification of this appropriation, sixty thousand
- 11 four hundred twenty (60,420) dollars shall be used for
- 12 intensive supervision programs established within the
- 13 district.
- 14 b. For the second judicial district department of
- 15 correctional services for the fiscal year beginning
- 16 July 1, 1988, and ending June 30, 1989, the sum of two
- 17 million five hundred sixty-four thousand two hundred
- 18 seventy-eight (2,564,278) dollars, or so much thereof
- 19 as is necessary, and as a condition, limitation, and
- 20 qualification of this appropriation, ninety-seven
- 21 thousand three hundred eighty-four (97,384) dollars
- 22 shall be used for sex offender programs established
- 23 within the district.
- 24 c. For the third judicial district department of
- 25 correctional services for the fiscal year beginning
- 26 July 1, 1988, and ending June 30, 1989, the sum of one
- 27 million four hundred seventy thousand seven hundred
- 28 eighty-two (1,470,782) dollars, or so much thereof as
- 29 is necessary, and as a condition, limitation, and
- 30 qualification of this appropriation, twenty-four

31 thousand (24,000) dollars shall be used for sex  
32 offender programs established within the district.  
33 d. For the fourth judicial district department of  
34 correctional services for the fiscal year beginning  
35 July 1, 1988, and ending June 30, 1989, the sum of one  
36 million three hundred eighty-two thousand one  
37 (1,382,001) dollars, or so much thereof as is  
38 necessary, and as a condition, limitation, and  
39 qualification of this appropriation, sixteen thousand  
40 three hundred forty (16,340) dollars shall be used for  
41 sex offender programs established within the district.  
42 e. For the fifth judicial district department of  
43 correctional services for the fiscal year beginning  
44 July 1, 1988, and ending June 30, 1989, the sum of  
45 four million four hundred forty thousand nine hundred  
46 sixty-nine (4,440,969) dollars, or so much thereof as  
47 is necessary, and as a condition, limitation, and  
48 qualification of this appropriation, one hundred  
49 seventy thousand fifty-eight (170,058) dollars shall  
50 be used for intensive supervision programs established

**Page 2**

1 within the district.  
2 f. For the sixth judicial district department of  
3 correctional services for the fiscal year beginning  
4 July 1, 1988, and ending June 30, 1989, the sum of  
5 three million two hundred thirty-two thousand one  
6 hundred seventy-eight (3,232,178) dollars, or so much  
7 thereof as is necessary, and as a condition,  
8 limitation, and qualification of this appropriation,  
9 one hundred four thousand two hundred fifty-nine  
10 (104,259) dollars shall be used for intensive  
11 supervision programs established within the district.  
12 g. For the seventh judicial district department of  
13 correctional services for the fiscal year beginning  
14 July 1, 1988, and ending June 30, 1989, the sum of two  
15 million seven hundred thirty-eight thousand twenty-  
16 eight (2,738,028) dollars, or so much thereof as is  
17 necessary, and as a condition, limitation, and  
18 qualification of this appropriation, seventy-three  
19 thousand six hundred ninety-six (73,696) dollars shall  
20 be used for intensive supervision programs established  
21 within the district.  
22 h. For the eighth judicial district department of  
23 correctional services for the fiscal year beginning  
24 July 1, 1988, and ending June 30, 1989, the sum of one  
25 million three hundred thirty-three thousand seven  
26 hundred nineteen (1,333,719) dollars, or so much  
27 thereof as is necessary, and as a condition,  
28 limitation, and qualification of this appropriation,  
29 seventy-three thousand seven hundred fifty-two

- 30 (73,752) dollars shall be used for intensive  
31 supervision programs established within the district."

Amendment H—5623 was adopted.

Peterson of Carroll offered the following amendment H—5644 filed by him and Spear of Lee and moved its adoption:

H—5644

- 1 Amend House File 2443 as follows:  
2 1. Page 13, line 15, by striking the figure  
3 "57,590,405" and inserting the following:  
4 "58,159,405".

Amendment H—5644 was adopted.

Action on amendment H—5657 was temporarily deferred.

Blanshan of Greene in the chair at 4:12 p.m.

Paulin of Plymouth offered the following amendment H—5658 filed by him and Garman of Story and moved its adoption:

H—5658

- 1 Amend House File 2443 as follows:  
2 1. Page 13, line 20, by striking the figure  
3 "8,000,000" and inserting the figure "8,599,525".  
4 2. Page 13, line 30, by striking the figure  
5 "1,500,000" and inserting the figure "1,996,248".

A non-record roll call was requested.

The ayes were 34, nays 45.

Amendment H—5658 lost.

Eddie of Buena Vista asked and received unanimous consent to withdraw amendment H—5657 (temporarily deferred) filed by him on March 16, 1988.

Speaker Avenson in the chair at 4:25 p.m.

Spear of Lee moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2443)

The ayes were, 95:

Adams  
Bennett  
Brammer

Arnould  
Bisignano  
Branstad

Beaman  
Black  
Buhr

Beatty  
Blanshan  
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.
Harbor	Harper	Hatch	Haverland
Hermann	Hester	Holveck	Hummel
Jay	Jochum	Johnson	Knapp
Koenigs	Kremer	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
Schneklloth	Schrader	Sherzan	Shoning
Shoultz	Siegrist	Spear	Stromer
Stueland	Svoboda	Swartz	Swearingen
Tabor	Teaford	Tyrrell	Van Camp
Van Maanen	Wise	Mr. Speaker	

The nays were, 1:

Plasier

Absent or not voting, 4:

Hanson, D. R.      Lageschulte      Osterberg      Skow

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

### IMMEDIATE MESSAGE

(House File 2443)

Arnould of Scott asked and received unanimous consent that House File 2443 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 Senate File 2196.

### Ways and Means Calendar

The House resumed consideration of **Senate File 2196**, a bill for an act relating to transportation funding by providing for a network of commercial and industrial highways, increasing the excise taxes on motor fuel and special fuel, increasing the standing appropriation for public transit assistance, authorizing the transfer of RISE funds to the primary road fund, providing for a study of highway financing, providing for a performance and efficiency audit of state transporta-

tion and the RISE program as it relates to job creation and economic development, making appropriations from the road use tax fund, and providing effective dates, and the committee amendment H—5520, as amended (found on pages 805 through 813 of the House Journal) deferred March 15, 1988.

Schnekloth of Scott offered the following amendment H—5647, to the committee amendment H—5520, filed by him and moved its adoption:

H—5647

- 1 Amend the Committee on Ways and Means amendment, H—
- 2 5520, to Senate File 2196, as amended, passed, and
- 3 reprinted by the Senate, as follows:
- 4 1. Page 5, by striking lines 41 through 44 and
- 5 inserting the following: "twenty cents per gallon
- 6 beginning April 1, 1988. On all other special fuel
- 7 the per".

A non-record roll call was requested.

The ayes were 33, nays 45.

Amendment H—5647 lost.

Svoboda of Tama asked and received unanimous consent to withdraw the motion to reconsider amendment H—5621 (to the committee amendment H—5520) filed by her on March 15, 1988.

Connolly of Dubuque called up for consideration the motion to reconsider amendment H—5594 filed by him on March 15, 1988.

Knapp of Dubuque in the chair at 4:55 p.m.

Speaker Avenson in the chair at 5:13 p.m.

Connolly of Dubuque moved to reconsider the vote by which amendment H—5594 (found on pages 832 and 833 of the House Journal), to the committee amendment H—5520, was adopted by the House on March 15, 1988.

Roll call was requested by Skow of Guthrie and Branstad of Winnebago.

On the question "Shall amendment H—5594, to the committee amendment H—5520, be reconsidered?" (S.F. 2196)

The ayes were, 58:

Adams  
Blanshan

Arnould  
Brammer

Beatty  
Buhr

Bisignano  
Carpenter

Chapman	Clark	Cohoon	Connolly
Connors	Corbett	Diemer	Doderer
Dvorsky	Eddie	Fey	Groninga
Halvorson, R. N.	Hammond	Harper	Hatch
Haverland	Hermann	Holveck	Jochum
Knapp	Lageschulte	Lundby	May
Metcalf	Mullins	Neuhauser	Norrgard
Ollie	Parker	Paulin	Pavich
Peterson, M. K.	Plasier	Platt	Poney
Renaud	Rosenberg	Schneklath	Sherzan
Shoning	Siegrist	Spear	Stromer
Swartz	Tabor	Teaford	Van Camp
Wise	Mr. Speaker		

The nays were, 39:

Beaman	Bennett	Black	Branstad
Cooper	Corey	Daggett	De Groot
Fogarty	Fuller	Garman	Gruhn
Halvorson, R. A.	Hansen, S. D.	Harbor	Hester
Hummel	Jay	Johnson	Koenigs
Kremer	Maulsby	McKean	McKinney
Miller	Muhlbauer	Pellett	Peters
Petersen, D. F.	Renken	Royer	Running
Schrader	Skow	Stueland	Svoboda
Swearingen	Tyrrell	Van Maanen	

Absent or not voting, 3:

Hanson, D. R.	Osterberg	Shoultz
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The motion to reconsider prevailed and amendment H—5594 (found on pages 832 and 833 of the House Journal) was taken up for reconsideration.

Harbor of Mills moved the adoption of amendment H—5594, to the committee amendment H—5520.

Roll call was requested by Bennett of Ida and Miller of Cherokee.

On the question "Shall amendment H—5594, to the committee amendment H—5520, be adopted?" (S.F. 2196)

The ayes were, 40:

Beaman	Bennett	Black	Branstad
Cooper	Corey	Daggett	De Groot
Fogarty	Fuller	Garman	Gruhn
Halvorson, R. A.	Hansen, S. D.	Harbor	Hester
Hummel	Jay	Johnson	Knapp
Koenigs	Kremer	Maulsby	McKean
McKinney	Miller	Muhlbauer	Pellett
Peters	Petersen, D. F.	Renken	Royer
Running	Schrader	Skow	Stueland
Svoboda	Swearingen	Tyrrell	Van Maanen

The nays were, 58:

Adams	Arnould	Beatty	Bisignano
Blanshan	Brammer	Buhr	Carpenter
Chapman	Clark	Cohoon	Connolly
Connors	Corbett	Diemer	Doderer
Dvorsky	Eddie	Fey	Groninga
Halvorson, R. N.	Hammond	Harper	Hatch
Haverland	Hermann	Holveck	Jochum
Lageschulte	Lundby	May	Metcalf
Mullins	Neuhauser	Norrgard	Ollie
Parker	Paulin	Pavich	Peterson, M. K.
Plasier	Platt	Poncy	Renaud
Rosenberg	Schnekloth	Sherzan	Shoning
Shoultz	Siegrist	Spear	Stromer
Swartz	Tabor	Teaford	Van Camp
Wise	Mr. Speaker		

Absent or not voting, 2:

Hanson, D. R.      Osterberg

Amendment H—5594 lost, placing back in order amendment H—5598 (found on page 832 of the House Journal), previously adopted, and amendment H—5604, both to the committee amendment H—5520.

Kremer of Buchanan asked and received unanimous consent to withdraw amendment H—5604, to the committee amendment H—5520, filed by him on March 15, 1988.

Metcalf of Polk offered the following amendment H—5690, to the committee amendment H—5520, filed from the floor by Metcalf, Svoboda, Paulin, Schnekloth and Van Camp and moved its adoption:

H—5690

- 1 Amend the Committee on Ways and Means amendment, H—
- 2 5520, to Senate File 2196, as amended, passed, and
- 3 reprinted by the Senate, as follows:
- 4 1. Page 5, by striking lines 41 through 44 and
- 5 inserting the following: "nineteen and one-half cents
- 6 per gallon for the period beginning April 1, 1988, and
- 7 ending December 31, 1988, and twenty and one-half
- 8 cents per gallon for the period beginning January 1,
- 9 1989, and ending June 30, 1989, and twenty-one and
- 10 one-half cents per gallon for the period beginning
- 11 July 1, 1989, and ending October 31, 1989, and twenty-
- 12 two and one-half cents per gallon beginning November
- 13 1, 1989. On all other special fuel the per".

Roll call was requested by Paulin of Plymouth and Metcalf of Polk.

Rule 75 was invoked.

On the question "Shall amendment H—5690, to the committee amendment H—5520, be adopted?" (S.F. 2196)

The ayes were, 47:

Adams	Beaman	Bennett	Branstad
Clark	Connors	Corbett	Corey
Daggett	De Groot	Dvorsky	Fuller
Garman	Halvorson, R. A.	Harbor	Hermann
Hester	Hummel	Jay	Kremer
Maulsby	McKean	McKinney	Metcalf
Miller	Paulin	Pavich	Pellett
Peters	Petersen, D. F.	Plasier	Renaud
Renken	Royer	Running	Schnekloth
Schrader	Shoning	Siegrist	Skow
Stromer	Stueland	Svoboda	Swearingen
Tyrrell	Van Camp	Van Maanen	

The nays were, 50:

Arnould	Beatty	Bisignano	Black
Blanshan	Brammer	Buhr	Carpenter
Chapman	Cohoon	Connolly	Cooper
Diemer	Doderer	Eddie	Fey
Fogarty	Groninga	Gruhn	Halvorson, R. N.
Hammond	Hansen, S. D.	Harper	Hatch
Haverland	Holveck	Jochum	Johnson
Knapp	Koenigs	Lageschulte	Lundby
May	Muhlbauer	Mullins	Neuhauser
Norrgard	Ollie	Parker	Peterson, M. K.
Poncy	Rosenberg	Sherzan	Shoultz
Spear	Swartz	Tabor	Teaford
Wise	Mr. Speaker		

Absent or not voting, 3:

Hanson, D. R.	Osterberg	Platt
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Amendment H—5690 lost.

On motion by Connolly of Dubuque, the committee amendment H—5520, as amended, was adopted placing out of order the following amendments:

H—5332 (to page 13) filed by Kremer of Buchanan on March 7, 1988.

H—5363 (to page 13) filed by Kremer of Buchanan on March 8, 1988.

H—5391 (to page 1) filed by McKean, et al., on March 9, 1988.

H—5392 (to page 1) filed by McKean, et al., on March 9, 1988.

H—5394 (to page 6) filed by McKean of Jones and Tyrrell of Iowa on March 9, 1988.



H—5401 (to page 1) filed by McKean, et al., on March 9, 1988.

H—5463 (to page 1) filed by Hermann of Scott on March 10, 1988.

Hansen of Woodbury in the chair at 6:14 p.m.

Speaker Avenson in the chair at 6:42 p.m.

Connolly of Dubuque moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

Rule 75 was invoked.

On the question "Shall the bill pass?" (S.F. 2196)

The ayes were, 55:

Arnould	Beatty	Blanshan	Carpenter
Chapman	Clark	Cohoon	Connolly
De Groot	Diemer	Doderer	Dvorsky
Eddie	Fey	Fogarty	Groninga
Gruhn	Halvorson, R. A.	Hammond	Harper
Hatch	Haverland	Hermann	Hester
Hummel	Jochum	Johnson	Knapp
Koenigs	Kremer	Lageschulte	Lundby
Maulsby	May	Metcalf	Mullins
Neuhauser	Norrsgard	Parker	Paulin
Pellett	Peterson, M. K.	Plasier	Platt
Renaud	Rosenberg	Schnekloth	Shoning
Spear	Stromer	Swartz	Tabor
Teaford	Wise	Mr. Speaker	

The nays were, 44:

Adams	Beaman	Bennett	Bisignano
Black	Brammer	Branstad	Buhr
Connors	Cooper	Corbett	Corey
Daggett	Fuller	Garman	Halvorson, R. N.
Hansen, S. D.	Harbor	Holveck	Jay
McKean	McKinney	Miller	Muhlbauer
Ollie	Osterberg	Pavich	Peters
Petersen, D. F.	Poncy	Renken	Royer
Running	Schrader	Sherzan	Shoultz
Siegrist	Skow	Stueland	Svoboda
Swearingen	Tyrrell	Van Camp	Van Maanen

Absent or not voting, 1:

Hanson, D. R.

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

**IMMEDIATE MESSAGE**  
(Senate File 2196)

Arnould of Scott asked and received unanimous consent that Senate File 2196 be immediately messaged to the Senate.

**INTRODUCTION OF BILL**

**House File 2452**, by committee on judiciary and law enforcement, a bill for an act relating to the receipt and disbursement of support payments by transferring the collection and distribution of child support payment from the department of human services collection services center to the district court clerks, by making an exception, for federal social security payments, to the statutory requirements regarding allowable payees, and by providing effective dates.

Read first time and placed on the **calendar**.

**RULE 31.8 SUSPENDED**

Arnould of Scott asked and received unanimous consent to suspend Rule 31.8, relating to the timely filing of amendments, on requests for amendments to House Files 2447 and 2448 that are received in the Legislative Service Bureau within thirty minutes following adjournment.

**RULE 34 SUSPENDED**

Arnould of Scott asked and received unanimous consent to suspend Rule 34, relating to the March 18, 1988 Daily Debate Calendar on House File 2447.

**PROOF OF PUBLICATION**  
(House File 2449)

Published copy of House File 2449 and verified proof of publication of said bill in The Monona Billboard, a weekly newspaper printed and published in Clayton County, Iowa on March 9, 1988 was filed with the Chief Clerk of the House prior to the time said bill was placed on passage in the House.

**EXPLANATION OF VOTE**

I was necessarily absent from the House chamber on Wednesday evening, March 16, 1988. Had I been present, I would have voted "aye" on House File 2440.

**LAGESCHULTE of Bremer**

## PRESENTATION OF VISITORS

The Speaker announced that the following visitors were present in the House chamber:

Twenty-six senior students from Rockwell-Swaledale High School, accompanied by Mr. Fredericksen. By Clark of Cerro Gordo and May of Worth.

Fifteen third grade students from Lamoni Elementary School, Lamoni, accompanied by Mrs. Dody Boswell. By Daggett of Adams.

Forty eighth grade students from McCombs Middle School, Des Moines, accompanied by Kathy Lewellen. By Hatch and Bisignano of Polk.

## HOUSE STUDY BILL COMMITTEE ASSIGNMENT

### **H.S.B. 828 Ways and Means**

Relating to the computation and recomputation of the state percent of growth for purposes of the school foundation program.

#### SUBCOMMITTEE ASSIGNMENTS

##### **Senate File 93**

State Government: Beatty, Chair; Garman, Hanson of Delaware, Knapp and Peterson of Carroll.

##### **Senate File 2011**

Agriculture: Gruhn, Chair; Eddie and Norrgard.

##### **Senate File 2019**

State Government: Beatty, Chair; Garman, Hanson of Delaware, Knapp and Peterson of Carroll.

##### **Senate File 2068**

Energy and Environmental Protection: Shoultz, Chair; Harper and Petersen of Muscatine.

##### **Senate File 2075**

Judiciary and Law Enforcement: Rosenberg, Chair; Hansen of Woodbury, Kremer, Paulin, Peterson of Carroll, Plasier and Sherzan.

##### **Senate File 2092**

Economic Development: Parker, Chair; Bennett, Dvorsky, Halvorson of Webster, Hanson of Delaware, Hummel and Wise.

##### **Senate File 2201**

State Government: Renaud, Chair; Blanshan, Pavich, Renken and Van Camp.

**Senate File 2202**

State Government: Peterson of Carroll, Chair; Beatty, Garman, Hanson of Delaware and Knapp.

**Senate File 2203**

State Government: Beatty, Chair; Garman, Hanson of Delaware, Knapp and Peterson of Carroll.

**Senate File 2216**

State Government: Fuller, Chair; Knapp and Tyrrell.

**Senate File 2232**

State Government: Buhr, Chair; Halvorson of Webster, Hanson of Delaware, Running and Van Camp.

**Senate File 2233**

State Government: Buhr, Chair; Halvorson of Webster, Hanson of Delaware, Running and Van Camp.

**Senate File 2250**

Energy and Environmental Protection: Johnson, Chair; McKean, Mullins, Osterberg, Paulin, Schrader and Svoboda.

**Senate File 2252**

Judiciary and Law Enforcement: McKinney, Chair; Chapman, Lageschulte, Peterson of Carroll and Siegrist.

**Senate File 2259**

Judiciary and Law Enforcement: Jay, Chair; Halvorson of Clayton and McKinney.

**Senate File 2261**

State Government: Blanshan, Chair; Pavich and Renken.

**Senate File 2263**

State Government: Blanshan, Chair; Pavich and Renken.

**Senate File 2270**

Local Government: Norrgard, Chair; Hester and Spear.

**Senate File 2274**

State Government: Beatty, Chair; Garman, Hanson of Delaware, Knapp and Peterson of Carroll.

**Senate File 2291**

State Government: Blanshan, Chair; Carpenter, Connors, Hammond and Hanson of Delaware.

**Senate File 2305**

Judiciary and Law Enforcement: Jay, Chair; Halvorson of Clayton, Hansen of Woodbury, Lageschulte and McKinney.

**Senate File 2306**

Judiciary and Law Enforcement: Jay, Chair; Carpenter and Poney.

**Senate File 2307**

Judiciary and Law Enforcement: Rosenberg, Chair; Hansen of Woodbury, Kremer, Paulin, Peterson of Carroll, Plasier and Sherzan.

**Senate Concurrent Resolution 117**

Agriculture: Muhlbauer, Chair; Bennett and Johnson.

**Senate Concurrent Resolution 118**

Agriculture: May, Chair; Branstad and Cooper.

**HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENT****House Study Bill 827**

Economic Development: Connolly, Chair; Bennett, Groninga, Hummel and Parker.

**COMMITTEE RECOMMENDATIONS**

**MR. SPEAKER:** The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

**JOSEPH O'HERN**

Chief Clerk of the House

**COMMITTEE ON AGRICULTURE**

**Senate File 2135**, a bill for an act relating to limiting the assets of the grain depositors and sellers indemnity fund, and providing for an early effective date.

Fiscal Note is not required.

Recommended **Do Pass** March 16, 1988.

**Senate Concurrent Resolution 114**, a concurrent resolution urging that the United States Department of Agriculture reconsider proposals relating to modifying the grain reserve and special producer storage loan programs.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H—5671** March 16, 1988.

**COMMITTEE ON APPROPRIATIONS**

**Committee Bill**, relating to programs for which appropriations to the department of human services are required, and providing penalties.

Fiscal Note is not required.

Recommended **Do Pass** March 17, 1988.

**Committee Bill**, relating to the health data commission, providing additional powers and duties, providing for health policy research, review, and evaluation, providing for the preparation of health policy notes for certain legislative proposals, imposing fees on health care professionals, establishing a trust fund, deleting provisions for the future termination of the commission, and providing properly related matters.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 17, 1988.

**Committee Bill** (Formerly House File 2431), relating to payments for local school districts, area schools, counties, cities, local conference boards, county hospitals, and county agricultural extension councils.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 17, 1988.

#### COMMITTEE ON HUMAN RESOURCES

**Senate File 456**, a bill for an act relating to support or service dogs for disabled or handicapped persons.

Fiscal Note is not required.

Recommended **Do Pass** March 17, 1988.

**Senate File 2159**, a bill for an act relating to the provision of hospice care within health care facilities by Medicare certified hospice program.

Fiscal Note is not required.

Recommended **Do Pass** March 17, 1988.

**Senate File 2225**, a bill for an act relating to the establishment of a family development and self-sufficiency council and the council's duties.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H-5699** March 17, 1988.

**Senate Concurrent Resolution 105**, a concurrent resolution relating to the assessment of nursing personnel needs in the state.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H-5696** March 17, 1988.

#### COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT

**House File 2449**, a bill for an act to legalize the proceedings of the board of directors of the M-F-L Community School District relating to the sale of certain real estate.

Fiscal Note is not required.

Recommended **Do Pass** March 17, 1988

**Senate File 2020**, a bill for an act relating to the return of cash or other qualified security deposited with the clerk of the district court as bail.

Fiscal Note is not required.

Recommended **Do Pass** March 17, 1988.

**Senate File 2063**, a bill for an act relating to the jurisdiction of magistrates.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H—5695** March 17, 1988.

**Senate File 2258**, a bill for an act relating to the destruction and retention of court reporters' notes and certified transcripts in civil and criminal proceedings.

Fiscal Note is not required.

Recommended **Do Pass** March 17, 1988.

#### COMMITTEE ON LOCAL GOVERNMENT

**Senate File 2182**, a bill for an act to provide for the payment of costs of improvements in drainage districts by special assessment.

Fiscal Note is not required.

Recommended **Do Pass** March 17, 1988.

**Senate File 2183**, a bill for an act relating to the publication of notice of a drainage district hearing.

Fiscal Note is not required.

Recommended **Do Pass** March 17, 1988.

**Senate File 2230**, a bill for an act relating to the sale of part of a gravel pit owned by a county.

Fiscal Note is not required.

Recommended **Do Pass** March 17, 1988.

#### COMMITTEE ON WAYS AND MEANS

**Committee Bill** (Formerly House File 2380), relating to the sale and use of packaging products, providing sales and use tax incentives for the use of degradable packaging products, subjecting violators to a penalty, and providing an effective date.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 17, 1988.

**Committee Bill** (Formerly House Study Bill 788), to repeal the tuition tax credit and tuition tax deduction for the costs of tuition and textbooks of dependents attending an elementary or secondary school in Iowa and to provide a retroactive effective date.

Fiscal Note is not required.

Recommended **Do Pass** March 16, 1988.

**Committee Bill** (Formerly House Study Bill 824), relating to the treatment of interest and dividends from state and other political subdivisions and from regulated

investment companies in determining the alternative minimum tax for corporations and providing for retroactive applicability and effective dates.

Fiscal Note is not required.

Recommended **Do Pass** March 16, 1988.

**Committee Bill** (Formerly House Study Bill 826), relating to the taxation of certain pensions, annuities, and retirement allowances received for purposes of the state individual income tax and providing an effective date.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 16, 1988.

### AMENDMENTS FILED

H—5661	H.F. 2447	Haverland of Polk
H—5663	H.F. 2448	Bennett of Ida
H—5664	H.F. 2448	Schnekloth of Scott
H—5666	H.F. 2447	Hatch of Polk
		Jochum of Dubuque
		Haverland of Polk
H—5668	H.F. 2403	Tyrrell of Iowa
H—5669	H.F. 2448	Petersen of Muscatine
		Harbor of Mills
H—5670	H.F. 2403	Tyrrell of Iowa
H—5671	S.C.R. 114	Committee on
		Agriculture
H—5672	H.F. 2448	Schnekloth of Scott
H—5673	H.F. 2448	Schnekloth of Scott
H—5674	H.F. 2448	Fogarty of Palo Alto
H—5675	H.F. 2447	Haverland of Polk
H—5676	H.F. 2448	Tyrrell of Iowa
		Kremer of Buchanan
		Corbett of Linn
		Paulin of Plymouth
H—5678	H.F. 2447	Haverland of Polk
		Poncy of Wapello
H—5679	H.F. 2447	Buhr of Polk
		Hester of Pottawattamie
		Gruhn of Dickinson
H—5680	H.F. 2448	Bennett of Ida
H—5681	H.F. 2448	Carpenter of Polk
H—5682	H.F. 2448	Carpenter of Polk
H—5683	H.F. 2447	Van Maanen of Mahaska



H—5684	H.F.	2447	Muhlbauer of Crawford
Cooper of Lucas			Clark of Cerro Gordo
Pellett of Cass			Renken of Grundy
Hermann of Scott			Fuller of Hardin
Van Camp of Scott			Van Maanen of Mahaska
			Fogarty of Palo Alto
H—5685	H.F.	2447	Van Maanen of Mahaska
H—5686	H.F.	2447	Van Maanen of Mahaska
			Carpenter of Polk
H—5687	H.F.	2447	Halvorson of Clayton
			Harbor of Mills
H—5688	H.F.	2447	Jochum of Dubuque
H—5689	H.F.	2447	Haverland of Polk
			Norrsgard of Des Moines
			Hansen of Woodbury
			Clark of Cerro Gordo
			Teaford of Black Hawk
H—5691	S.F.	2230	Spear of Lee
			Black of Jasper
H—5692	H.F.	2411	Beatty of Warren
H—5693	H.F.	2448	Cooper of Lucas
H—5694	H.F.	2447	Petersen of Muscatine
H—5695	S.F.	2063	Committee on Judiciary
			and Law Enforcement
H—5696	S.C.R.	105	Committee on
			Human Resources
H—5697	H.F.	2368	Jay of Appanoose
H—5698	H.F.	2447	Hatch of Polk
H—5699	S.F.	2225	Committee on
			Human Resources
H—5700	H.F.	2448	Bisignano of Polk
H—5701	H.F.	2167	Pellett of Cass
H—5702	H.F.	2167	Schnekloth of Scott
H—5703	H.F.	2447	Stromer of Hancock
H—5704	H.F.	2167	Hummel of Benton
H—5705	H.F.	2448	Bennett of Ida
H—5706	H.F.	2167	Hummel of Benton
			Cooper of Lucas
H—5707	H.F.	2167	Miller of Cherokee
H—5708	H.F.	2167	Hummel of Benton
			Cooper of Lucas
H—5709	H.F.	2167	Hummel of Benton

H—5710	H.F. 2167	Corey of Louisa
H—5711	H.F. 2167	Corbett of Linn
H—5712	H.F. 2167	Bennett of Ida
H—5713	H.F. 2167	Renken of Grundy
H—5714	H.F. 2448	Holveck of Polk
		Carpenter of Polk
		Bisignano of Polk
H—5715	H.F. 2411	Swartz of Marshall
		Jochum of Dubuque
		Groninga of Cerrro Gordo
H—5716	H.F. 2448	Tabor of Jackson
		Wise of Lee
		Groninga of Cerro Gordo
		Parker of Jasper
H—5717	H.F. 2335	Bisignano of Polk

On motion by Arnould of Scott, the House adjourned at 6:54 p.m., until 8:00 a.m., Friday, March 18, 1988.

# JOURNAL OF THE HOUSE

Sixty-eighth Calendar Day — Forty-sixth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Friday, March 18, 1988

The House met pursuant to adjournment, Speaker Avenson in the chair.

Prayer was offered by the Honorable Jack Beaman, state representative from Clarke County.

The Journal of Thursday, March 17, 1988 was approved.

## PETITION FILED

The following petition was received and placed on file:

By Fogarty of Palo Alto, from fifty-five constituents opposing any increase in beer, wine, or liquor taxing measures.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Hanson of Delaware on request of Renken of Grundy; Halvorson of Clayton on request of Harbor of Mills, both until their arrival; Metcalf of Polk on request of Carpenter of Polk.

## INTRODUCTION OF BILLS

**House File 2453**, by committee on ways and means, a bill for an act relating to the sale and use of packaging products, providing sales and use tax incentives for the use of degradable packaging products, subjecting violators to a penalty, and providing an effective date.

Read first time and placed on the **ways and means calendar**.

**House File 2454**, by committee on ways and means, a bill for an act to repeal the tuition tax credit and tuition tax deduction for the costs of tuition and textbooks of dependents attending an elementary or secondary school in Iowa, to provide a retroactive effective date and to provide an effective date.

Read first time and placed on the **ways and means calendar**.

## SENATE AMENDMENT CONSIDERED

Swartz of Marshall called up for consideration **House File 433**, a bill for an act relating to an exemption from securities registration for securities traded or approved for trade on the national associa-

tion of securities dealers automated quotations — national market system (NASDAQ/NMS), amended by the Senate, and moved that the House concur in the following Senate amendment H—5122:

H—5122

- 1 Amend House File 433 as passed by the House as
- 2 follows:
- 3 1. Page 1, line 3, by striking the word "A", and
- 4 inserting the following: "On or after January 1,
- 5 1989, a".

The motion prevailed and the House concurred in the Senate amendment H—5122.

Swartz of Marshall 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. 433)

The ayes were, 81:

Adams	Arnould	Beaman	Bennett
Bisignano	Black	Blanshan	Brammer
Branstad	Carpenter	Chapman	Clark
Cohoon	Connolly	Cooper	Corbett
Corey	Daggett	De Groot	Doderer
Dvorsky	Eddie	Fey	Fogarty
Fuller	Garman	Groninga	Gruhn
Halvorson, R. N.	Harbor	Harper	Haverland
Hermann	Hester	Hummel	Jochum
Johnson	Knapp	Koenigs	Kremer
Lageschulte	Lundby	Maulsby	May
McKean	McKinney	Miller	Muhlbauer
Norrsgard	Ollie	Parker	Paulin
Pavich	Pellett	Peters	Petersen, D. F.
Peterson, M. K.	Plasier	Platt	Poncy
Renaud	Renken	Rosenberg	Royer
Schneklloth	Sherzan	Shoning	Shoultz
Siegrist	Skow	Spear	Stromer
Stueland	Swartz	Tabor	Teaford
Tyrrell	Van Camp	Van Maanen	Wise
Mr. Speaker			

The nays were, 8:

Beatty	Buhr	Connors	Hammond
Hatch	Holveck	Neuhauser	Osterberg

Absent or not voting, 11:

Diemer	Halvorson, R. A.	Hansen, S. D.	Hanson, D. R.
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Jay  
Schrader

Metcalf  
Svoboda

Mullins  
Swearingen

Running

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 8:18 a.m., until the fall of the gavel.

The House resumed session at 9:28 a.m., Connors of Polk in the chair.

### MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 17, 1988, adopted the following resolution in which the concurrence of the House is asked:

Senate Joint Resolution 2006, a joint resolution to nullify an administrative rule of the department of human services relating to the correction or expungement of information in the possession of the department concerning a case of alleged child abuse.

Also: That the Senate has on March 17, 1988, passed the following bill in which the concurrence of the House is asked:

Senate File 2269, a bill for an act relating to the establishment of a drainage sub-district.

Also: That the Senate has on March 17, 1988, passed the following bill in which the concurrence of the House is asked:

Senate File 2273, a bill for an act relating to the establishment and construction of rest areas and rest area buildings.

Also: That the Senate has on March 17, 1988, passed the following bill in which the concurrence of the House is asked:

Senate File 2293, a bill for an act relating to economic development plans and the providing of financial and technical assistance by the department of economic development and the state transportation commission.

Also: That the Senate has on March 17, 1988, passed the following bill in which the concurrence of the House is asked:

Senate File 2296, a bill for an act requiring the area education agencies to utilize private health care benefit plans and federally funded health care programs to share in the costs of services provided to certain children requiring special education.

Also: That the Senate has on March 17, 1988, passed the following bill in which the concurrence of the House is asked:

Senate File 2303, a bill for an act relating to the Iowa small business new jobs training Act by providing for repayments to the permanent school fund, establishing a revolving loan account, and providing for departmental approval of certain projects by rule.

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 2448.

## CONSIDERATION OF BILLS

### Ways and Means Calendar

**House File 2448**, a bill for an act relating to the funding for amending the basis for rates paid to intermediate care facilities and the schedule of basic needs under the aid to families with dependent children program by imposing a nonrefundable filing fee for corporations subject to state income tax and corporations or partnerships whose income is taxed to its shareholders or partners and imposing or repealing the state sales, services and use taxes on certain services, making appropriations, and providing a retroactive effective date, was taken up for consideration.

Tyrrell of Iowa offered the following amendment H—5676 filed by Tyrrell, et al.:

H—5676

- 1 Amend House File 2448 as follows:
- 2 1. Page 1, by inserting before line 1 the
- 3 following:
- 4 "Section 1. Section 43.11, Code 1987, is amended
- 5 by adding the following new subsection:
- 6 **NEW SUBSECTION. 3.** Along with a nomination filing
- 7 fee according to the following fee schedule:
- 8 a. Candidates for county elective office, \$25.
- 9 b. Candidates for the state general assembly,
- 10 \$100.
- 11 c. Candidates for United States senator, for an
- 12 elective state office, other than the general
- 13 assembly, and for representative in congress, \$500.
- 14 All filing fees collected shall be placed in a
- 15 trust fund to be used for the activities and projects
- 16 of the head injury association."

Wise of Lee rose on a point of order that amendment H—5676 was not germane.

The Speaker ruled the point well taken and amendment H—5676 not germane.

Plasier of Sioux offered the following amendment H—5722 filed by him from the floor and moved its adoption:

H—5722

- 1 Amend House File 2448 as follows:
- 2 1. Page 1, by striking lines 1 through 8.

- 3 2. Page 5, by striking lines 14 through 17 and  
 4 inserting the following: "statistical data:".

Roll call was requested by Running of Linn and Hammond of Story.

On the question "Shall amendment H—5722 be adopted?"  
 (H.F. 2448)

The ayes were, 26:

Bennett	Carpenter	Clark	Daggett
De Groot	Diemer	Garman	Halvorson, R. A.
Haverland	Hermann	Kremer	Lageschulte
Maulsby	Miller	Paulin	Pellett
Petersen, D. F.	Plasier	Renken	Schnekloth
Stromer	Stueland	Swearingen	Tyrrell
Van Camp	Van Maanen		

The nays were, 68:

Adams	Arnould	Avenson	Beaman
Beatty	Bisignano	Black	Blanshan
Brammer	Branstad	Buhr	Chapman
Cohoon	Connolly	Cooper	Corbett
Doderer	Dvorsky	Eddie	Fey
Fogarty	Fuller	Groninga	Gruhn
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. R.
Harper	Hester	Holveck	Hummel
Jay	Jochum	Johnson	Knapp
Koenigs	Lundby	May	McKean
McKinney	Muhlbauer	Mullins	Neuhauser
Norrgard	Ollie	Osterberg	Parker
Pavich	Peters	Peterson, M. K.	Platt
Poncy	Renaud	Rosenberg	Running
Schrader	Sherzan	Shoning	Shoultz
Siegrist	Skow	Spear	Swartz
Tabor	Teaford	Wise	Mr. Speaker (Connors)

Absent or not voting, 6:

Corey	Harbor	Hatch	Metcalf
Royer	Svoboda		

Amendment H—5722 lost.

Bennett of Ida asked and received unanimous consent to temporarily defer action on amendment H—5680.

Bennett of Ida offered the following amendment H—5705 filed by him and moved its adoption:

H—5705

1 Amend House File 2448 as follows:

2 1. Page 1, line 16, by inserting after the word  
3 "partnership" the following: "with net income of ten  
4 thousand dollars or more".

5 2. Page 2, by inserting after line 1 the  
6 following:

7 "Sec. 20. Section 422.36, Code Supplement 1987, is  
8 amended by adding the following new subsection:

9 NEW SUBSECTION. 6. A corporation with a net  
10 income of less than ten thousand dollars is exempt  
11 from the payment of the thirty-dollar filing fee under  
12 subsection 5 and section 422.33, subsection 1."

13 3. Page 6, line 4, by striking the word and  
14 figure "and 4" and inserting the following: "4, and  
15 20".

Roll call was requested by Bennett of Ida and Stueland of Clinton.

On the question "Shall amendment H—5705 be adopted?"  
(H.F. 2448)

The ayes were, 41:

Beaman	Bennett	Branstad	Carpenter
Clark	Corbett	Corey	Daggett
De Groot	Diemer	Eddie	Fogarty
Garman	Halvorson, R. A.	Halvorson, R. N.	Hanson, D. R.
Hermann	Hester	Hummel	Kremer
Lageschulte	Lundby	Maulsby	McKean
McKinney	Mullins	Paulin	Pellett
Petersen, D. F.	Plasier	Platt	Renken
Schnekloth	Shoning	Siegrist	Stromer
Stueland	Swearingen	Tyrrell	Van Camp
Van Maanen			

The nays were, 50:

Adams	Arnould	Avenson	Beatty
Bisignano	Black	Blanshan	Brammer
Buhr	Chapman	Cphoon	Cooper
Doderer	Dvorsky	Fey	Groninga
Gruhn	Hammond	Hansen, S. D.	Harper
Hatch	Haverland	Holveck	Jay
Jochum	Johnson	Knapp	May
Muhlbauer	Neuhauser	Norrgard	Ollie
Osterberg	Pavich	Peters	Peterson, M. K.
Poncy	Renaud	Rosenberg	Running
Schrader	Sherzan	Shoultz	Skow
Spear	Svoboda	Tabor	Teaford
Wise	Mr. Speaker		
	(Connors)		



Absent or not voting, 9:

Connolly	Fuller	Harbor	Koenigs
Metcalf	Miller	Parker	Royer
Swartz			

Amendment H—5705 lost.

Bennett of Ida asked and received unanimous consent to withdraw amendment H—5680, temporarily deferred, filed by him on March 17, 1988.

Carpenter of Polk offered the following amendment H—5682 filed by her and moved its adoption:

H—5682

- 1 Amend House File 2448 as follows:
- 2 1. By striking page 1, line 9 through page 2,
- 3 line 1.
- 4 2. Page 6, by striking lines 4 through 6.
- 5 3. Title page, by striking lines 4 through 7 and
- 6 inserting the following: "program by imposing or
- 7 repealing the state sales, services".

Roll call was requested by Stromer of Hancock and Eddie of Buena Vista.

On the question "Shall amendment H—5682 be adopted?"  
(H.F. 2448)

The ayes were, 41:

Beaman	Bennett	Black	Branstad
Carpenter	Clark	Corbett	Corey
Daggett	De Groot	Diemer	Eddie
Garman	Halvorson, R. A.	Hanson, D. R.	Hatch
Hermann	Hester	Hummel	Kremer
Lageschulte	Lundby	Maulsby	McKean
McKinney	Miller	Muhlbauer	Mullins
Paulin	Pellet	Petersen, D. F.	Plasier
Platt	Renken	Schneklath	Stromer
Stueland	Swearingen	Tyrell	Van Camp
Van Maanen			

The nays were, 55:

Adams	Arnould	Avenson	Beatty
Bisignano	Blanshan	Brammer	Buhr
Chapman	Cohoon	Connolly	Cooper
Doderer	Dvorsky	Fey	Fogarty
Fuller	Groninga	Gruhn	Halvorson, R. N.
Hammond	Hansen, S. D.	Harper	Haverland
Holveck	Jay	Jochum	Johnson

Knapp	Koenigs	May	Neuhauser
Norrsgard	Ollie	Osterberg	Parker
Pavich	Peters	Peterson, M. K.	Poncy
Renaud	Rosenberg	Running	Sherzan
Shoning	Shoultz	Siegrist	Skow
Spear	Svoboda	Swartz	Tabor
Teaford	Wise	Mr. Speaker (Connors)	

Absent or not voting, 4:

Harbor	Metcalf	Royer	Schrader
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Amendment H—5682 lost.

Schneklath of Scott asked and received unanimous consent to temporarily defer action on amendment H—5664.

Tabor of Jackson offered the following amendment H—5716 filed by Tabor, et al.:

H—5716

- 1 Amend House File 2448 as follows:
- 2 1. Page 2, lines 6 and 7, by striking the words
- 3 "architects', engineers', and surveyors' services;"
- 4 2. Page 3, line 34, by inserting after the word
- 5 "provided" the following: "except as otherwise
- 6 stated in this paragraph,"
- 7 3. Page 4, line 3, by inserting after the word
- 8 "meteorology." the following: "Consultant services"
- 9 does not mean services provided by a person licensed,
- 10 registered, or certified by boards listed in section
- 11 258A.1, or licensed under chapter 80A, 152A, 154C,
- 12 522, or 602, article 10, if the services provided come
- 13 within the purview of such person's license,
- 14 registration, or certification."

Tabor of Jackson offered the following amendment H—5721, to amendment H—5716, filed by him from the floor and moved its adoption:

H—5721

- 1 Amend amendment H—5716, to House File 2448 as
- 2 follows:
- 3 1. Page 1, by inserting after line 6 the following:
- 4 "\_\_\_\_\_. Page 4, by striking line 3, and inserting the
- 5 following: "management, marketing, security, and
- 6 weather and meteorology."

Amendment H—5721 was adopted.

On motion by Tabor of Jackson, amendment H—5716, as

amended, was adopted, placing out of order amendment H—5664, temporarily deferred, filed by Schnekloth of Scott on March 17, 1988.

Carpenter of Polk asked and received unanimous consent to withdraw amendment H—5681 filed by her on March 17, 1988.

Carpenter of Polk offered amendment H—5735 filed by her from the floor. Division was requested as follows:

H—5735

1 Amend House File 2448 as follows:

H—5735A

2 1. Page 2, line 15, by striking the words "and  
3 collection agencies" and inserting the following:  
4 "services".

H—5735B

5 2. Page 2, line 18, by striking the words "debt  
6 collection";".

Carpenter of Polk moved the adoption of amendment H—5735A.

A non-record roll call was requested.

The ayes were 40, nays 43.

Amendment H—5735A lost.

Fogarty of Palo Alto offered the following amendment H—5674 filed by him and moved its adoption:

H—5674

1 Amend House File 2448 as follows:  
2 1. Page 2, line 15, by striking the words "credit  
3 reporting and collection agencies";".  
4 2. Page 2, line 18, by striking the words "debt  
5 collection";".

Roll call was requested by Stromer of Hancock and Carpenter of Polk.

Rule 75 was invoked.

On the question "Shall amendment H—5674 be adopted?"  
(H.F. 2448)

The ayes were, 45:

Beaman  
Clark  
De Groot

Bennett  
Corbett  
Diemer

Branstad  
Corey  
Eddie

Carpenter  
Daggett  
Fogarty

Fuller	Garman	Halvorson, R. A.	Hansen, S. D.
Hanson, D. R.	Hatch	Hermann	Hester
Hummel	Kremer	Lageschulte	Lundby
Maulsby	McKean	Miller	Mullins
Ollie	Paulin	Pellett	Petersen, D. F.
Plasier	Platt	Renken	Schnekloth
Shoning	Siegrist	Spear	Stromer
Stueland	Swearingen	Tyrrell	Van Camp
Van Maanen			

The nays were, 49:

Adams	Arnould	Avenson	Beatty
Bisignano	Black	Blanshan	Brammer
Buhr	Chapman	Cohoon	Connolly
Cooper	Doderer	Dvorsky	Fey
Groninga	Gruhn	Halvorson, R. N.	Hammond
Harper	Haverland	Holveck	Jay
Jochum	Johnson	Knapp	Koenigs
McKinney	Muhlbauer	Neuhausser	Norrgard
Osterberg	Parker	Pavich	Peterson, M. K.
Poncy	Renaud	Rosenberg	Running
Schrader	Sherzan	Shoultz	Skow
Swartz	Tabor	Teaford	Wise
Mr. Speaker (Connors)			

Absent or not voting, 6:

Harbor	May	Metcalf	Peters
Royer	Svoboda		

Amendment H—5674 lost.

Speaker Avenson in the chair at 11:16 a.m.

Schnekloth of Scott offered the following amendment H—5672 filed by him and moved its adoption:

H—5672

- 1 Amend House File 2448 as follows:
- 2 1. Page 2, line 9, by striking the word
- 3 "institutions," and inserting the following:
- 4 "institutions".
- 5 2. Page 2, by striking lines 10 through 13 and
- 6 inserting the following: "; barber and beauty; boat
- 7 repair;".

A non-record roll call was requested.

The ayes were 27, nays 35.

Amendment H—5672 lost.

Schnekloth of Scott offered the following amendment H—5673 filed by him and moved its adoption:

H—5673

- 1 Amend House File 2448 as follows:
- 2 1. Page 2, lines 15 and 16, by striking the words
- 3 "consultants' services";
- 4 2. By striking page 3, line 34 through page 4,
- 5 line 3.

Roll call was requested by Schnekloth of Scott and Stueland of Clinton.

Rule 75 was invoked.

Under the provisions of Rule 76, relating to conflict of interest, Hatch of Polk refrained from voting.

On the question "Shall amendment H—5673 be adopted?"  
(H.F. 2448)

The ayes were, 33:

Beaman	Bennett	Branstad	Carpenter
Clark	Corey	Daggett	Diemer
Eddie	Garman	Halvorson, R. A.	Hanson, D. R.
Hermann	Hester	Hummel	Kremer
Lundby	Maulsby	Miller	Mullins
Paulin	Pellett	Peters	Petersen, D. F.
Plasier	Renken	Schnekloth	Stromer
Stueland	Swearingen	Tyrrell	Van Camp
Van Maanen			

The nays were, 57:

Adams	Arnould	Beatty	Bisignano
Brammer	Buhr	Chapman	Cohoon
Connors	Cooper	Corbett	Doderer
Dvorsky	Fey	Fogarty	Fuller
Groninga	Gruhn	Halvorson, R. N.	Hammond
Hansen, S. D.	Harper	Haverland	Holveck
Jay	Jochum	Johnson	Koenigs
Lageschulte	May	McKean	McKinney
Neuhauser	Norrgard	Ollie	Osterberg
Parker	Pavich	Peterson, M. K.	Platt
Poncy	Renaud	Rosenberg	Running
Schrader	Sherzan	Shoning	Shoultz
Siegrist	Skow	Spear	Svoboda
Swartz	Tabor	Teaford	Wise
Mr. Speaker			

Absent or not voting, 10:

Black	Blanshan	Connolly	De Groot
Harbor	Hatch	Knapp	Metcalf
Muhlbauer	Royer		

Amendment H—5673 lost.

The House resumed consideration of amendment H—5735B.

On motion by Carpenter of Polk, amendment H—5735B was adopted.

Corbett of Linn offered the following amendment H—5724 filed by him from the floor:

H—5724

- 1 Amend House File 2448 as follows:
- 2 1. Page 2, line 32, by inserting after the word
- 3 "repair," the following: "legal services;"

Stromer of Hancock moved that action on amendment H—5724 be temporarily deferred for the preparation of an amendment.

Roll call was requested by Stromer of Hancock and Siegrist of Potawattamie.

Rule 75 was invoked.

On the question "Shall amendment H—5724 be deferred?"  
(H.F. 2448)

The ayes were, 43:

Beaman	Bennett	Bisignano	Branstad
Carpenter	Clark	Corbett	Corey
De Groot	Diemer	Eddie	Garman
Halvorson, R. A.	Hanson, D. R.	Harbor	Hermann
Hester	Hummel	Johnson	Kremer
Lageschulte	Lundby	Maulsby	McKean
Miller	Mullins	Osterberg	Paulin
Pellett	Petersen, D. F.	Plasier	Platt
Renken	Royer	Schneklloth	Shoning
Siegrist	Stromer	Stueland	Swearingen
Tyrrell	Van Camp	Van Maanen	

The nays were, 54:

Adams	Arnould	Beatty	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
Knapp	May	McKinney	Muhlbauer
Neuhauser	Norrsgard	Ollie	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, 3:

Daggett	Koenigs	Metcalf
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The motion to defer amendment H—5724 lost.

(Amendment H—5724 to House File 2448 pending at recess.)

On motion by Arnould of Scott, the House was recessed at 12:25 p.m., until 1:00 p.m.

### AFTERNOON SESSION

The House reconvened, Speaker Avenson in the chair.

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Lageschulte of Bremer on request of Pellett of Cass; Branstad of Winnebago on request of Maulsby of Calhoun, both for the remainder of the day.

### 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

#### Ways and Means Calendar

The House resumed consideration of **House File 2448**, a bill for an act relating to the funding for amending the basis for rates paid to intermediate care facilities and the schedule of basic needs under the aid to families with dependent children program by imposing a nonrefundable filing fee for corporations subject to state income tax and corporations or partnerships whose income is taxed to its shareholders or partners and imposing or repealing the state sales, services and use taxes on certain services, making appropriations, and providing a retroactive effective date, and amendment H—5724 pending at recess.

Arnould of Scott asked and received unanimous consent to temporarily defer amendment H—5724 and amendment H—5669.

Cooper of Lucas offered the following amendment H—5693 filed by him and moved its adoption:

H—5693

- 1 Amend House File 2448 as follows:
- 2 1. Page 3, line 11, by inserting after the word
- 3 "phones;" the following: "income".
- 4 2. Page 4, line 4, by striking the word "Tax" and
- 5 inserting the following: "Income tax".
- 6 3. Page 4, line 5, by striking the words "of a"
- 7 and inserting the following: "of an income".

A non-record roll call was requested.

The ayes were 35, nays 36.

Amendment H—5693 lost.

Bennett of Ida offered the following amendment H—5663 filed by him and moved its adoption:

H—5663

- 1 Amend House File 2448 as follows:
- 2 1. Page 3, line 11, by striking the words "; tax
- 3 return preparation".
- 4 2. Page 4, by striking lines 4 through 7.

Amendment H—5663 lost, placing out of order amendment H—5700 filed by Bisignano of Polk on March 17, 1988.

Bisignano of Polk in the chair at 1:26 p.m.

Holveck of Polk offered the following amendment H—5714 filed by Holveck, et al., and moved its adoption:

H—5714

- 1 Amend House File 2448 as follows:
- 2 1. Page 4, line 8, by striking the words and
- 3 figure "subsections 3 and" and inserting the
- 4 following: "subsection".
- 5 2. Page 4, line 9, by striking the word "are" and
- 6 inserting the following: "is".
- 7 3. Page 4, by striking lines 10 through 18.

Roll call was requested by Stromer of Hancock and Maulsby of Calhoun.

Rule 75 was invoked.



On the question "Shall amendment H—5714 be adopted?"  
(H.F. 2448)

The ayes were, 44:

Beaman	Bennett	Black	Carpenter
Clark	Cooper	Corbett	Corey
Daggett	De Groot	Diemer	Eddie
Fuller	Garman	Halvorson, R. A.	Halvorson, R. N.
Hansen, S. D.	Hanson, D. R.	Harbor	Hermann
Hester	Holveck	Hummel	Lundby
Maulsby	McKean	Miller	Mullins
Paulin	Pellett	Peters	Petersen, D. F.
Plasier	Platt	Renken	Schnekloth
Shoning	Shoultz	Stromer	Stueland
Swearingen	Tyrrell	Van Camp	Van Maanen

The nays were, 48:

Adams	Arnould	Avenson	Beatty
Blanshan	Brammer	Buhr	Chapman
Cohoon	Doderer	Dvorsky	Fey
Fogarty	Groninga	Gruhn	Hammond
Harper	Hatch	Haverland	Jay
Jochum	Johnson	Knapp	Koenigs
Kremer	May	McKinney	Neuhauser
Norrgard	Ollie	Osterberg	Parker
Pavich	Peterson, M. K.	Poncy	Renaud
Rosenberg	Running	Schrader	Sherzan
Siegrist	Skow	Spear	Swartz
Tabor	Teaford	Wise	Mr. Speaker (Bisignano)

Absent or not voting, 8:

Branstad	Connolly	Connors	Lageschulte
Metcalf	Muhlbauer	Royer	Svoboda

Amendment H—5714 lost.

Van Camp of Scott offered the following amendment H—5731 filed by him from the floor:

H—5731

- 1 Amend House File 2448 as follows:
- 2 1. Page 5, by inserting after line 4 the
- 3 following:
- 4 "Sec. \_\_\_\_\_. Section 422.45, Code Supplement 1987,
- 5 is amended by adding the following new subsection:
- 6 NEW SUBSECTION. 36. The gross receipts from the
- 7 sale, furnishing, or service of gas, electricity,
- 8 water, or heat provided to a dwelling unit occupied by
- 9 individuals whose combined income does not exceed one
- 10 hundred fifty percent of the federal poverty level."

Jochum of Dubuque rose on a point of order that amendment H—5731 was not germane.

The Speaker ruled the point not well taken and amendment H—5731 germane.

Van Camp of Scott moved the adoption of amendment H—5731.

Roll call was requested by Van Camp of Scott and Stromer of Hancock.

Rule 75 was invoked.

On the question "Shall amendment H—5731 be adopted?"  
(H.F. 2448)

The ayes were, 41:

Beaman	Bennett	Black	Carpenter
Clark	Corbett	Corey	Daggett
De Groot	Diemer	Eddie	Garman
Halvorson, R. A.	Hanson, D. R.	Harbor	Hermann
Hester	Hummel	Kremer	Lundby
Maulsby	McKean	Miller	Mullins
Paulin	Pellett	Petersen, D. F.	Plasier
Platt	Renken	Royer	Schneklath
Shoning	Siegrist	Stromer	Stueland
Swearingen	Tyrrell	Van Camp	Van Maanen
Mr. Speaker (Bisignano)			

The nays were, 52:

Adams	Arnould	Avenson	Beatty
Blanshan	Brammer	Buhr	Chapman
Cohoon	Cooper	Doderer	Dvorsky
Fey	Fogarty	Fuller	Groninga
Gruhn	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
Sherzan	Shoultz	Skow	Spear
Swartz	Tabor	Teaford	Wise

Absent or not voting, 7:

Branstad	Connolly	Connors	Halvorson, R. N.
Lageschulte	Metcalf	Svoboda	

Amendment H—5731 lost.

Speaker Avenson in the chair at 1:58 p.m.

Van Maanen of Mahaska offered amendment H—5720 filed by him and Carpenter of Polk from the floor. Division was requested as follows:

H—5720

1 Amend House File 2448 as follows:

H—5720A

2 1. Page 5, by striking lines 9 through 14 and  
3 inserting the following: "amount, or so much thereof  
4 as is necessary, to make the maximum medical  
5 assistance rate for intermediate care facilities  
6 thirty-seven dollars and twenty cents, on the  
7 condition that the minimum number of".

H—5720B

8 2. Page 5, by inserting after line 18 the  
9 following:  
10 "As a condition of the appropriation made by this  
11 section, all intermediate care facilities which  
12 receive medical assistance reimbursements for facility  
13 residents shall not increase their resident charges to  
14 private pay residents on or after March 1, 1988 for  
15 the remainder of the fiscal period ending June 30,  
16 1989. If an intermediate care facility has increased  
17 its charges to private pay patients on or after March  
18 1, 1988 but before the effective date of this Act, the  
19 facility shall reduce its charges to the amounts  
20 charged prior to March 1, 1988. The legislative  
21 fiscal bureau shall study the relationship between the  
22 amounts charged to private pay residents of  
23 intermediate care facilities and the amounts  
24 reimbursed under the medical assistance program. The  
25 bureau shall report its findings to the general  
26 assembly no later than January 1, 1989."

On motion by Van Maanen of Mahaska, amendment H—5720A lost.

Action on amendment H—5720B was temporarily deferred.

Stromer of Hancock offered the following amendment H—5734 filed from the floor by Stromer, Hermann and Garman:

H—5734

1 Amend House File 2448 as follows:

2 1. Page 5, line 21, by striking the words and  
3 figures "period beginning January 1, 1989" and

- 4 inserting the following: "year beginning July 1,  
5 1988".
- 6 2. Page 5, line 25, by striking the word  
7 "seventy-four" and inserting the following: "sixty-  
8 nine".
- 9 3. Page 5, line 26, by striking the word "forty-  
10 three" and inserting the following: "thirty-three".
- 11 4. Page 5, line 27, by striking the words "four  
12 hundred six" and inserting the following: "three  
13 hundred ninety-four".
- 14 5. Page 5, line 28, by striking the word  
15 "seventy-two" and inserting the following: "fifty-  
16 eight".
- 17 6. Page 5, line 29, by striking the word "twenty-  
18 two" and inserting the following: "six".
- 19 7. Page 5, line 29, by striking the word "eighty-  
20 one" and inserting the following: "sixty-three".
- 21 8. Page 5, line 30, by striking the word "thirty-  
22 eight" and inserting the following: "nineteen".
- 23 9. Page 5, line 31, by striking the word "ninety-  
24 six" and inserting the following: "seventy-five".
- 25 10. Page 5, line 32, by striking the word "fifty-  
26 three" and inserting the following: "thirty".
- 27 11. Page 5, line 33, by striking the words "eight  
28 hundred twenty-three" and inserting the following:  
29 "seven hundred ninety-nine".
- 30 12. Page 5, line 34, by striking the word  
31 "eighty-two" and inserting the following: "eighty".

Stromer of Hancock offered the following amendment H—5744, to amendment H—5734, filed by him from the floor and moved its adoption:

H—5744

- 1 Amend the amendment, H—5734, to House File 2448 as  
2 follows:
- 3 1. Page 1, line 18, by striking the word "six"  
4 and inserting the following: "seven".
- 5 2. Page 1, line 20, by striking the word "sixty-  
6 three" and inserting the following: "sixty-four".
- 7 3. Page 1, line 24, by striking the word  
8 "seventy-five" and inserting the following: "seventy-  
9 six".
- 10 4. Page 1, line 26, by striking the word "thirty"  
11 and inserting the following: "thirty-one".

Amendment H—5744 was adopted.

On motion by Stromer of Hancock, amendment H—5734, as amended, was adopted.

Corbett of Linn asked and received unanimous consent to temporarily defer action on amendment H—5723.

The House resumed consideration of amendment H—5724 (found on page 925 of the House Journal), temporarily deferred.

Stromer of Hancock offered the following amendment H—5740, to amendment H—5724, filed from the floor by him and Bisignano of Polk and moved its adoption:

H—5740

1 Amend amendment, H—5724, to House File 2448 as  
2 follows:

3 1. Page 1, by inserting after line 1 the  
4 following:

5 "\_\_\_\_\_. Page 1, by inserting after line 18 the  
6 following:

7 "Sec. 50. NEW SECTION. 422.11B LEGAL SERVICES  
8 CREDIT.

9 The taxes imposed under this division shall be  
10 reduced by a refundable state tax credit equal to four  
11 percent of the first five hundred dollars paid by the  
12 taxpayer for legal services which were subject to the  
13 state sales, services, and use taxes, if the  
14 taxpayer's net income is fifteen thousand dollars or  
15 less. Married persons filing separately shall qualify  
16 for the credit if their combined net incomes are  
17 fifteen thousand dollars or less and shall receive the  
18 credit in proportion to their net incomes provided the  
19 amount of the credit received by both spouses does not  
20 exceed twenty dollars. If the credit exceeds the  
21 amount of tax, the excess may be refunded to the  
22 taxpayer or credited to the taxpayer's subsequent  
23 year's income tax liability at the option of the  
24 taxpayer." "

25 2. Page 1, by inserting after line 3 the  
26 following:

27 "\_\_\_\_\_. Page 6, line 4, by inserting after the word  
28 "Sections" the following: "50,".

Amendment H—5740 was adopted.

Corbett of Linn moved the adoption of amendment H—5724, as amended.

Roll call was requested by Black of Jasper and Knapp of Dubuque.

On the question "Shall amendment H—5724, as amended, be adopted?" (H.F. 2448)

The ayes were, 29:

Beaman	Bisignano	Clark	Corbett
Diemer	Halvorson, R. A.	Halvorson, R. N.	Hanson, D. R.
Harbor	Hermann	Hester	Hummel
Johnson	Kremer	Lundby	Maulsby
McKinney	Miller	Paulin	Petersen, D. F.
Peterson, M. K.	Plasier	Renken	Royer
Running	Schnekloth	Stromer	Swearingen
Van Camp			

The nays were, 56:

Adams	Arnould	Beatty	Bennett
Black	Blanshan	Brammer	Buhr
Chapman	Cphoon	Connolly	Connors
Cooper	Daggett	De Groot	Doderer
Dvorsky	Eddie	Fey	Fogarty
Fuller	Gruhn	Hammond	Hansen, S. D.
Harper	Haverland	Jay	Jochum
Knapp	Koenigs	May	Muhlbauer
Mullins	Norrgard	Ollie	Osterberg
Parker	Pavich	Pellett	Peters
Platt	Poney	Renaud	Rosenberg
Schrader	Shoning	Siegrist	Skow
Spear	Stueland	Swartz	Tabor
Teaford	Van Maanen	Wise	Mr. Speaker

Absent or not voting, 15:

Branstad	Carpenter	Corey	Garman
Groninga	Hatch	Holveck	Lageschulte
McKean	Metcalf	Neuhauser	Sherzan
Shoultz	Svoboda	Tyrrell	

Amendment H—5724, as amended, lost.

Petersen of Muscatine offered the following amendment H—5669, temporarily deferred, filed by him and Harbor of Mills and moved its adoption:

H—5669

- 1 Amend House File 2448 as follows:
- 2 1. Page 3, lines 8 through 10, is amended by
- 3 striking the words "storage warehousing, commercial or
- 4 otherwise, of raw agricultural products;" and
- 5 inserting the following: "storage warehousing of raw
- 6 agricultural products;"

Roll call was requested by Schnekloth of Scott and Maulsby of Calhoun.

On the question "Shall amendment H—5669 be adopted?"  
(H.F. 2448)

The ayes were, 44:

Beaman	Bennett	Black	Carpenter
Clark	Corbett	Corey	Daggett
De Groot	Eddie	Fogarty	Garman
Gruhn	Halvorson, R. A.	Hanson, D. R.	Harbor
Hermann	Hester	Hummel	Koenigs
Kremer	Lundby	Maulsby	McKean
McKinney	Miller	Mullins	Paulin
Pellett	Petersen, D. F.	Plasier	Platt
Renken	Royer	Schnekloth	Shoning
Skow	Stromer	Stueland	Svoboda
Swearingen	Tyrrell	Van Camp	Van Maanen

The nays were, 49:

Adams	Arnould	Beatty	Bisignano
Blanshan	Brammer	Buhr	Chapman
Cohoon	Connors	Doderer	Dvorsky
Fey	Fuller	Groninga	Halvorson, R. N.
Hammond	Hansen, S. D.	Harper	Hatch
Haverland	Holveck	Jay	Jochum
Johnson	Knapp	May	Muhlbauer
Neuhauser	Norrgard	Ollie	Osterberg
Parker	Pavich	Peters	Peterson, M. K.
Poncy	Renaud	Rosenberg	Running
Schrader	Sherzan	Siegrist	Spear
Swartz	Tabor	Teaford	Wise
Mr. Speaker			

Absent or not voting, 7:

Branstad	Connolly	Cooper	Diemer
Lageschulte	Metcalf	Shoultz	

Amendment H—5669 lost.

The House resumed consideration of amendment H—5720B (found on page 930 of the House Journal).

Corbett of Linn offered amendment H—5746, to amendment H—5720B, filed by him from the floor and requested division as follows:

H—5746

- 1 Amend the amendment H—5720 to House File 2448, as
- 2 follows:

H—5746A

- 3 1. Page 1, line 2, by striking the figure "14"
- 4 and inserting the following: "17".

H—5746A

- 5 2. Page 1, by striking line 7, and inserting the  
 6 following: "condition that the minimum number of  
 7 hours of care per resident of an intermediate care  
 8 facility shall be two point two hours per resident per  
 9 day computed on a seven-day week:".

H—5746B

- 10 3. Page 1, line 20, by inserting after the figure  
 11 "1988." the following: "An increase in the maximum  
 12 medical assistance rate for intermediate care  
 13 facilities shall result in a decrease in the rate  
 14 charged to private pay patients by such facilities.  
 15 The percentage decrease in the private pay patient  
 16 rate shall be equal to the percentage increase in  
 17 maximum medical assistance rate."

Amendment H—5746A was out of order with the previous consideration of amendment H—5720A.

Corbett of Linn asked and received unanimous consent to withdraw amendment H—5746B.

Van Maanen of Mahaska moved the adoption of amendment H—5720B.

Roll call was requested by Jochum of Dubuque and Halvorson of Webster.

On the question "Shall amendment H—5720B be adopted?" (H.F. 2448)

The ayes were, 26:

Beaman	Bennett	Clark	Corbett
Corey	Daggett	Eddie	Garman
Halvorson, R. A.	Hanson, D. R.	Harbor	Hermann
Hester	Hummel	Kremer	Lundby
Maulsby	McKean	Miller	Pellett
Petersen, D. F.	Royer	Schnekloth	Stromer
Stueland	Van Maanen		

The nays were, 60:

Adams	Arnould	Beatty	Bisignano
Black	Blanshan	Brammer	Buhr
Carpenter	Chapman	Cphoon	Connors
Diemer	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
Paulin	Pavich	Peters	Peterson, M. K.
Poney	Renaud	Rosenberg	Running
Schrader	Shoning	Shoultz	Siegrist
Skow	Spear	Swearingen	Tabor
Teaford	Tyrrell	Wise	Mr. Speaker

Absent or not voting, 14:

Branstad	Connolly	Cooper	De Groot
Lageschulte	Metcalf	Mullins	Plasier
Platt	Renken	Sherzan	Svoboda
Swartz	Van Camp		

Amendment H—5720B lost.

Corbett of Linn offered the following amendment H—5723, temporarily deferred, filed by him from the floor and moved its adoption:

H—5723

- 1 Amend House File 2448 as follows:
- 2 1. Page 5, by inserting after line 35, the
- 3 following:
- 4 "Sec. \_\_\_\_\_. LEGAL AID. There is appropriated from
- 5 the general fund of the state for the fiscal year
- 6 beginning July 1, 1988, and ending June 30, 1989, to
- 7 the department of human services, the following
- 8 amount, or so much thereof as is necessary, for the
- 9 purposes of the provision of legal aid services to
- 10 eligible persons pursuant to section 217.33:
- 11 ..... \$2,000,000
- 12 Sec. \_\_\_\_\_. DEPARTMENT OF CORRECTIONS. There is
- 13 appropriated from the general fund of the state for
- 14 the fiscal year beginning July 1, 1988, and ending
- 15 June 30, 1989, to the department of corrections the
- 16 following amount, or so much thereof as is necessary,
- 17 for the purpose of prison construction:
- 18 ..... \$2,000,000".
- 19 2. Title page, line 8, by inserting after the
- 20 word "services," the following: "the funding of legal
- 21 aid services, the funding of prison construction,".
- 22 3. By renumbering as necessary.

Corbett of Linn asked and received unanimous consent to withdraw amendment H—5723.

Peters of Woodbury in the chair at 3:26 p.m.

Speaker Avenson in the chair at 3:33 p.m.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Renken of Grundy on request of Hanson of Delaware; De Groot of Lyon on request of Van Maanen of Mahaska, both for the remainder of the day.

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. 2448)

The ayes were, 67:

Adams	Arnould	Beaman	Beatty
Bisignano	Black	Blanshan	Brammer
Buhr	Chapman	Clark	Cohoon
Connolly	Connors	Cooper	Corbett
Diemer	Doderer	Dvorsky	Eddie
Fey	Fogarty	Fuller	Groninga
Gruhn	Halvorson, R. N.	Hammond	Hansen, S. D.
Harper	Haverland	Hester	Holveck
Jay	Jochum	Johnson	Knapp
Koenigs	Kremer	May	McKean
McKinney	Muhlbauer	Mullins	Neuhauser
Norrgard	Ollie	Osterberg	Parker
Pavich	Pellett	Peterson, M. K.	Poncy
Renaud	Rosenberg	Running	Schrader
Sherzan	Shoning	Shoultz	Siegrist
Skow	Spear	Swartz	Tabor
Teaford	Wise	Mr. Speaker	

The nays were, 28:

Bennett	Carpenter	Corey	Daggett
Garman	Halvorson, R. A.	Hanson, D. R.	Harbor
Hatch	Hermann	Hummel	Lundby
Maulsby	Miller	Paulin	Peters
Petersen, D. F.	Plasier	Platt	Royer
Schnekloth	Stromer	Stueland	Svoboda
Swearingen	Tyrrell	Van Camp	Van Maanen

Absent or not voting, 5:

Branstad	De Groot	Lageschulte	Metcalf
Renken			

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 2455**, by committee on appropriations, a bill for an act relating to research, review, and evaluation with respect to certain

health-related legislative proposals, providing for contracting arrangements and a structure for organization and coordination, imposing fees, providing for the appropriation of funds, and providing other properly related matters.

Read first time and placed on the **appropriations calendar**.

**House File 2456**, by committee on appropriations, a bill for an act relating to programs for which appropriations to the department of human services are required, and providing penalties.

Read first time and placed on the **appropriations calendar**.

### SENATE MESSAGES CONSIDERED

**Senate File 2130**, by Rife, a bill for an act repealing the prohibition against selling or offering for sale decorative gas lamps.

Read first time and referred to committee on **energy and environmental protection**.

**Senate File 2248**, by committee on judiciary, a bill for an act relating to indemnification and the limitation of liability of directors and officers and to the liability of persons who serve rural water districts, volunteer as guardians or conservators, or who provide child foster care.

Read first time and **passed on file**.

**Senate File 2271**, by committee on small business and economic development, a bill for an act relating to claims against public corporations for nonpayment of moneys due on public improvements.

Read first time and **passed on file**.

**Senate File 2288**, by Hutchins and Hultman, a bill for an act relating to unemployment compensation benefits for certain employees of the natural resource commission and providing an effective date.

Read first time and referred to committee on **labor and industrial relations**.

**Senate File 2302**, by committee on agriculture, a bill for an act relating to the investment powers of state banks.

Read first time and **passed on file**.

**Senate File 2304**, by committee on judiciary, a bill for an act relating to the administration of legal representation of indigent persons in criminal cases by local public defenders, and the state public defender's office, and providing an effective date.

Read first time and referred to committee on **judiciary and law enforcement**.

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Swearingin of Keokuk on request of Stromer of Hancock; Kremer of Buchanan on request of Diemer of Black Hawk; Stueland of Clinton on request of Paulin of Plymouth, all for the remainder of the day.

### Appropriations Calendar

**House File 2447**, a bill for an act relating to and making appropriations to the department of human services for the fiscal year beginning July 1, 1988, and ending June 30, 1989, was taken up for consideration.

Van Maanen of Mahaska asked and received unanimous consent to defer action on amendment H—5685.

Van Camp of Scott offered the following amendment H—5730 filed by him from the floor and moved its adoption:

H—5730

- 1 Amend House File 2447 as follows:
- 2 1. Page 1, line 7, by striking the figure
- 3 "45,400,000" and inserting the following:
- 4 "50,900,000".
- 5 2. Page 2, by inserting after line 3 the
- 6 following:
- 7 "5. As a condition of this appropriation, the
- 8 schedule of basic needs under the aid to families with
- 9 dependent children program is for one person at one
- 10 hundred seventy-four dollars, for two persons at three
- 11 hundred forty-three dollars, for three persons at four
- 12 hundred six dollars, for four persons at four hundred
- 13 seventy-two dollars, for five persons at five hundred
- 14 twenty-two dollars, for six persons at five hundred
- 15 eighty-one dollars, for seven persons at six hundred
- 16 thirty-eight dollars, for eight persons at six hundred
- 17 ninety-six dollars, for nine persons at seven hundred
- 18 fifty-three dollars, for ten persons at eight hundred
- 19 twenty-three dollars, and for each additional person
- 20 eighty-two dollars."

Roll call was requested by Van Camp of Scott and Tyrrell of Iowa.

On the question "Shall amendment H—5730 be adopted?"  
(H.F. 2447)

The ayes were, 15:

Beaman	Corey	Eddie	Garman
Halvorson, R. A.	Hammond	Harbor	Hermann
Lundby	Maulsby	Paulin	Schneklloth
Shoning	Tyrrell	Van Camp	

The nays were, 68:

Adams	Arnould	Beatty	Bisignano
Black	Blanshan	Buhr	Carpenter
Chapman	Clark	Cohoon	Connolly
Connors	Corbett	Diemer	Doderer
Dvorsky	Fey	Fogarty	Fuller
Groninga	Gruhn	Halvorson, R. N.	Hansen, S. D.
Hanson, D. R.	Harper	Hatch	Haverland
Hester	Holveck	Hummel	Jay
Jochum	Johnson	Knapp	Koenigs
May	McKean	McKinney	Miller
Muhlbauer	Mullins	Neuhauser	Norrgard
Ollie	Osterberg	Parker	Pavich
Pellett	Peters	Peterson, M. K.	Plasier
Platt	Poney	Renaud	Rosenberg
Running	Schrader	Sherzan	Siegrist
Skow	Spear	Svoboda	Swartz
Teaford	Van Maanen	Wise	Mr. Speaker

Absent or not voting, 17:

Bennett	Brammer	Branstad	Cooper
Daggett	De Groot	Kremer	Lageschulte
Metcalf	Petersen, D. F.	Renken	Royer
Shoultz	Stromer	Stueland	Swearingen
Tabor			

Amendment H—5730 lost.

Haverland of Polk offered the following amendment H—5661 filed by him and moved its adoption:

H—5661

- 1 Amend House File 2447 as follows:
- 2 1. Page 1, line 17, by striking the word
- 3 "resulting" and inserting the following: "which
- 4 result".
- 5 2. Page 11, line 32, by striking the words "to
- 6 aid to" and inserting the following: "for aid to".
- 7 3. Page 12, line 3, by striking the word "to aid
- 8 to" and inserting the following: "for aid to".
- 9 4. Page 14, line 28, by striking the words "full-
- 10 time equivalent".
- 11 5. Page 15, line 35, by inserting after the word
- 12 "girls" the following: "residing".

- 13 6. Page 20, line 18, by inserting after the word  
14 "health" the following: "related".
- 15 7. Page 23, by striking line 7 and inserting the  
16 following: "transitional child care assistance for a  
17 period of twelve months due to a loss of eligibility  
18 for assistance under chapter 239".
- 19 8. Page 25, line 32, by striking the figure "38"  
20 and inserting the following: "39".
- 21 9. Page 29, by striking line 4 and inserting the  
22 following: "by the Seventy-second General Assembly,  
23 1988 Session:".
- 24 10. Page 30, line 9, by striking the figures and  
25 word "19, and 29" and inserting the following: "20,  
26 and 30 of this Act".
- 27 11. Page 30, line 12, by striking the figure "7"  
28 and inserting the following: "3".
- 29 12. Page 30, by striking line 15, and inserting  
30 the following: "in section 10, for the child support  
31 recovery".
- 32 13. Page 37, line 4, by striking the words "three  
33 to" and inserting the following: "four to".
- 34 14. Title page, line 1, by inserting after  
35 "relating to" the following: "human services,".
- 36 15. Title page, line 3, by inserting after the  
37 figure "1989" the following: "and providing effective  
38 dates".

Amendment H—5661 was adopted.

Haverland of Polk offered the following amendment H—5678 filed by him and Poncy of Wapello and moved its adoption:

H—5678

- 1 Amend House File 2447 as follows:
- 2 1. Page 2, line 25, by striking the figure  
3 "885,000" and inserting the following: "1,175,700".
- 4 2. Page 4, line 13, by striking the figure  
5 "148,069,142" and inserting the following:  
6 "148,328,442".
- 7 3. Page 8, by inserting after line 14, the  
8 following:  
9 "12. The department shall provide a  
10 disproportionate share adjustment of four percent in  
11 the reimbursement rate paid to a hospital which  
12 provides more than twenty percent of its services to  
13 indigent patients."

Amendment H—5678 was adopted.

Van Camp of Scott offered the following amendment H—5729 filed by him from the floor and moved its adoption:

H—5729

- 1 Amend House File 2447 as follows:
- 2 1. Page 3, lines 22 and 23, by striking the word
- 3 "sixty-fourth" and inserting the following: "seventy-
- 4 fourth".
- 5 2. Page 4, line 13, by striking the figure
- 6 "148,069,142" and inserting the following:
- 7 "151,069,142".

Amendment H—5729 lost.

Van Maanen of Mahaska asked and received unanimous consent to withdraw amendment H—5736 filed by him from the floor.

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Miller of Cherokee, for the remainder of the day, on request of Hester of Pottawattamie.

Haverland of Polk asked and received unanimous consent to defer action on amendment H—5739.

Van Maanen of Mahaska offered the following amendment H—5683 filed by him and moved its adoption:

H—5683

- 1 Amend House File 2447 as follows:
- 2 1. Page 5, by striking lines 4 through 7.
- 3 2. By renumbering subsections as necessary.

Amendment H—5683 lost.

Hatch of Polk offered the following amendment H—5666 filed by Hatch, et al., and moved its adoption:

H—5666

- 1 Amend House File 2447 as follows:
- 2 1. Page 6, line 6, by striking the word
- 3 "Effective" and inserting the following: "Beginning".
- 4 2. Page 6, line 10, by striking the words and
- 5 figures "on July 1, 1988".
- 6 3. Page 6, line 35, by striking the word "and".
- 7 4. Page 7, by striking line 2 and inserting the
- 8 following: "outlined in 42 C.F.R., subpart D.
- 9 Initially, the rules shall provide that".

Amendment H—5666 was adopted.

Hatch of Polk offered the following amendment H—5698 filed by him and moved its adoption:

H—5698

- 1 Amend House File 2447 as follows:
- 2 1. Page 7, by striking lines 23 through 26 and
- 3 inserting the following:
- 4 "10. No later than January 1, 1989, the department
- 5 shall modify the diagnosis related group payment
- 6 system for adolescents treated in Title XIX-certified
- 7 adolescent substance abuse and adolescent psychiatric
- 8 treatment units to reflect the treatment needs of
- 9 Title XIX-eligible adolescents."

Amendment H—5698 was adopted.

Jochum of Dubuque offered the following amendment H—5688 filed by him and moved its adoption:

H—5688

- 1 Amend House File 2447 as follows:
- 2 1. Page 8, by inserting after line 14 the
- 3 following:
- 4 "12. As a condition of this appropriation, the
- 5 department shall develop policies and guidelines to
- 6 implement on a pilot basis a physician case management
- 7 program for recipients of medical assistance. The
- 8 pilot program shall be developed after review of
- 9 established programs in other states. The pilot
- 10 program shall continue for at least twenty-four months
- 11 subsequent to implementation. If necessary, the
- 12 department shall request a waiver from the federal
- 13 health care financing administration."

Amendment H—5688 was adopted.

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Schnekloth of Scott, for the remainder of the day, on request of Stromer of Hancock.

Hammond of Story asked and received unanimous consent to withdraw amendment H—5719 filed by her from the floor.

Shoning of Woodbury offered the following amendment H—5733 filed by him from the floor and moved its adoption:

H—5733

- 1 Amend House File 2447 as follows:
- 2 1. Page 8, by inserting after line 14 the
- 3 following:
- 4 "\_\_\_\_\_. Notwithstanding the provisions of section
- 5 249A.3, for the purpose of determining eligibility for
- 6 medical assistance for a married individual receiving



- 7 care in a hospital, or in an intermediate care  
8 facility or skilled nursing facility as defined in  
9 section 135C.1, the following conditions apply:
- 10 a. Exempt resources include the residence occupied  
11 by either or both spouses, one automobile, all  
12 personal effects, and all other resources which may be  
13 treated as exempt resources under the medical  
14 assistance program under federal or state law.
- 15 b. A total of twelve thousand dollars in liquid  
16 assets may be retained by the married couple in  
17 addition to liquid assets which are treated as exempt  
18 resources under the medical assistance program  
19 pursuant to existing federal or state law.
- 20 c. A monthly maintenance allowance of one hundred  
21 fifty percent of the monthly poverty guideline for a  
22 family of two, as determined by the United States  
23 department of health and human services, may be  
24 retained by the married couple.
- 25 d. A monthly shelter allowance of not more than  
26 one third of the monthly maintenance allowance may be  
27 retained by the spouse of the institutionalized  
28 individual if the cost of the shelter, including  
29 utilities, exceeds one-third of the monthly  
30 maintenance allowance."

A non-record roll call was requested.

The ayes were 22, nays 35.

Amendment H—5733 lost.

Hatch of Polk offered the following amendment H—5652 filed by Hatch, et al., and moved its adoption:

H—5652

- 1 Amend House File 2447 as follows:
- 2 1. Page 15, by inserting after line 35 the  
3 following:
- 4 "3. It is the intent of the general assembly that  
5 the juvenile institution at Eldora maintain an average  
6 of two-hundred juveniles and the juvenile institution  
7 at Toledo maintain an average of ninety juveniles  
8 during the fiscal year ending June 30, 1989. The  
9 plurality of the population at Eldora should consist  
10 of older juveniles with a history of serious offenses  
11 who are expected to require placement for a period of  
12 one year or longer. Eldora may also be used to  
13 provide a short-term high-impact placement for  
14 juveniles who will be evaluated and provided other  
15 services following the placement at Eldora. The  
16 department shall review each new and existing  
17 placement of a juvenile at the juvenile institutions

18 and determine whether the placement is appropriate for  
19 the juvenile. If it is determined that an alternative  
20 placement, including, but not limited to, placement  
21 for substance abuse and mental health treatment or  
22 programming for juveniles with mental retardation,  
23 would be more appropriate for the juvenile, the  
24 department shall seek modification of the court order  
25 for placement."

26 2. Page 16, line 1, by striking the figure "3."  
27 and inserting the following: "4."

28 3. Page 16, by striking lines 26 through 34 and  
29 inserting the following:

30 "1. The plan shall include all of the following:

31 a. A needs statement, an organizational structure,  
32 and a location for an assessment and placement unit  
33 for juveniles who are committed directly to the state  
34 juvenile institutions at Eldora and Toledo.

35 b. A recommendation regarding the type of juvenile  
36 who should be placed at the juvenile institutions, the  
37 length of stay which is suitable, the programming  
38 required, and the number of beds needed.

39 c. A recommendation regarding the establishment of  
40 a short-term high-impact program for juveniles which  
41 includes potential locations and an organizational  
42 structure for the program.

43 d. A recommendation regarding modifications needed  
44 in the juvenile justice system, including the  
45 statutory law, responsibilities of the department, and  
46 responsibilities of the court, to ensure that a  
47 juvenile is appropriately placed.

48 e. A recommendation regarding amending chapters  
49 242 and 244 to make statutory language consistent with  
50 the responsibilities of the juvenile institutions.

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1 f. A recommendation regarding staff, equipment,  
2 and capital improvements needed at the juvenile  
3 institutions.

4 g. A recommendation regarding living needs and  
5 supervision needs of juveniles following their  
6 departure from the institution.

7 h. A recommendation regarding a system for  
8 tracking juveniles after release from the juvenile  
9 institution.

10 2. The plan shall be developed by an advisory  
11 group composed of representatives of the state child  
12 welfare and juvenile justice system. The committee  
13 may enlist the aid of experts from other states and  
14 visit other institutions inside or outside this state  
15 in order to obtain information. The plan shall be  
16 submitted to the general assembly on or before January  
17 1, 1989."

Amendment H—5652 was adopted.

Clark of Cerro Gordo asked and received unanimous consent to withdraw amendment H—5726 filed by her from the floor.

Fuller of Hardin asked and received unanimous consent to withdraw amendment H—5718 filed by him from the floor.

Plasier of Sioux offered the following amendment H—5749 filed by him from the floor:

H—5749

1 Amend House File 2447 as follows:

2 1. Page 17, line 14, by striking the figure

3 "59,918,000" and inserting the following:

4 "60,918,000".

5 2. By striking page 18, line 13 through page 19,

6 line 16 and inserting the following: "DEVELOPMENTAL

7 DISABILITIES SERVICES.

8 1. Of the funds appropriated to the department of

9 human services for the state hospital-schools by

10 section 15 of this Act, the department shall allocate

11 up to one million (1,000,000) dollars for the making

12 of low interest loans and for the making of grants, to

13 be matched by an equal amount locally, to community-

14 based providers to develop or modify facilities to

15 meet applicable federal and state standards to qualify

16 for reimbursement of appropriate levels of care for

17 the client populations of the state hospital-schools.

18 Not less than seventy percent of the beds created

19 under this section shall be filled by residents who

20 leave the hospital-schools. As clients are relocated

21 from the hospital-schools to qualifying community-

22 based facilities, the resulting savings at the

23 hospital-schools as identified by the department of

24 management in consultation with the department of

25 human services, as well as the loan repayment

26 proceeds, shall be allocated and deposited in a

27 revolving loan and grant fund dedicated to assuring

28 the provision of more certifiable community-based

29 services, thus facilitating the return of more clients

30 to a less restrictive community setting, consistent

31 with the philosophies set forth in the bill of rights

32 of persons with mental retardation, developmental

33 disabilities, or chronic mental illness. Moneys in

34 the revolving loan and grant fund shall remain

35 available until the client populations at the state

36 hospital-schools have reached their minimum practical

37 levels. Before making a loan or grant with moneys

38 allocated by this section, the department shall

39 consider the need for the facility and the program at

40 the proposed location, and in its consideration shall  
41 determine if a population in reasonable proximity to  
42 the proposed project is in need of services which are  
43 not available at another site in reasonable proximity  
44 to the proposed project site, and if at least seventy  
45 percent of beds in the proposed project will be filled  
46 with former residents of the state hospital-schools,  
47 giving priority to projects which will have the  
48 greatest impact on reducing the client populations at  
49 the state hospital-schools. The maximum number of  
50 residents which may be served at the state hospital-

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1 schools shall be reduced in direct proportion to the  
2 number of former residents of the state hospital-  
3 schools who are transferred to facilities created by  
4 virtue of assistance obtained pursuant to this  
5 section."  
6 3. By relettering as necessary.

Tabor of Jackson in the chair at 5:06 p.m.

Plasier of Sioux moved the adoption of amendment H—5749.

A non-record roll call was requested.

The ayes were 22, nays 34.

Amendment H—5749 lost.

Van Camp of Scott asked and received unanimous consent to withdraw amendment H—5728 filed by him from the floor.

Haverland of Polk offered the following amendment H—5689 filed by Haverland, et al.:

H—5689

1 Amend House File 2447 as follows:  
2 1. Page 20, lines 33 and 34, by striking the  
3 words "and child day care services".  
4 2. Page 21, line 5, by striking the figure  
5 "6,689,000" and inserting the following: "2,432,000".  
6 3. Page 21, by striking lines 6 through 8 and  
7 inserting the following:  
8 "The department shall allocate the funds  
9 appropriated in this section to a county in proportion  
10 to the amount allocated to the county in fiscal year  
11 1988-1989 after subtracting the amount the county  
12 spent for the local purchase of child day care  
13 services. The department shall".  
14 4. By striking page 21, line 15 through page 22,  
15 line 6 and inserting the following:

16 "Sec. \_\_\_\_\_. CHILD CARE ASSISTANCE. There is  
17 appropriated from the general fund of the state for  
18 the fiscal year beginning July 1, 1988, and ending  
19 June 30, 1989, to the department of human services the  
20 following amount, or so much thereof as is necessary,  
21 to be used for supplemental payments of child care  
22 costs:

23 ..... \$ 4,257,000

24 1. The funds appropriated in this section shall be  
25 used to deliver child day care assistance through a  
26 vendor voucher payment or purchase of service system  
27 to persons whose family income is equivalent to or  
28 below one hundred twenty-five percent of the current  
29 federal office of management and budget poverty  
30 guidelines and who require day care assistance for  
31 employment or other special need defined by rule. The  
32 department shall deliver the supplemental payments  
33 through a system which requires the recipient to  
34 contribute to the cost of the child care in accordance  
35 with the sliding fee schedule currently utilized by  
36 the department for child care services. Allowable  
37 child care costs shall not exceed the rates paid in  
38 accordance with the purchase of service schedule  
39 currently utilized by the department for child care  
40 service providers. The department, after consultation  
41 with consumers and providers of child care, shall  
42 adopt rules which prescribe the usage of vendor  
43 voucher payments.

44 2. The funds appropriated under this section shall  
45 be allocated to the district offices of the  
46 department. Fifty percent of the funds shall be  
47 allocated according to the expenditures by a county  
48 for day care services in the fiscal year ending June  
49 30, 1987. Fifty percent of the funds shall be  
50 allocated according to the percentage of a county's

## Page 2

1 population in poverty as determined by the 1980  
2 federal bureau of the census.

3 3. The funds appropriated under this section shall  
4 be expended for not more than nine full-time  
5 equivalent positions in the field at a cost of not  
6 more than two hundred sixty-two thousand (262,000)  
7 dollars, and for salary and support for not more than  
8 one full-time equivalent position in general  
9 administration at a cost of not more than twenty-three  
10 thousand (23,000) dollars. The positions are in  
11 addition to the positions authorized under the  
12 appropriations for community services and general  
13 administration in this Act."

Mullins of Kossuth offered the following amendment H—5741,

to amendment H—5689, filed from the floor by her and Haverland of Polk and moved its adoption:

H—5741

- 1 Amend the amendment H—5689 to House File 2447 as
- 2 follows:
- 3 1. Page 1, line 31, by inserting after the word
- 4 “rule.” the following: “The child care assistance
- 5 delivered under this section is limited to registered
- 6 or licensed child care providers.”

Amendment H—5741 was adopted.

On motion by Haverland of Polk, amendment H—5689, as amended, was adopted.

Buhr of Polk offered the following amendment H—5679 filed by Buhr, et al., and moved its adoption:

H—5679

- 1 Amend House File 2447 as follows:
- 2 1. Page 23, line 28, by striking the word “local”
- 3 and inserting the following: “public agencies”.
- 4 2. Page 23, lines 28 and 29, by striking the
- 5 words “or department of human services district
- 6 offices”.
- 7 3. Page 23, line 34, by striking the word
- 8 “local”.
- 9 4. Page 23, line 34, by striking the word “shall”
- 10 and inserting the following: “may”.
- 11 5. Page 24, line 1, by inserting after the word
- 12 “donations” the following: “, in-kind contributions.”

Amendment H—5679 was adopted.

Muhlbauer of Crawford offered the following amendment H—5684 filed by Muhlbauer, et al.:

H—5684

- 1 Amend House File 2447 as follows:
- 2 1. Page 25, by striking lines 22 through 24.

Muhlbauer of Crawford asked and received unanimous consent to withdraw amendment H—5743, to amendment H—5684, filed from the floor by Muhlbauer, Cooper, Van Camp, Chapman, Beatty, Fogarty, Hermann, Doderer, Pavich, Corey, Poncy and Royer.

Muhlbauer of Crawford offered the following amendment H—5750, to amendment H—5684, filed by him from the floor and moved its adoption:

H-5750

- 1 Amend the amendment H-5684 to House File 2447, as
- 2 follows:
- 3 1. Page 1, by striking line 2 and inserting the
- 4 following:
- 5 "\_\_\_\_\_. By striking page 23, line 23 through page
- 6 24, line 5.
- 7 \_\_\_\_\_. Page 25, by striking lines 21 through 24 and
- 8 inserting the following:
- 9 ".....\$2,002,000".

Amendment H-5750 was adopted.

On motion by Muhlbauer of Crawford, amendment H-5684, as amended, was adopted, placing out of order amendment H-5679, previously adopted (found on page 949 of the House Journal).

Hester of Pottawattamie offered the following amendment H-5725 filed by her from the floor:

H-5725

- 1 Amend House File 2447 as follows:
- 2 1. Page 25, line 34, by striking the figure
- 3 "32,378,800" and inserting the following:
- 4 "36,569,800".
- 5 2. Page 34, by inserting after line 12 the
- 6 following:
- 7 "Sec. \_\_\_\_\_. Section 123.3, subsections 7 and 10,
- 8 Code 1987, are amended to read as follows:
- 9 7. "Wine" means any beverage containing more than
- 10 five one-half of one percent of alcohol by volume but
- 11 not more than seventeen percent of alcohol by weight
- 12 obtained by the fermentation of the natural sugar
- 13 contents of fruits, fruit extracts, or other
- 14 agricultural products but excluding any product
- 15 containing alcohol derived from malt or by the
- 16 distillation process from grain, cereal, molasses or
- 17 cactus.
- 18 10. "Beer" means any liquid capable of being used
- 19 for beverage purposes made by the fermentation of an
- 20 infusion in potable water of barley, malt, and hops,
- 21 with or without unmalted grains or decorticated and
- 22 degerminated grains or made by the fermentation of or
- 23 by distillation of the fermented products of fruit,
- 24 fruit extracts, or other agricultural products but
- 25 which is not wine as defined in subsection 7,
- 26 containing more than one-half of one percent of
- 27 alcohol by volume but not more than five percent of
- 28 alcohol by weight but not including mixed drinks or
- 29 cocktails mixed on the premises."
- 30 3. By renumbering as necessary.

Haverland of Polk rose on a point of order that amendment H—5725 was not germane.

The Speaker ruled the point well taken and amendment H—5725 not germane.

Stromer of Hancock asked for unanimous consent to consider amendment H—5725.

Objection was raised.

Haverland of Polk offered the following amendment H—5675 filed by him and moved its adoption:

H—5675

1 Amend House File 2447 as follows:

2 1. Page 27, by striking lines 5 through 12 and  
3 inserting the following:  
4 "7. A juvenile court which considers the placement  
5 of a child into foster care, when federal financial  
6 participation is available to pay for the cost of the  
7 placement if the order is for joint placement or for  
8 placement with the department, shall contact the  
9 department to determine whether joint placement or  
10 departmental placement is feasible and in the best  
11 interest of the child. The department shall assist  
12 the court to identify cases in which federal financial  
13 participation is contingent upon an order for joint  
14 placement or for departmental placement. The  
15 department and the court shall record the cases which  
16 would have been eligible for federal financial  
17 participation if joint placement or departmental  
18 placement had been ordered, but a different  
19 disposition was made. The total shall be reported to  
20 the legislative fiscal bureau each quarter commencing  
21 with the quarter beginning July 1, 1988."

Amendment H—5675 was adopted.

Stromer of Hancock asked and received unanimous consent to consider amendment H—5725 (found on page 950 of the House Journal), previously ruled not germane.

Division of amendment H—5725 was requested as follows: Lines 2 through 4, amendment H—5725A; lines 5 through 30, amendment H—5725B, which was previously ruled not germane.

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Harbor of Mills, for the remainder of the day, on request of Pavich of Potawattamie.



On motion by Hester of Pottawattamie, amendment H—5725A lost.

Speaker Avenson in the chair at 5:56 p.m.

Stromer of Hancock offered the following amendment H—5703 filed by him and moved its adoption:

H—5703

- 1 Amend House File 2447 as follows:
- 2 1. Page 29, by inserting after line 5 the
- 3 following:
- 4 "As a condition of this appropriation, the time
- 5 limit for an action which affects the fund shall be
- 6 extended in favor of minors and mentally ill persons
- 7 for six years from the date of the act or occurrence."

Roll call was requested by Stromer of Hancock and Bennett of Ida.

On the question "Shall amendment H—5703 be adopted?"  
(H.F. 2447)

The ayes were, 29:

Beaman	Bennett	Carpenter	Clark
Corbett	Corey	Daggett	Diemer
Eddie	Garman	Halvorson, R. A.	Hanson, D. R.
Hermann	Hester	Hummel	Lundby
Maulsby	McKean	Mullins	Paulin
Pellett	Petersen, D. F.	Plasier	Shoning
Siegrist	Stromer	Tyrrell	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	Norrard
Ollie	Osterberg	Parker	Pavich
Peters	Peterson, M. K.	Poncy	Renaud
Rosenberg	Running	Schrader	Sherzan
Skow	Spear	Svoboda	Tabor
Teaford	Wise	Mr. Speaker	

Absent or not voting, 16:

Brammer	Branstad	De Groot	Harbor
Kremer	Lageschulte	Metcalf	Miller

Platt  
Shoultz

Renken  
Stueland

Royer  
Swartz

Schnekloth  
Swearingen

Amendment H—5703 lost.

Van Maanen of Mahaska offered the following amendment H—5686 filed by him and Carpenter of Polk and moved its adoption:

H—5686

- 1 Amend House File 2447 as follows:
- 2 1. By striking page 30, line 6 through page 32,
- 3 line 1.

A non-record roll call was requested.

The ayes were 18, nays 36.

Amendment H—5686 lost.

Mullins of Kossuth offered the following amendment H—5727 filed by her from the floor and moved its adoption:

H—5727

- 1 Amend House File 2447 as follows:
- 2 1. Page 34, by inserting after line 12 the
- 3 following:
- 4 "Sec. \_\_\_\_\_. Section 135.84, Code Supplement 1987,
- 5 is amended to read as follows:
- 6 135.84 ORGAN TRANSPLANT SERVICES.
- 7 The Iowa department of public health shall adopt
- 8 rules which require certificate of need review of
- 9 organ transplant services which have been or will be
- 10 performed in or through an institutional health
- 11 facility at a specific time but which were not
- 12 performed for that specific organ prior to July 1,
- 13 1987. Organ transplant services shall not include
- 14 transplant services which are routinely performed in
- 15 the course of ordinary operative procedures in
- 16 institutional health facilities. Each type of organ
- 17 transplant shall be considered separately. Decisions
- 18 on applications submitted pursuant to this section
- 19 shall be made by the organ transplant commission
- 20 pursuant to section 142B.1."
- 21 2. Page 34, by inserting after line 15 the
- 22 following:
- 23 "For the purposes of this chapter, "commission"
- 24 means the Iowa organ and transplant commission and
- 25 "third-party payor" includes all licensed insurers,
- 26 health maintenance organizations, medical and hospital
- 27 service corporations, self-funded employee health
- 28 plans, the department of human services, as
- 29 administrator of the medical assistance program

30 pursuant to chapter 249A, and all other similar  
31 entities obligated by contract to pay for health care  
32 services for another party."

33 3. Page 34, line 19, by inserting after the word  
34 "transplants" the following: "for all third-party  
35 payors".

36 4. Page 34, line 31, by inserting after the word  
37 "services." the following: "However, designation of a  
38 transplant center shall not preclude recognition of  
39 facilities eligible for payment under the terms of a  
40 third-party payor contract."

41 5. Page 34, lines 33 and 34, by striking the  
42 words "reimbursed under Title XIX".

43 6. By striking page 34, line 35 through page 35,  
44 line 3 and inserting the following:

45 "c. Designate those transplant procedures eligible  
46 for reimbursement under Title XIX. It is the policy  
47 of the state that Title XIX reimbursement shall be  
48 limited to nonexperimental human organ and tissue  
49 transplantation procedures and services as provided  
50 under Title XVIII of the federal Social Security Act.

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1 For the".

2 7. Page 35, line 12, by striking the words "Title  
3 XIX reimbursement" and inserting the following:  
4 "reimbursement in this state".

5 8. Page 35, by striking lines 18 through 23 and  
6 inserting the following:

7 "e. Assume the responsibilities of the state  
8 health facilities council under sections 135.61  
9 through 135.83 for decisions regarding certificate of  
10 need applications submitted to the Iowa department of  
11 public health pursuant to section 135.64.  
12 Applications submitted pursuant to section 135.64  
13 shall be processed by the Iowa department of public  
14 health according to sections 135.81 through 135.83.  
15 However, the commission shall make final decisions and  
16 issue written findings instead of the health  
17 facilities council. The commission shall have the  
18 same authority as the health facilities council  
19 regarding these decisions."

20 9. Page 35, line 24, by striking the letter "g"  
21 and inserting the following: "f".

22 10. Page 36, by striking lines 33 through 35 and  
23 inserting the following: "from among its membership.  
24 A representative from the Iowa department of public  
25 health shall serve as a nonvoting member."

26 11. By renumbering as necessary.

Amendment H—5727 was adopted.

Halvorson of Clayton offered the following amendment H—5687 filed by him and Harbor of Mills and moved its adoption:

H—5687

- 1 Amend House File 2447 as follows:
- 2 1. Page 37, by inserting after line 24 the
- 3 following:
- 4 "Sec. \_\_\_\_\_. STATE FINANCING. Within funds
- 5 appropriated, all programs and services authorized by
- 6 this Act shall be financed with state or federal
- 7 funds. Except as specifically required by statute or
- 8 except as specifically required by administrative
- 9 rules which are in effect before the effective date of
- 10 this Act, the counties shall have no additional
- 11 responsibility to support the programs and services
- 12 authorized by this Act."
- 13 2. By renumbering as necessary.

Roll call was requested by Stromer of Hancock and Bennett of Ida.

On the question "Shall amendment H—5687 be adopted?"  
(H.F. 2447)

The ayes were, 33:

Beaman	Bennett	Black	Carpenter
Clark	Corbett	Corey	Daggett
Diemer	Eddie	Garmann	Gruhn
Halvorson, R. A.	Hanson, D. R.	Hermann	Hester
Hummel	Koenigs	Lundby	Maulsby
McKean	Mullins	Paulin	Pellett
Petersen, D. F.	Plasier	Platt	Shoning
Siegrist	Stromer	Tyrrell	Van Camp
Van Maanen			

The nays were, 50:

Adams	Arnould	Beatty	Bisignano
Blanshan	Buhr	Chapman	Cohoon
Connolly	Cooper	Doderer	Dvorsky
Fey	Fogarty	Fuller	Groninga
Hammond	Hansen, S. D.	Harper	Hatch
Haverland	Holveck	Jay	Jochum
Johnson	Knapp	May	McKinney
Muhlbauer	Neuhauser	Norrsgard	Ollie
Osterberg	Parker	Pavich	Peters
Peterson, M. K.	Poney	Renaud	Rosenberg
Running	Schrader	Sherzan	Skow
Spear	Svoboda	Tabor	Teaford
Wise	Mr. Speaker		

Absent or not voting, 17:

Brammer	Branstad	Connors	De Groot
Halvorson, R. N.	Harbor	Kremer	Lageschulte
Metcalf	Miller	Renken	Royer
Schnekloth	Shoultz	Stueland	Swartz
Swearingen			

Amendment H—5687 lost.

Petersen of Muscatine offered the following amendment H—5694 filed by him and moved its adoption:

H—5694

- 1 Amend House File 2447 as follows:
- 2 1. Page 37, by inserting after line 24 the
- 3 following:
- 4 "Sec. \_\_\_\_\_. LAYOFF PROCEDURES. If the department
- 5 of human services must lay off more than five
- 6 employees, the ratio of the number of departmental
- 7 employees below merit classification pay grade twenty-
- 8 five who are laid off compared to the total number of
- 9 departmental employees who are laid off shall not
- 10 exceed the ratio of the total number of departmental
- 11 employees below merit classification pay grade twenty-
- 12 five compared to the total number of departmental
- 13 employees."
- 14 2. By renumbering as necessary.

Amendment H—5694 was adopted.

Van Maanen of Mahaska asked and received unanimous consent to withdraw amendment H—5685 filed by him on March 17, 1988.

Haverland of Polk offered amendment H—5739, previously deferred, filed by him from the floor and requested division as follows:

H—5739

- 1 Amend House File 2447 as follows:

H—5739A

- 2 1. Page 4, line 13, by striking the figure
- 3 "148,069,142" and inserting the following:
- 4 "148,094,142".

H—5739B

- 5 2. Page 13, by striking lines 9 through 12 and
- 6 inserting the following: "The number of full-time
- 7 equivalent positions under subsection 1 is the target
- 8 number to be reached by the department in the fiscal
- 9 year beginning July 1, 1988, and ending June 30, 1989.

H-5739B

10 The department may fill up to two thousand two hundred  
11 ninety-five point twenty-five positions and shall  
12 coordinate the P-5 hiring process in order to meet the  
13 target number for the fiscal year."

14 3. Page 14, lines 12 and 13, by striking the  
15 words and figure "five hundred forty-two thousand and  
16 nine hundred twenty (542,920)" and inserting the  
17 following: "two million four hundred fifty-six  
18 thousand five hundred seventeen (2,456,517)".

19 4. Page 14, by striking lines 16 through 19 and  
20 inserting the following: "general assembly. The  
21 number of full-time equivalent positions under  
22 unnumbered paragraph 1 of this section is the target  
23 number to be reached by the department in the fiscal  
24 year beginning July 1, 1988, and ending June 30, 1989.  
25 The department may fill up three hundred twenty-six  
26 point five positions and shall coordinate the P-5  
27 hiring process in order to meet the target number for  
28 the fiscal year."

H-5739A

29 5. Page 14, line 28, by striking the words "full-  
30 time equivalent".

H-5739B

31 6. Page 18, by inserting after line 4 the  
32 following:

33 "The department may use the gifts accepted by the  
34 commissioner of human services pursuant to section  
35 218.96 and other resources available to the department  
36 for use at the Iowa veterans home for purposes  
37 identified by the department."

38 7. Page 29, by inserting after line 5 the  
39 following:

40 "If Senate File 2107 is not enacted, funds  
41 appropriated under this section shall be allocated as  
42 follows:

43 1. One hundred sixty thousand (160,000) dollars  
44 for additional services to support foster family  
45 placements under section 32.

46 2. Forty thousand (40,000) dollars, or so much  
47 thereof as is necessary, may be used by the department  
48 on or after January 1, 1989, to reimburse foster  
49 parents for damages caused by a child placed in their  
50 care which cannot be reimbursed from another source.

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- 1 Funds shall be reimbursed according to criteria
- 2 established by rule. The criteria shall include the

H—5739B

- 3 provision that a foster parent who claims damages
- 4 shall be responsible for one hundred fifty dollars of
- 5 the claim."

Amendment H—5739A was out of order with the previous adoption of amendments H—5678 and H—5661.

Haverland of Polk offered the following amendment H—5742, to amendment H—5739B, filed by him from the floor and moved its adoption:

H—5742

- 1 Amend the amendment, H—5739, to House File 2447 as
- 2 follows:
- 3 1. Page 1, by striking line 43 and inserting the
- 4 following:
- 5 "1. One hundred twenty-five thousand (125,000)
- 6 dollars".
- 7 2. Page 1, line 45, by striking the figure "32"
- 8 and inserting the following: "33".

Amendment H—5742 was adopted.

On motion by Haverland of Polk, amendment H—5739B, as amended, was adopted.

Haverland of Polk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2447)

The ayes were, 80:

Adams	Arnould	Beaman	Beatty
Bisignano	Black	Blanshan	Buhr
Carpenter	Chapman	Clark	Cohoon
Connolly	Connors	Cooper	Corbett
Corey	Daggett	Diemer	Doderer
Dvorsky	Eddie	Fey	Fogarty
Fuller	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
Lundby	May	McKean	McKinney
Muhlbauer	Mullins	Neuhauser	Norrgard
Ollie	Osterberg	Parker	Paulin
Pavich	Pellett	Peters	Petersen, D. F.
Peterson, M. K.	Platt	Poncy	Penaud

Rosenberg	Running	Schrader	Sherzan
Shoning	Siegrist	Skow	Spear
Svoboda	Swartz	Tabor	Teaford
Tyrrell	Van Camp	Wise	Mr. Speaker

The nays were, 6:

Bennett	Garman	Maulsby	Plasier
Stromer	Van Maanen		

Absent or not voting, 14:

Brammer	Branstad	De Groot	Harbor
Kremer	Lageschulte	Metcalf	Miller
Renken	Royer	Schneklath	Shoultz
Stueland	Swearingen		

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

### MOTIONS TO RECONSIDER

(House File 2448)

I move to reconsider the vote by which House File 2448 passed the House on March 18, 1988.

JOCHUM of Dubuque

(House File 2448)

I move to reconsider the vote by which House File 2448 passed the House on March 18, 1988.

KREMER of Buchanan

### MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 18, 1988, passed the following bill in which the concurrence of the House is asked:

Senate File 2169, a bill for an act relating to physician assistants, establishing a joint board of physician assistant examiners, providing for the registration and licensure of physician assistants, making penalties applicable, providing properly related matters, and providing an effective date.

Also: That the Senate has on March 18, 1988, passed the following bill in which the concurrence of the House is asked:

Senate File 2205, a bill for an act relating to interstate natural gas pipelines by establishing a new chapter to define jurisdiction over interstate natural gas pipelines, removing references to interstate natural gas pipelines from the current chapter relating to pipelines and natural gas storage, and adjusting fees.



Also: That the Senate has on March 18, 1988, passed the following bill in which the concurrence of the House is asked:

Senate File 2246, a bill for an act relating to the penalties for water pollution and hazardous waste disposal.

Also: That the Senate has on March 18, 1988, passed the following bill in which the concurrence of the House is asked:

Senate File 2257, a bill for an act relating to expenses and compensation for the state judicial nominating commission.

Also: That the Senate has on March 18, 1988, passed the following bill in which the concurrence of the House is asked:

Senate File 2284, a bill for an act relating to the disclosure of mental health information.

JOHN F. DWYER, Secretary

### EXPLANATIONS OF VOTE

I was necessarily absent from the House chamber on March 17, 1988. Had I been present, I would have voted "aye" on Senate File 2196.

HANSON of Delaware

I was necessarily absent from the House chamber on March 17, 1988. Had I been present, I would have voted "aye" on House File 2443.

LAGESCHULTE of Bremer

I was necessarily absent from the House chamber on March 18, 1988. Had I been present, I would have voted "aye" on House File 433.

SCHRADER of Marion

### SPECIAL PRESENTATION

Hammond of Story presented to the House fifteen students in their native dancing costumes from the University of Yucatan Ballet Folklorico Dancers.

The dancers who brought greetings from the Yucatan Peninsula were accompanied by their director, Profr Carlos Acereto. They are here under the sponsorship of the Iowa-Yucatan Partners of the Americas with a grant from the Avon Cosmeticoes of Mexico.

The House rose and expressed its welcome.

### PRESENTATION OF VISITORS

The Speaker announced that the following visitors were present in the House chamber:

Five eighth grade students from Jones Junior High School, Creston, accompanied by Lay Christensen. By Beaman of Clarke.

Six seventh and eighth grade students from Washington and Jones Junior High School, Dubuque, accompanied by Gary Reid and Gary Kruse. By Connolly and Jochum of Dubuque.

Five Junior High students from Southeast Junior High School, Iowa City, accompanied by Barbara Papenthien. By Doderer of Johnson.

Fifty fifth grade students from Cody Elementary School, Le Claire, accompanied by Sonia Vogel. By Schnekloth of Scott.

Seven students from Youth for Understanding, from Germany Spain, Japan, Belgium, Denmark and the Netherlands, accompanied by Mr. and Mrs. Dean Heckman. By Skow of Guthrie.

#### SUBCOMMITTEE ASSIGNMENTS

##### House File 2379

Energy and Environmental Protection: Johnson, Chair; McKean, Mullins, Osterberg, Paulin, Schrader and Svoboda.

##### Senate File 302

Human Resources: Hammond, Chair; Harper, Hermann, Hester, Mullins, Norrgard and Teaford.

##### Senate File 2018

Human Resources: Teaford, Chair; Clark, Connors, Hammond and Mullins.

##### Senate File 2157

Human Resources: Hammond, Chair; Harper, Hermann, Hester, Mullins, Norrgard and Teaford.

##### Senate File 2180

Human Resources: Harper, Chair; Connors, Hester, Peters and Swearingen.

##### Senate File 2190

Education: Teaford, Chair; Plasier and Wise.

##### Senate File 2193

Education: Shoultz, Chair; Adams and Siegrist.

##### Senate File 2236

Education: Spear, Chair; Cohoon and Siegrist.

##### Senate File 2253

Education: Wise, Chair; Beaman and Cohoon.

**Senate File 2278**

Education: Ollie, Chair; Beaman, Daggett, Haverland and Wise.

**Senate File 2295**

Education: Haverland, Chair; Connolly, Lageschulte, Neuhauser, Siegrist and Swartz.

**Senate Concurrent Resolution 115**

Human Resources: Hammond, Chair; Harper, Hermann, Hester, Mullins, Norrgard and Teafor.

**Senate Concurrent Resolution 116**

Human Resources: Teafor, Chair; Clark, Connors, Hammond and Mullins.

**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 NATURAL RESOURCES AND OUTDOOR RECREATION**

**Committee Resolution**, a concurrent resolution urging the United States Fish and Wildlife Service to address the problem of illegal duck hunting and urging the Congress of the United States to appropriate the funds necessary for such efforts.

Fiscal Note is not required.

Recommended **Do Pass** March 17, 1988.

**AMENDMENTS FILED**

H—5732	H.F.	2354	Norrgard of Des Moines Lundby of Linn
H—5737	S.F.	2310	Hermann of Scott Van Camp of Scott
H—5738	H.F.	2419	Blanshan of Greene Daggett of Adams Neuhauser of Johnson Svoboda of Tama
H—5745	H.F.	2411	Swartz of Marshall Jochum of Dubuque
H—5747	H.F.	2436	Stueland of Clinton
H—5748	H.F.	2436	De Groot of Lyon
H—5751	H.F.	2452	Swartz of Marshall Jay of Appanoose

H—5752	H.F.	2452	Peterson of Carroll
Paulin of Plymouth			Fey of Scott
Haverland of Polk			Carpenter of Polk
Gruhn of Dickinson			Van Maanen of Mahaska
Jochum of Dubuque			Siegrist of Pottawattamie
			Svoboda of Tama

On motion by Arnould of Scott, the House adjourned at 6:27 p.m., until 10:00 a.m., Monday, March 21, 1988.

# JOURNAL OF THE HOUSE

Seventy-first Calendar Day — Forty-seventh Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Monday, March 21, 1988

The House met pursuant to adjournment, Speaker Avenson in the chair.

Prayer was offered by the Honorable Josephine Gruhn, state representative from Dickinson County.

The Journal of Friday, March 18, 1988 was approved.

## PETITIONS FILED

The following petitions opposing any increase in beer, wine or liquor taxing measures, were received and placed on file:

By Beaman of Clarke, from fifty-seven residents of the 91st District.

By Daggett of Adams, from one hundred twenty constituents.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Daggett of Adams, until his arrival, on request of Beaman of Clarke; Metcalf of Polk on request of Hanson of Delaware; Halvorson of Webster, until his arrival, on request of Connolly of Dubuque.

## INTRODUCTION OF BILL

**House File 2457**, by committee on appropriations, a bill for an act relating to payments for local school districts, area schools, counties, cities, local conference boards, county hospitals, and county agricultural extension councils.

Read first time and placed on the **appropriations calendar**.

## SENATE MESSAGES CONSIDERED

**Senate Joint Resolution 2006**, by committee on judiciary, a joint resolution to nullify an administrative rule of the department of human services relating to the correction or expungement of information in the possession of the department concerning a case of alleged child abuse.

Read first time and referred to committee on **judiciary and law enforcement**.

**Senate File 2169**, by committee on state government, a bill for an act relating to physician assistants, establishing a board of physician assistant examiners, providing for the registration and licensure of physician assistants, making penalties applicable, providing properly related matters, and providing an effective date.

Read first time and referred to committee on **state government**.

**Senate File 2205**, by committee on environment and energy utilities, a bill for an act relating to interstate natural gas pipelines by establishing a new chapter to define jurisdiction over interstate natural gas pipelines, removing references to interstate natural gas pipelines from the current chapter relating to pipelines and natural gas storage, and adjusting fees.

Read first time and referred to committee on **energy and environmental protection**.

**Senate File 2246**, by committee on environment and energy utilities, a bill for an act relating to the penalties for water pollution and hazardous waste disposal.

Read first time and referred to committee on **energy and environmental protection**.

**Senate File 2257**, by committee on judiciary, a bill for an act relating to expenses and compensation for the state judicial nominating commission.

Read first time and referred to committee on **judiciary and law enforcement**.

**Senate File 2269**, by committee on local government, a bill for an act relating to the establishment of a drainage subdistrict.

Read first time and referred to committee on **local government**.

**Senate File 2273**, by committee on small business and economic development, a bill for an act relating to the establishment and construction of rest areas and rest area buildings.

Read first time and referred to committee on **transportation**.

**Senate File 2284**, by committee on human resources, a bill for an act relating to the disclosure of mental health information.

Read first time and referred to committee on **human resources**.

**Senate File 2293**, by committee on small business and economic development, a bill for an act relating to economic development plans

and the providing of financial and technical assistance by the department of economic development and the state transportation commission.

Read first time and referred to committee on **economic development**.

**Senate File 2296**, by committee on education, a bill for an act requiring the area education agencies to utilize private health care benefit plans and federally funded health care programs to share in the costs of services provided to certain children requiring special education.

Read first time and referred to committee on **education**.

**Senate File 2303**, by committee on small business and economic development, a bill for an act relating to the Iowa small business new jobs training Act by providing for repayments to the permanent school fund, establishing a revolving loan account, and providing for departmental approval of certain projects by rule.

Read first time and referred to committee on **economic development**.

### MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 18, 1988, passed the following bill in which the concurrence of the House is asked:

Senate File 2312, a bill for an act relating to the funding of, operation of, and appropriation of moneys to agencies, institutions, commissions, departments, and boards responsible for educational and cultural programs of this state and providing an effective date.

JOHN F. DWYER, Secretary

### CONSIDERATION OF BILLS

#### Regular Calendar

**House File 2433**, a bill for an act relating to public school vocational education in agriculture technology and creating a council for agricultural education, with report of committee recommending amendment and passage was taken up for consideration.

Connolly of Dubuque offered amendment H—5526 filed by the committee on education. Division was requested as follows:

H—5526

1 Amend House File 2433 as follows:

H—5526A

- 2 1. Page 1, line 13, by inserting after the word  
3 "persons" the following: ", as determined by the  
4 voting members of the council".  
5 2. Page 1, by striking line 29 and inserting the  
6 following: "approved by the".  
7 3. Page 1, line 30, by striking the words "report  
8 to the governor" and inserting the following: "issue  
9 a report to".  
10 4. Page 1, line 31, by striking the words "the  
11 general assembly,".

H—5526B

- 12 5. Page 2, line 22, by striking the word "shall"  
13 and inserting the following: "may".  
14 6. Page 2, line 23, by striking the word "shall"  
15 and inserting the following: "may".  
16 7. Page 2, line 25, by striking the words  
17 "twelve-month".

H—5526A

- 18 8. Page 2, line 35, by striking the word  
19 "superintendent" and inserting the following:  
20 "board".  
21 9. Page 3, line 3, by striking the words "and the  
22 general assembly".  
23 10. Page 3, line 4, by striking the word "both".  
24 11. Page 3, by striking line 6, and inserting the  
25 following: "education:".  
26 12. Page 3, by striking lines 15 through 17, and  
27 inserting the following: "conducting future farmers  
28 of America activities and continuing education  
29 programs."

On motion by Connolly of Dubuque, the committee amendment H—5526A was adopted.

Connolly of Dubuque moved the adoption of the committee amendment H—5526B.

A non-record roll call was requested.

The ayes were 21, nays 24.

The committee amendment H—5526B lost.

Spear of Lee offered the following amendment H—5530 filed by him and moved its adoption:



H—5530

- 1 Amend House File 2433 as follows:
- 2 1. Page 1, line 15, by striking the word "A" and
- 3 inserting the following: "The current".
- 4 2. Page 1, line 15, by inserting after the word
- 5 "alumni" the following: "association".

Amendment H—5530 was adopted.

Spear of Lee offered the following amendment H—5531 filed by him and moved its adoption:

H—5531

- 1 Amend House File 2433 as follows:
- 2 1. Page 1, line 21, by inserting after the word
- 3 "agriculture" the following: "or the secretary's
- 4 designee".

Amendment H—5531 was adopted.

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Mullins of Kossuth, until her arrival, on request of Hummel of Benton; Carpenter of Polk, until her return, on request of Stromer of Hancock.

Shoultz of Black Hawk offered the following amendment H—5624 filed by him and moved its adoption:

H—5624

- 1 Amend House File 2433 as follows:
- 2 1. Page 2, line 17, by inserting after the word
- 3 "industry." the following: "It is also the intent of
- 4 the general assembly to encourage the development of
- 5 comprehensive vocational education programs in
- 6 agriculture which ensure the use of sustainable
- 7 agriculture practices including, but not limited to,
- 8 no-till planting, ridge-till planting, strip-till
- 9 planting, Iowa till, contouring, contour strip-
- 10 cropping, critical area planting, and the use of
- 11 diversions, field windbreaks, grade stabilization
- 12 structures, grass strips, and grassed waterways or
- 13 outlets."

Amendment H—5624 lost.

Muhlbauer of Crawford moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2433)

The ayes were, 92:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Black	Blanshan
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.	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	Miller	Muhlbauer	Neuhauser
Norrsgard	Ollie	Osterberg	Parker
Paulin	Pavich	Pellett	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	Swearingen	Tabor	Tyrrell
Van Camp	Van Maanen	Wise	Mr. Speaker

The nays were, 1:

Teaford

Absent or not voting, 7:

Carpenter	Daggett	Halvorson, R. N.	Hatch
Metcalf	Mullins	Sherzan	

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

### RULES SUSPENDED

Arnould of Scott asked and received unanimous consent to suspend the rules and take up out of order House File 2419.

**House File 2419**, a bill for an act relating to initiating and effecting whole-grade sharing agreements, was taken up for consideration.

Neuhauser of Johnson offered the following amendment H—5611 filed by her:

H—5611

1 Amend House File 2419 as follows:

2 1. By striking everything after the enacting  
3 clause and inserting the following:

4 "Section 1. Section 256.9, Code Supplement 1987,  
5 is amended by adding the following new subsection:

6 NEW SUBSECTION. 31. Conduct or direct the area  
7 education agency to conduct feasibility surveys and  
8 studies of the school districts within the area  
9 education agency service areas and all adjacent  
10 territory for the purpose of evaluating and  
11 recommending proposed whole-grade sharing agreements  
12 under section 282.7 and section 282.10, subsections 1  
13 and 4. The surveys and studies shall be revised  
14 periodically to reflect reorganizations which may have  
15 taken place in the area education agency and adjacent  
16 territory. The surveys and studies shall include a  
17 cover page containing recommendations and a short  
18 explanation of the recommendations. The factors to be  
19 used in determining the recommendations include, but  
20 are not limited to:

21 a. The possibility of long-term survival of the  
22 proposed alliance.

23 b. The adequacy of the proposed educational  
24 programs versus the educational opportunities offered  
25 through a different alliance.

26 c. The financial strength of the new alliance.

27 d. Geographical considerations, including but not  
28 limited to, increased transportation time or cost, and  
29 availability of extracurricular activities.

30 e. The impact of the alliance on surrounding  
31 schools.

32 f. The factors listed in section 275.2.

33 Copies of the completed surveys and studies shall  
34 be transmitted to the affected districts' school  
35 boards.

36 Sec. 2. NEW SECTION. 275.61 MULTIDISTRICT  
37 PERSONNEL SHARING AGREEMENTS.

38 If two or more school districts enter into an  
39 agreement for whole-grade sharing of students, the  
40 sharing agreement must meet the following  
41 requirements:

42 1. The agreement must be multidistrict in scope,  
43 be in writing, and be developed and executed pursuant  
44 to chapter 28E.

45 2. The agreement must be executed no later than  
46 November 30 of the calendar year immediately preceding  
47 the school year when the agreement is to take effect.

48 3. The sharing agreement shall establish a single  
49 multidistrict employer to administer employment under  
50 the sharing agreement. Administrative authority shall

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1 be transferred to the multidistrict employer on the  
2 date of execution of the agreement.

3 If any one of the sharing districts is a party to a  
4 collective bargaining agreement, a single  
5 multiemployer bargaining unit shall be created by the  
6 execution of the sharing agreement. The sharing  
7 districts may establish rules governing their  
8 relationship as a multidistrict employer in the  
9 sharing agreement. The rules shall comply with this  
10 section, section 275.62, and section 275.63.

11 Sec. 3. NEW SECTION. 275.62 CONTRACTS WITH  
12 PERSONNEL.

13 1. The terms of employment of personnel shall not  
14 be altered by the sharing agreement. Alterations in  
15 employment terms or contracts may be made pursuant to  
16 chapter 279 or the base collective bargaining  
17 agreement. Authority to offer employment, issue new  
18 employment contracts, or continue, modify, or  
19 terminate existing employment contracts, shall be held  
20 by the multidistrict employer.

21 2. The collective bargaining agreement of the  
22 contracting district with the largest basic enrollment  
23 as defined by section 442.4 shall serve as the base  
24 agreement for a multidistrict bargaining unit. The  
25 employees of the other sharing districts shall be  
26 immediately accreted to the largest bargaining unit on  
27 the date the sharing agreement is executed, for  
28 purposes of negotiating the contracts for the  
29 following years, without further action by the public  
30 employment relations board. If only one of the  
31 sharing districts has a collective bargaining  
32 agreement in effect at the time the sharing agreement  
33 is negotiated, that collective bargaining agreement  
34 shall serve as the base agreement. The employees of  
35 the other districts shall be immediately accreted to  
36 the bargaining unit of that collective bargaining  
37 agreement, provided that a majority of the employees  
38 of the nonbargaining districts and a majority of the  
39 employees of the collective bargaining district vote  
40 in favor of the accretion.

41 The multidistrict employer shall bargain with the  
42 combined employees of the existing districts or the  
43 multidistrict bargaining unit during the school year  
44 immediately following the effective date of the  
45 sharing agreement. Impasse procedures under sections  
46 20.19 through 20.22 shall be available during the  
47 negotiations. The bargaining shall be completed by  
48 March 15 of the calendar year following the effective  
49 date of the sharing agreement, or within one hundred  
50 eighty days after the effective date of the sharing

## Page 3

1 agreement, whichever date is later. If the bargaining  
2 agreement was already concluded by the board and  
3 employees of an existing district, which was to serve  
4 as the base agreement for the school year following  
5 the effective date of the sharing agreement, that base  
6 agreement is void unless it contains multiyear  
7 provisions affecting school years following the  
8 effective date of the agreement. If the base  
9 agreement contains multiyear provisions, the base  
10 agreement shall remain in effect.

11 **Sec. 4. NEW SECTION. 275.63 TERMINATION OF**  
12 **BARGAINING UNIT.**

13 If a sharing agreement is terminated, the  
14 multiemployer bargaining unit will terminate effective  
15 upon the expiration of the collective bargaining  
16 agreement that is in effect when the sharing agreement  
17 ends. The multidistrict employer shall notify the  
18 agent for the multidistrict bargaining unit of an  
19 intent to terminate sharing agreement. Notice shall  
20 be given no later than September 1 of the calendar  
21 year proceeding the effective termination date of the  
22 sharing agreement. Upon termination of the  
23 multiemployer bargaining unit, the bargaining units  
24 that were in existence on the effective date of the  
25 sharing agreement shall be restored.

26 New separate collective bargaining agreements may  
27 be negotiated, during the year interim period, for the  
28 school year following the termination of the sharing  
29 agreement.

30 **Sec. 5. NEW SECTION. 275.64 DEFINITION.**

31 For purposes of implementing sections 275.61  
32 through 275.63 in relation to chapter 20, and sections  
33 279.12 through 279.19B and 279.27, "board" or "board  
34 of directors" means the board of a multidistrict  
35 employer.

36 **Sec. 6. Section 282.7, subsection 1, Code**  
37 **Supplement 1987, is amended by adding the following**  
38 **new unnumbered paragraph:**

39 **NEW UNNUMBERED PARAGRAPH.** A board of directors  
40 negotiating, extending, or renewing an agreement for  
41 attendance of pupils in the schools of one or more  
42 contiguous school districts under this section, shall  
43 publicly announce the terms of the agreement under  
44 section 21.4, subsection 1, no later than one hundred  
45 eighty days before the signing of the agreement.

46 **Sec. 7. Section 282.7, Code Supplement 1987, is**  
47 **amended by adding the following new subsection:**

48 **NEW SUBSECTION. 3.** Within thirty days of the  
49 board's public notice, a petition may be filed with  
50 the department of education requesting that a

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1 feasibility study be completed. The petition must be  
2 signed by not less than twenty percent of the eligible  
3 electors in the district. Objections to the completed  
4 study may be made by filing a written objection to the  
5 results with the department of education. The  
6 objections must state the specific recommendations  
7 objected to and reasons why the objector feels that  
8 the recommendation is invalid.

9 Sec. 8. Section 282.11, Code Supplement 1987, is  
10 amended to read as follows:

11 282.11 PROCEDURE.

12 Not less more than thirty ninety days prior to  
13 signing a whole grade after the board's public notice  
14 of a whole-grade sharing agreement whereby all or a  
15 substantial portion of the pupils in a grade in the  
16 district will attend school in another district, the  
17 board of directors of each school district that is a  
18 party to a proposed sharing agreement shall hold a  
19 public hearing at which the proposed agreement is  
20 described, and at which the parent or guardian of an  
21 affected pupil shall have an opportunity to comment on  
22 the proposed agreement. Within ninety days of the  
23 board's public notice of a sharing agreement, the  
24 parent or guardian of an affected pupil may apply to  
25 the board of directors for permission not to send the  
26 pupil to the district specified in the agreement. The  
27 board shall disallow a request no later than thirty  
28 days prior to the signing of the agreement, or the  
29 request shall be deemed granted. When the board  
30 disallows a request, the board shall indicate the  
31 reasons why the request is being disallowed. The  
32 criteria used by the board to determine whether a  
33 request should be disallowed shall include, but are  
34 not limited to, whether there is a preponderance of  
35 evidence that the parent's or guardian's hardship  
36 outweighs the benefits and integrity of the sharing  
37 agreement. Requests to the school board shall be  
38 based upon one of the following:

39 1. That the agreement will not meet the  
40 educational program needs of the pupil.

41 2. That geographical factors, including but not  
42 limited to, increased transportation costs or time and  
43 availability of extracurricular activities within  
44 boundaries of the agreement, will cause a hardship for  
45 the pupil.

46 The request shall specify a contiguous school district  
47 to which the parent or guardian wishes to send the  
48 affected pupil. Within the thirty-day period prior to  
49 the signing of the agreement, the parent or guardian  
50 of an affected pupil may appeal the sending of that

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1 pupil to the school district specified in the  
2 agreement, to the state board of education. A parent  
3 or guardian may appeal on the basis that sending the  
4 pupil to school in the district specified in the  
5 agreement will not meet the educational program needs  
6 of the pupil, or the school in the school district to  
7 which the pupil will be sent is not appropriate  
8 because consideration was not given to geographical  
9 factors. An appeal shall specify a contiguous school  
10 district to which the parent or guardian wishes to  
11 send the affected pupil. The basis for appeal shall be  
12 the same as the basis for the request to the board.  
13 If the parent or guardian appeals and the district did  
14 not follow the recommendations contained in the  
15 feasibility study, or a study was not done, the appeal  
16 is de novo and the standard of review of the appeal is  
17 clear and convincing a preponderance of evidence that  
18 the parent parent's or guardian's hardship outweighs  
19 the benefits and integrity of the sharing agreement.  
20 If the district followed the recommendations contained  
21 in the feasibility study, however, the standard of  
22 review is a preponderance of evidence that the  
23 district board abused its discretion in disallowing  
24 the request. The state board may require the district  
25 of residence to pay tuition to the contiguous school  
26 district specified by the parent or guardian, or may  
27 deny the appeal by the parent or guardian. If the  
28 state board requires the district of residence to pay  
29 tuition to the contiguous school district specified by  
30 the parent or guardian, the tuition shall be equal to  
31 the tuition established in the sharing agreement  
32 receiving district's cost per pupil, less  
33 transportation costs, unless the receiving district  
34 provides transportation. If the receiving district  
35 provides transportation, transportation costs shall be  
36 included as part of the per pupil costs. The decision  
37 of the state board is binding on the boards of  
38 directors of the school districts affected, except  
39 that the decision of the state board may be appealed  
40 by either party to the district court.

41 Sec. 9. Section 290.1, Code Supplement 1987, is  
42 amended by adding the following new unnumbered  
43 paragraph:

44 **NEW UNNUMBERED PARAGRAPH.** For purposes of section  
45 282.11, a "person aggrieved" or "party aggrieved"  
46 means the "parent or guardian of an affected pupil".

47 Sec. 10. Section 442.39, subsection 2, Code  
48 Supplement 1987, is amended to read as follows:

49 2. Pupils attending classes in another school  
50 district or an area school, attending classes taught

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1 by a teacher who is employed jointly under section  
2 280.15, or attending classes taught by a teacher who  
3 is employed by another school district, are assigned a  
4 weighting of one plus five-tenths times the percent of  
5 the pupil's school day during which the pupil attends  
6 classes in another district or area school, attends  
7 classes taught by a teacher who is jointly employed  
8 under section 280.15, or attends classes taught by a  
9 teacher who is employed by another school district if  
10 the school budget review committee certifies to the  
11 department of management that the shared classes or  
12 teachers would otherwise not be implemented without  
13 the assignment of additional weighting. However, in  
14 lieu of the additional weighting of five-tenths, the  
15 school budget review committee shall assign an  
16 additional weighting of one-tenth times the percent of  
17 the pupil's school day in which a pupil attends  
18 classes in another district or an area school, attends  
19 classes taught by a teacher who is employed jointly  
20 under section 280.15, or attends classes taught by a  
21 teacher who is employed by another district, in  
22 districts that have a substantial number of students  
23 in any of grades seven through twelve sharing more  
24 than one class or teacher. Effective July 1, 1986,  
25 the The additional weighting of one-tenth may be  
26 assigned by the school budget review committee to a  
27 district for a maximum of five years, and thereafter,  
28 the additional weighting shall not be assigned to the  
29 same district under this section, but may be assigned  
30 under section 442.39A.

31 Sec. 11. Section 442.39, subsection 4, Code  
32 Supplement 1987, is amended by adding the following  
33 new unnumbered paragraph:

34 NEW UNNUMBERED PARAGRAPH. Effective July 1, 1988,  
35 the additional weighting assigned under this  
36 subsection may be assigned to a district for a maximum  
37 of five years and, thereafter, the additional  
38 weighting shall not be assigned to the same district  
39 under this section, but may be assigned under section  
40 442.39A."

41 2. Title page, line 2, by inserting after the  
42 word "agreements" the following: ", setting maximum  
43 incentives and providing for collective bargaining  
44 agreements".

Blanshan of Greene offered the following amendment H—5738,  
to amendment H—5611, filed by Blanshan, et al., and moved its  
adoption:



H-5738

1 Amend the amendment H-5611 to House File 2419 as  
2 follows:

3 1. Page 1, by striking lines 27 through 29 and  
4 inserting the following:

5 "d. Geographical factors."

6 2. Page 1, by striking line 32.

7 3. By striking page 1, line 36, through page 5,  
8 line 40, and inserting the following:

9 "Sec. \_\_\_\_\_. Section 282.11, Code Supplement 1987,  
10 is amended to read as follows:

11 282.11 PROCEDURE.

12 Not less than ninety days prior to signing a whole  
13 grade sharing agreement whereby all or a substantial  
14 portion of the pupils in a grade in the district will  
15 attend school in another district, the board of  
16 directors of each school district that is negotiating,  
17 extending, or renewing a sharing agreement, shall  
18 publicly announce its intent to negotiate a sharing  
19 agreement under section 21.4, subsection 1. Within  
20 thirty days of the board's public notice, a petition  
21 may be filed with the department of education  
22 requesting that a feasibility study be completed. The  
23 petition shall be signed by twenty percent of the  
24 eligible electors in the district. The director of  
25 the department of education may determine that a  
26 feasibility study conducted by the board satisfies the  
27 request, provided that the study conforms with the  
28 criteria contained in section 256.9.

29 Not less than thirty days prior to signing a whole  
30 grade sharing agreement whereby all or a substantial  
31 portion of the pupils in a grade in the district will  
32 attend school in another district, the board of  
33 directors of each school district that is a party to a  
34 proposed sharing agreement shall hold a public hearing  
35 at which the proposed agreement is described, and at  
36 which the parent or guardian of an affected pupil and  
37 certificated employees of the school district shall  
38 have an opportunity to comment on the proposed  
39 agreement. Within the thirty-day period prior to the  
40 signing of the agreement, the parent or guardian of an  
41 affected pupil may request the board of directors to  
42 send the pupil to another contiguous school district.  
43 The request shall be based upon one of the following:

44 1. That the agreement will not meet the  
45 educational program needs of the pupil.

46 2. That adequate consideration was not given to  
47 geographical factors.

48 The board shall allow or disallow the request prior  
49 to the signing of the agreement, or the request shall  
50 be deemed granted. If the board disallows the

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1 request, the board shall indicate the reasons why the  
2 request is disallowed and shall notify the parent or  
3 guardian that the decision of the board may be  
4 appealed as provided in this section.

5 If the board disallows the request of a parent or  
6 guardian of an affected pupil, the parent or guardian,  
7 not later than March 1, may appeal the sending of that  
8 pupil to the school district specified in the  
9 agreement, to the state board of education. The basis  
10 for the appeal shall be the same as the basis for the  
11 request to the board. A parent or guardian may appeal  
12 on the basis that sending the pupil to school in the  
13 district specified in the agreement will not meet the  
14 educational program needs of the pupil, or the school  
15 in the school district to which the pupil will be sent  
16 is not appropriate because consideration was not given  
17 to geographical factors. An appeal shall specify a  
18 contiguous school district to which the parent or  
19 guardian wishes to send the affected pupil. If the  
20 parent or guardian appeals, the standard of review of  
21 the appeal is clear and convincing a preponderance of  
22 evidence that the parent parent's or guardian's  
23 hardship outweighs the benefits and integrity of the  
24 sharing agreement. The state board may require the  
25 district of residence to pay tuition to the contiguous  
26 school district specified by the parent or guardian,  
27 or may deny the appeal by the parent or guardian. If  
28 the state board requires the district of residence to  
29 pay tuition to the contiguous school district  
30 specified by the parent or guardian, the tuition shall  
31 be equal to the tuition established in the sharing  
32 agreement. The decision of the state board is binding  
33 on the boards of directors of the school districts  
34 affected, except that the decision of the state board  
35 may be appealed by either party to the district court.

36 Sec. \_\_\_\_\_. Section 285.1, subsection 3, unnumbered  
37 paragraph 1, Code Supplement 1987, is amended to read  
38 as follows:

39 In a district where transportation by school bus is  
40 impracticable, where necessary to implement a whole  
41 grade sharing agreement under section 282.10, or where  
42 school bus service is not available, the board may  
43 require parents or guardians to furnish transportation  
44 for their children to the schools designated for  
45 attendance. Except as provided in section 285.3, the  
46 parent or guardian shall be reimbursed for such  
47 transportation service for public and nonpublic school  
48 pupils by the board of the resident district in an  
49 amount equal to eighty dollars plus seventy-five  
50 percent of the difference between eighty dollars and

## Page 3

- 1 the previous school year's statewide average per pupil
- 2 transportation cost, as determined by the department
- 3 of education."
- 4 4. By renumbering as necessary.

Amendment H—5738 was adopted.

Corbett of Linn asked and received unanimous consent to withdraw amendment H—5649, to amendment H—5611, filed by him on March 16, 1988.

Neuhauser of Johnson moved the adoption of amendment H—5611, as amended.

Amendment H—5611, as amended, was adopted, placing the following amendments out of order:

H—5410 (to page 1) filed by Daggett of Adams on March 9, 1988.

H—5521 (to page 3) filed by Corbett of Linn on March 11, 1988.

Neuhauser of Johnson moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2419)

The ayes were, 94:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Black	Blanshan
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.	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	Miller	Muhlbauer	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	Stromer	Stueland
Svoboda	Swartz	Swearingen	Tabor
Teaford	Tyrrell	Van Camp	Van Maanen
Wise	Mr. Speaker		

The nays were, none.

Absent or not voting, 6:

Carpenter  
Metcalf

Daggett  
Mullins

Halvorson, R. N. Kremer

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 2354)

Rosenberg of Story called up for consideration the motion to reconsider House File 2354, filed on March 9, 1988, and moved to reconsider the vote by which House File 2354, a bill for an act relating to radon testing and providing a penalty, passed the House and was placed on its last reading on March 9, 1988.

A non-record roll call was requested.

The ayes were 60, nays none.

The motion prevailed and the House reconsidered House File 2354.

Norrgard of Des Moines offered the following amendment H—5732 filed by him and Lundby of Linn and moved its adoption:

H—5732

- 1 Amend House File 2354 as follows:
- 2 1. Page 1, line 20, by inserting after the word
- 3 "writing," the following: "Any test results disclosed
- 4 shall be results of a test performed within the twelve
- 5 months prior to the date of the disclosure."

Amendment H—5732 was adopted.

Buhr of Polk offered the following amendment H—5555 filed by her and Neuhauser of Johnson and moved its adoption:

H—5555

- 1 Amend House File 2354 as follows:
- 2 1. Page 1, line 21, by striking the word "not".
- 3 2. Page 1, line 22, by striking the words "owns,
- 4 or to instances in" and inserting the following
- 5 "owns."
- 6 3. Page 1, by striking lines 23 through 31.

Amendment H—5555 was adopted, placing out of order amendment H—5374, previously adopted, (found on page 671 of the House Journal).

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?" (H.F. 2354)

The ayes were, 73:

Adams	Arnould	Beatty	Bennett
Bisignano	Black	Blanshan	Brammer
Buhr	Chapman	Clark	Cohoon
Connors	Cooper	Diemer	Doderer
Dvorsky	Fey	Fogarty	Fuller
Groninga	Gruhn	Halvorson, R. A.	Hammond
Hanson, D. R.	Harbor	Harper	Hatch
Haverland	Hester	Holveck	Hummel
Jay	Jochum	Johnson	Knapp
Koenigs	Lageschulte	Lundby	May
McKean	McKinney	Muhlbauer	Neuhauser
Norrgard	Ollie	Osterberg	Parker
Pavich	Peters	Peterson, M. K.	Plasier
Platt	Poney	Renaud	Rosenberg
Royer	Running	Schrader	Sherzan
Shoultz	Skow	Spear	Stromer
Stueland	Svoboda	Swartz	Swearingen
Tabor	Teaford	Van Camp	Wise
Mr. Speaker			

The nays were, 21:

Beaman	Branstad	Corbett	Corey
De Groot	Eddie	Garman	Hansen, S. D.
Hermann	Kremer	Maulsby	Miller
Paulin	Pellett	Petersen, D. F.	Renken
Schnekloth	Shoning	Siegrist	Tyrrell
Van Maanen			

Absent or not voting, 6:

Carpenter	Connolly	Daggett	Halvorson, R. N.
Metcalf	Mullins		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

### MOTION TO RECONSIDER LOST (House File 2448)

Jochum of Dubuque called up for consideration the motion to reconsider House File 2448, filed on March 18, 1988, and moved to

reconsider the vote by which House File 2448, a bill for an act relating to the funding for amending the basis for rates paid to intermediate care facilities and the schedule of basic needs under the aid to families with dependent children program by imposing a nonrefundable filing fee for corporations subject to state income tax and corporations or partnerships whose income is taxed to its shareholders or partners and imposing or repealing the state sales, services and use taxes on certain services, making appropriations, and providing a retroactive effective date, passed the House and was placed on its last reading on March 18, 1988.

A non-record roll call was requested.

The ayes were 29, nays 53.

The motion lost, placing out of order the motion to reconsider filed by Kremer of Buchanan on March 18, 1988.

#### IMMEDIATE MESSAGES (House Files 2433 and 2419)

Arnould of Scott asked and received unanimous consent that House Files 2433 and 2419 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 2393.

#### Regular Calendar

**House File 2393**, a bill for an act relating to the penalty for the sale of alcoholic beverages to persons under legal age by liquor control licensees or wine or beer permittees, was taken up for consideration.

Renaud of Polk offered the following amendment H—5393 filed by him:

H—5393

- 1 Amend House File 2393 as follows:
- 2 1. Page 1, by inserting before line 1 the
- 3 following:
- 4 "Section 1. Section 123.24, Code 1987, is amended
- 5 by adding the following new subsection:
- 6 **NEW SUBSECTION. 4.** The administrator may refuse
- 7 to sell alcoholic liquor to a class "E" liquor control
- 8 licensee who tenders a check or electronic funds
- 9 transfer which is subsequently dishonored until the
- 10 outstanding obligation is satisfied.

- 11 Sec. 2. Section 123.39, Code 1987, is amended by  
12 adding the following new subsection:  
13 NEW SUBSECTION. 7. The failure or refusal to pay  
14 rent or property taxes when due under the provisions  
15 of a sublease between the division and a liquor  
16 control licensee or wine or beer permittee."

Tabor of Jackson rose on a point of order that amendment H—5393 was not germane.

The Speaker ruled the point well taken and amendment H—5393 not germane.

Stromer of Hancock offered the following amendment H—5354 filed by him and moved its adoption:

H—5354

- 1 Amend House File 2393 as follows:  
2 1. Page 1, line 7, by inserting after the word  
3 "permit" the following: ", and for a second offense  
4 of the same violation, shall impose a civil penalty in  
5 the amount of five hundred dollars in addition to  
6 suspension of the license or permit, as those  
7 penalties are provided in section 123.50, subsection  
8 3".  
9 2. Page 1, line 17, by striking the words  
10 "paragraph a" and inserting the following:  
11 "paragraphs a and b".  
12 3. Page 1, line 18, by striking the word "is" and  
13 inserting the following: "are".  
14 4. Page 1, by inserting after line 28 the  
15 following:  
16 b. Upon a second conviction within a period of two  
17 years, the violator's liquor control license, wine  
18 permit, or beer permit shall be suspended for a period  
19 of thirty days. If the conviction is for a violation  
20 of section 123.49, subsection 2, paragraph "h", the  
21 violator shall also be assessed a civil penalty in the  
22 amount of five hundred dollars."

Amendment H—5354 lost.

Van Camp of Scott offered the following amendment H—5380 filed by him:

H—5380

- 1 Amend House File 2393 as follows:  
2 1. Page 1, by inserting after line 16 the  
3 following:  
4 "Sec. 2. Section 123.49, subsection 3, Code 1987,  
5 is amended to read as follows:

6 3. No A person under legal twenty-one years of age  
7 shall not misrepresent the person's age for the  
8 purpose of purchasing or attempting to purchase any  
9 alcoholic beverage, wine, or beer from any licensee or  
10 permittee. If any person under legal twenty-one years  
11 of age misrepresents the person's age, and the  
12 licensee or permittee establishes that the licensee or  
13 permittee made reasonable inquiry to determine whether  
14 the prospective purchaser was over legal twenty-one  
15 years of age, the licensee or permittee is not guilty  
16 of selling alcoholic liquor, wine, or beer to minors."

17 2. Page 1, by inserting after line 28 the  
18 following:

19 "Sec. 4. Section 123.50, Code 1987, is amended by  
20 adding the following new subsection:

21 NEW SUBSECTION. 5. If a person is convicted of a  
22 violation of section 123.49, subsection 3, in addition  
23 to any other penalties, the court shall order the  
24 person to surrender to the court the person's motor  
25 vehicle license, and the court shall hold the person's  
26 motor vehicle license for a period of thirty days  
27 following its surrender. The failure of a person to  
28 surrender the license is punishable as contempt of  
29 court."

Jay of Appanoose rose on a point of order that amendment  
H—5380 was not germane.

The Speaker ruled the point well taken and amendment H—5380  
not germane.

Lundby of Linn offered the following amendment H—5385 filed  
by her:

H—5385

1 Amend House File 2393 as follows:

2 1. Page 1, by inserting after line 16 the  
3 following:

4 "Sec. \_\_\_\_\_. Section 123.49, subsection 2, paragraph  
5 f, Code 1987, is amended to read as follows:

6 f. Employ a person under eighteen years of age in  
7 the sale or serving of alcoholic liquor, wine, or beer  
8 beverages for consumption on the premises where sold,  
9 or employ a person under twenty-one years of age in  
10 the sale of alcoholic beverages for consumption off  
11 the premises from licensed premises for which the sale  
12 of alcoholic beverages for consumption off the  
13 premises constitutes fifty percent or more of the  
14 gross receipts from the licensed premises."

15 2. Title page, line 3, by inserting after the  
16 word "permittees" the following: ", and prohibiting



- 17 the employment of persons under twenty-one years of  
 18 age in the sale of alcoholic beverages for consumption  
 19 off the licensed premises in certain instances".  
 20 3. By renumbering as necessary.

Renaud of Polk rose on a point of order that amendment H—5385 was not germane.

The Speaker ruled the point well taken and amendment H—5385 not germane.

Svoboda of Tama asked and received unanimous consent to withdraw amendment H—5438 filed by her on March 10, 1988.

Renaud of Polk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2393)

The ayes were, 70:

Adams	Arnould	Beaman	Beatty
Black	Blanshan	Buhr	Chapman
Cohoon	Connolly	Connors	Cooper
Corey	Dvorsky	Eddie	Fey
Fogarty	Fuller	Groninga	Gruhn
Halvorson, R. A.	Hammond	Hansen, S. D.	Harbor
Harper	Hatch	Hester	Hummel
Jay	Jochum	Johnson	Knapp
Koenigs	Kremer	Lageschulte	Lundby
May	McKinney	Miller	Muhlbauer
Neuhauser	Norrgard	Ollie	Parker
Paulin	Pavich	Pellett	Peters
Peterson, M. K.	Plasier	Poncy	Renaud
Rosenberg	Royer	Running	Sherzan
Shoning	Siegrist	Skow	Spear
Stromer	Stueland	Svoboda	Swearingen
Tabor	Teaford	Tyrrell	Van Camp
Wise	Mr. Speaker		

The nays were, 20:

Bennett	Brammer	Branstad	Carpenter
Clark	Corbett	De Groot	Diemer
Doderer	Garman	Hanson, D. R.	Haverland
Holveck	Maulsby	McKean	Osterberg
Petersen, D. F.	Renken	Schnekloth	Van Maanen

Absent or not voting, 10:

Bisignano	Daggett	Halvorson, R. N.	Hermann
Metcalf	Mullins	Platt	Schrader
Shoultz	Swartz		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**IMMEDIATE MESSAGE**  
(House File 2393)

Arnould of Scott asked and received unanimous consent that House File 2393 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 March 21, 1988, passed the following bill in which the concurrence of the House is asked:

Senate File 2017, a bill for an act relating to handicapped parking and the use, issuance, and display of handicapped identification devices, stickers, signs, and plates, providing a penalty and making penalties applicable; and providing an effective date.

JOHN F. DWYER, Secretary

On motion by Arnould of Scott, the House was recessed at 12:05 p.m., until 3:00 p.m.

**AFTERNOON SESSION**

The House reconvened, Speaker Avenson in the chair.

**LEAVE OF ABSENCE**

Leave of absence was granted as follows:

Holveck of Polk, until his return, on request of Haverland of Polk.

**RULES SUSPENDED**

Arnould of Scott asked and received unanimous consent to suspend the rules and take up out of order House Files 2394 and 2452.

**ADOPTION OF HOUSE CONCURRENT RESOLUTION 108**

Hammond of Story called up for consideration House Concurrent Resolution 108, relating to the designation of the vocational rehabilitation building as the Parker State Office Building in honor of Jessie M. Parker.

Hammond of Story offered the following amendment H—5197 filed by the committee on state government and moved its adoption:

H—5197

- 1 Amend House Concurrent Resolution 108 as follows:

- 2 1. Page 1, line 4, by inserting after the word
- 3 "as the" the following: "Jessie M."
- 4 2. Page 2, line 30, by inserting after the word
- 5 "the" the following: "Jessie M."
- 6 3. Page 3, line 4, by inserting after the word
- 7 "the" the following: "Jessie M."

The committee amendment H—5197 was adopted.

On motion by Hammond of Story, House Concurrent Resolution 108, as amended, was adopted.

## CONSIDERATION OF BILLS

### Regular Calendar

**House File 2394**, a bill for an act relating to the establishment of a statewide trails system, by providing for the retention and acquisition of railroad rights-of-way for interim uses as recreational trails and other public transportation or utility purposes, and by creating a state trails advisory council, was taken up for consideration.

Dvorsky of Johnson offered the following amendment H—5563 filed by Dvorsky, et al.:

H—5563

- 1 Amend House File 2394 as follows:
- 2 1. By striking everything after the enacting
- 3 clause and inserting the following:
- 4 "Section 1. LEGISLATIVE FINDINGS. The general
- 5 assembly finds as follows:
- 6 1. Railroad rights-of-way are continuing to be
- 7 abandoned in Iowa.
- 8 2. The railroad rights-of-way constitute unique
- 9 and irreplaceable resources which may be extremely
- 10 valuable for future railroad transportation and other
- 11 public purposes.
- 12 3. If railroad rights-of-way are abandoned, their
- 13 linear continuity is often lost and they become
- 14 unavailable for current and future transportation and
- 15 other public purposes.
- 16 4. It is in the public interest that appropriate
- 17 railroad rights-of-way be retained intact for future
- 18 rail transportation purposes and other public needs.
- 19 5. The railroad rights-of-way also frequently can
- 20 be employed for recreational trail, conservation, game
- 21 cover, erosion control, and other public purposes in
- 22 the interim.
- 23 6. Trails are one of Iowa's most significant
- 24 outdoor recreational resources. Trails facilitate the
- 25 kind of low concentration, dispersed type of
- 26 recreation that is very popular, and are useful for a

27 variety of activities, including walking, hiking,  
28 bicycling, and horseback riding. In addition, trails  
29 provide a means of access for sight seeing and other  
30 outdoor recreation activities, including fishing,  
31 swimming, and camping.

32 7. The state of Iowa should augment its ability to  
33 acquire, create, develop, and maintain a growing state  
34 trails system.

35 Sec. 2. NEW SECTION. 111F.10 STATE TRAILS  
36 ADVISORY COUNCIL CREATED — MEMBERSHIP — DUTIES.

37 A state trails advisory council is created. The  
38 membership shall include the director of the state  
39 department of transportation who shall serve as  
40 chairperson, the director of the department of natural  
41 resources, the chairperson of the natural resource  
42 commission, the chairperson of the state  
43 transportation commission, the secretary of  
44 agriculture, the director of the department of  
45 economic development, the director of the department  
46 of cultural affairs, or their designees, and four  
47 persons representing private conservation and  
48 recreation organizations which emphasize trails in  
49 their organizational activities. The four public  
50 members shall be appointed by the governor for

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1 staggered terms of four years beginning and ending as  
2 provided in section 69.19. The four public appointees  
3 are subject to senate confirmation. The advisory  
4 council shall meet at least twice annually to receive  
5 and consider information on trails and to offer advice  
6 relating to the planning for and the development of  
7 recreation trails pursuant to section 111F.2. The  
8 public members of the council shall be reimbursed for  
9 actual and necessary travel and related expenses  
10 incurred in the discharge of official duties. Each  
11 public member of the council may also be eligible to  
12 receive compensation as provided in section 7E.6. The  
13 compensation and expenses are payable from funds  
14 appropriated to the state department of  
15 transportation.

16 Sec. 3. NEW SECTION. 111F.11 ANNUAL REPORT.

17 The state trails advisory council shall issue an  
18 annual report to the governor, the general assembly,  
19 and to interested members of the public describing the  
20 status of the trails program and significant  
21 developments in the program during the past year with  
22 regard to trails development. The report shall also  
23 summarize the views of the state trails advisory  
24 council. The report shall recommend legislation which  
25 the advisory council deems appropriate to facilitate

26 the state trails system.

27 Sec. 4. NEW SECTION. 307B.25 STATE RAIL BANK —  
28 INTERIM USES.

29 1. The authority may acquire abandoned rail lines  
30 pursuant to section 307B.24 for current or future rail  
31 use. When the authority acquires abandoned rail lines  
32 for current or future rail use, the provisions of  
33 section 327G.76 shall not apply.

34 2. Upon request of the department of natural  
35 resources, the state department of transportation, a  
36 city, a county, or a qualified private organization,  
37 the authority and the requesting agency or  
38 organization may enter into an agreement to lease or  
39 otherwise transfer all or part of a rail line acquired  
40 pursuant to section 307B.24 to the requesting agency  
41 or organization for an interim public use including,  
42 but not limited to, use as a conservation or  
43 recreation trail. The agreement shall include a  
44 provision that the authority has the right to  
45 reinstate rail service in the future on the right-of-  
46 way of the rail line which is subject to the  
47 agreement. The authority shall establish, by rule,  
48 the qualifications of a qualified private  
49 organization.

50 3. A rail line right-of-way acquired or used by

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1 the department of natural resources, the state  
2 department of transportation, a county, a city, or a  
3 qualified private organization under this section  
4 shall be subject to any existing leases, licenses, or  
5 easements for utility facilities."

6 2. Title page, by striking lines 2 and 3 and  
7 inserting the following: "system, by providing for  
8 the acquisition and retention of abandoned rail lines  
9 for future rail use and for interim uses as  
10 recreational trails".

Renaud of Polk in the chair at 3:26 p.m.

Dvorsky of Johnson moved the adoption of amendment H—5563.

Roll call was requested by Maulsby of Calhoun and Stromer of Hancock.

On the question "Shall amendment H—5563 be adopted?"  
(H.F. 2394)

The ayes were, 57:

Adams  
Black

Arnould  
Brammer

Avenson  
Branstad

Bisignano  
Buhr

Chapman	Cohoon	Connolly	Connors
Cooper	Corbett	Diemer	Doderer
Dvorsky	Fey	Groninga	Halvorson, R. A.
Hammond	Hansen, S. D.	Hanson, D. R.	Harper
Hatch	Haverland	Jay	Jochum
Johnson	Knapp	Lundby	May
McKean	Muhlbauer	Neuhauser	Norrgard
Osterberg	Parker	Paulin	Pavich
Peters	Peterson, M. K.	Platt	Poncy
Rosenberg	Running	Schrader	Sherzan
Shoultz	Skow	Spear	Svoboda
Swartz	Tabor	Teaford	Wise
Mr. Speaker (Renaud)			

The nays were, 37:

Beaman	Bennett	Blanshan	Carpenter
Clark	Corey	Daggett	De Groot
Eddie	Fogarty	Fuller	Garman
Gruhn	Harbor	Hermann	Hester
Hummel	Koenigs	Kremer	Lageschulte
Maulsby	McKinney	Miller	Pellett
Petersen, D. F.	Plasier	Renken	Royer
Schnekloth	Shoning	Siegrist	Stromer
Stueland	Swearingen	Tyrrell	Van Camp
Van Maanen			

Absent or not voting, 6:

Beatty	Halvorson, R. N.	Holveck	Metcalf
Mullins	Ollie		

Amendment H—5563 was adopted, placing the following amendments out of order:

H—5337 (to page 4) filed by Van Maanen, et al., on March 7, 1988.

H—5338 (to page 2) filed by Van Maanen, et al., on March 7, 1988.

H—5361 (to page 2) filed by Van Maanen of Mahaska and Pellett of Cass on March 8, 1988.

H—5366 (to page 2) filed by Fogarty of Palo Alto on March 8, 1988.

H—5406 (to page 2) filed by Diemer of Black Hawk and Black of Jasper on March 9, 1988.

H—5417 (to page 2) filed by Diemer of Black Hawk and Black of Jasper on March 9, 1988.

Dvorsky of Johnson moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2394)

The ayes were, 67:

Adams	Arnould	Avenson	Beatty
Bisignano	Black	Blanshan	Brammer
Branstad	Buhr	Carpenter	Chapman
Clark	Cohoon	Connolly	Connors
Cooper	Corbett	Diemer	Doderer
Dvorsky	Fey	Groninga	Gruhn
Halvorson, R. A.	Hammond	Hansen, S. D.	Hanson, D. R.
Harper	Hatch	Haverland	Jay
Jochum	Johnson	Knapp	Kremer
Lageschulte	Lundby	May	McKean
McKinney	Muhlbauer	Neuhauser	Norrgard
Ollie	Osterberg	Parker	Pavich
Peters	Peterson, M. K.	Platt	Poncy
Rosenberg	Running	Schrader	Sherzan
Shoning	Shoultz	Skow	Spear
Svoboda	Swartz	Tabor	Teaford
Van Camp	Wise	Mr. Speaker (Renaud)	

The nays were, 29:

Beaman	Bennett	Corey	Daggett
De Groot	Eddie	Fogarty	Fuller
Garman	Harbor	Hermann	Hester
Hummel	Koenigs	Maulsby	Miller
Paulin	Pellett	Petersen, D. F.	Plasier
Renken	Royer	Schnekloth	Siegrist
Stromer	Stueland	Swearingen	Tyrrell
Van Maanen			

Absent or not voting, 4:

Halvorson, R. N.	Holveck	Metcalf	Mullins
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The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

### IMMEDIATE MESSAGE

(House File 2394)

Arnould of Scott asked and received unanimous consent that House File 2394 be immediately messaged to the Senate.

**House File 2452**, a bill for an act relating to the receipt and disbursement of support payments by transferring the collection and distribution of child support payment from the department of human services collection services center to the district court clerks, by making an exception, for federal social security payments, to the statutory requirements regarding allowable payees, and by providing effective dates, was taken up for consideration.

Peterson of Carroll offered the following amendment H—5752 filed by Peterson, et al.:

H—5752

1 Amend House File 2452 as follows:

2 1. By striking everything after the enacting  
3 clause and inserting the following:

4 "Section 1. IMPLEMENTATION OF THE COLLECTION  
5 SERVICES CENTER. The department of human services  
6 shall take all of the following actions in regard to  
7 the implementation of the collection services center:

8 1. The department shall not continue the  
9 conversion of counties from a system of payment to the  
10 clerk of the district court to one of payment to the  
11 collection services center. However, the conversion  
12 of orders and their payments in Linn county and Polk  
13 county shall be completed by January 1, 1989. Initial  
14 and modified orders or judgments for support entered  
15 after April 1, 1987, orders from counties already  
16 converted to the collection services center, orders  
17 related to services received under chapter 252B, and  
18 orders where either party to the order voluntarily  
19 requests conversion shall direct payments to the  
20 collection services center.

21 2. The child support collection services center  
22 shall complete the verification of data by re-  
23 abstracting the counties which have been converted to  
24 payment through the center. If any of the thirty-  
25 three persons who are temporarily employed to provide  
26 the abstracting complete the conversion of data in  
27 Linn and Polk counties and the orders related to  
28 services received under chapter 252B before January 1,  
29 1989, the department shall seek approval from the  
30 legislative council to proceed in other counties with  
31 the abstracting of order information and conversion to  
32 the collection services center.

33 3. Notwithstanding section 598.22 or any other  
34 section which provides for temporary or permanent  
35 support payments, parties who are under an order for  
36 support which is unrelated to chapter 252B services  
37 may make payments to and receive payments from the  
38 clerk of the district court if all of the following  
39 apply:

40 a. The payor is not in arrears with a support  
41 obligation which currently exists.

42 b. The parties agree to make and receive payments  
43 through the clerk of the district court.

44 c. The agreement is approved by the court and  
45 filed with the clerk of the district court and the  
46 department. The department shall prepare a form which  
47 may be used by the parties to implement such an



48 agreement.

49 Payment through the clerk of the district court  
50 shall continue so long as the payor remains in good

**Page 2**

1 standing and the order remains unrelated to chapter  
2 252B services.

3 Records of payments made through the clerk of the  
4 district court's office, and a copy of a new or  
5 modified court order, shall be forwarded to the  
6 collection services center from the clerk of the  
7 district court in which payment was made or a new or  
8 modified order was entered.

9 4. The center shall submit a report to the fiscal  
10 committee of the legislative council, the legislative  
11 fiscal bureau, and the directors of the majority and  
12 minority legislative caucus staffs of the senate and  
13 house of representatives in each month following the  
14 enactment of this Act. The report shall contain all  
15 of the following information:

16 a. The progress made in verifying the data in the  
17 converted counties.

18 b. The time required between the time a payment is  
19 received and the time funds are distributed to a  
20 recipient.

21 c. The number, nature, and frequency of complaints  
22 regarding the operation of the center including an  
23 analysis of the sources of the complaints.

24 d. An estimate of the time and resources required  
25 to complete the verification of data in the converted  
26 counties, the Linn county conversion, and the Polk  
27 county conversion.

28 5. As part of comprehensive legislative oversight,  
29 the center, in consultation with the legislative  
30 fiscal bureau, shall submit a report to the general  
31 assembly on or before January 1, 1989, which evaluates  
32 the operation of the center during the period  
33 beginning May 1, 1988, and ending December 1, 1988.  
34 The report shall include all of the following:

35 a. An assessment of the impact of the center upon  
36 the payment of child support, including information  
37 regarding the dollar amount collected by the child  
38 support recovery unit and the dollar amount received  
39 by recipients.

40 b. An assessment of the effect of the center upon  
41 the percentage of payors who are making payments.

42 c. An assessment of the level of satisfaction with  
43 the services of the center among payors and  
44 recipients.

45 d. An assessment of the cost-effectiveness of  
46 processing child support payments through the center

47 in comparison with processing through the clerks of  
48 the district court.  
49 e. A proposed timetable for the full  
50 implementation of collection services by the center in

**Page 3**

1 all counties.  
2 f. Other information relevant to the policy  
3 analysis of child support issues as requested by the  
4 legislative fiscal bureau.  
5 Sec. 2. Section 252B.16, unnumbered paragraph 1  
6 and subsection 1, Code 1987, are amended to read as  
7 follows:  
8 For existing orders of support entered before April  
9 1, 1987, which direct the payments of support to the  
10 clerk of the district court, the following procedure  
11 shall be implemented to convert the processing of  
12 those payments to the collection services center on or  
13 before April 1, 1988 1989:  
14 1. The department of human services and the  
15 judicial department shall establish a mutually agreed  
16 effective date, between April 1, 1987, and April 1,  
17 1988 1989, to effectuate the transfer of these  
18 functions from each clerk of the district court to the  
19 collection services center. The department shall  
20 cause to be published in the administrative bulletin a  
21 cumulative list of effective dates by county, once  
22 agreed upon and determined, which list shall be final  
23 and inclusive of all counties on the next date of  
24 publication subsequent to April 1, 1988 1989.  
25 Sec. 3. Section 252B.16, subsection 5, Code 1987,  
26 is amended to read as follows:  
27 5. On or after the mutually agreed effective date  
28 in subsection 1, but in any event not later than April  
29 1, 1988 1989, any payments received by the clerk of  
30 the district court for support or for the satisfaction  
31 of arrearages shall be sent by the clerk to the  
32 address specified by the collection services center  
33 within ten days of receipt of the payments."  
34 2. Title page, by striking lines 1 through 7 and  
35 inserting the following: "An Act relating to the  
36 collection services center of the department of human  
37 services."

The House stood at ease at 4:46 p.m., until the fall of the gavel.

The House resumed session and consideration of amendment H—5752 to House File 2452 at 5:56 p.m., Speaker Avenson in the chair.

Arnould of Scott asked and received unanimous consent that House File 2452 be deferred and that the bill retain its place on the calendar. (Amendment H—5752 pending.)

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Swearingen of Keokuk, for the remainder of the day, on request of Stromer of Hancock.

## RULE 60 INVOKED

Pursuant to Rule 60, Arnould of Scott moved to withdraw from the committee on state government and place on the calendar **House Joint Resolution 13**, a joint resolution proposing an amendment to the Constitution of the State of Iowa relating to protection of taxpayers' rights by limiting taxes, revenue, and spending of the state and local governments.

Roll call was requested by Black of Jasper and Jochum of Dubuque.

On the question "Shall House Joint Resolution 13 be withdrawn from committee?" (H.J.R. 13)

The ayes were, 94:

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.	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	Miller	Muhlbauer
Mullins	Neuhauser	Norrgard	Ollie
Osterberg	Paulin	Pavich	Pellett
Peters	Petersen, D. F.	Peterson, M. K.	Plasier
Platt	Poney	Renaud	Renken
Royer	Running	Schneklath	Schrader
Sherzan	Shoning	Shoultz	Siegrist
Skow	Spear	Stromer	Stueland
Svoboda	Swartz	Swearingen	Tabor
Teaford	Tyrrell	Van Camp	Van Maanen
Wise	Mr. Speaker		

The nays were, 4:

Bisignano	Hammond	Parker	Rosenberg
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Absent or not voting, 2:

Hatch                      Metcalf

The motion prevailed and House Joint Resolution 13 was withdrawn from committee and placed on the calendar.

Stromer of Hancock asked for unanimous consent to suspend the rules to immediately consider House Joint Resolution 13.

Objection was raised.

Stromer of Hancock moved to suspend the rules to immediately consider House Joint Resolution 13.

Connors of Polk moved that the House adjourn until 9:00 a.m., Tuesday, March 22, 1988.

Roll call was requested by Stromer of Hancock and Schnekloth of Scott.

On the question "Shall the House adjourn?"

The ayes were, 55:

Adams	Arnould	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
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	Svoboda	Tabor
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	Miller
Mullins	Paulin	Pellett	Petersen, D. F.
Plasier	Platt	Renken	Royer
Schnekloth	Shoning	Siegrist	Stromer
Stueland	Swearingen	Tyrrell	Van Camp
Van Maanen			

Absent or not voting, 4:

Hatch

Metcalf

Sherzan

Swartz

The motion to adjourn prevailed.

(The motion to suspend the rules to immediately consider House Joint Resolution 13 pending at adjournment.)

### MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 21, 1988, passed the following bill in which the concurrence of the House is asked:

Senate File 2005, a bill for an act to prohibit the use of corporal punishment in approved or accredited schools.

Also: That the Senate has on March 21, 1988, passed the following bill in which the concurrence of the House is asked:

Senate File 2106, a bill for an act relating to the prohibition of the sale, offering for sale, purchase, application, or use of chlordane in this state, and making a penalty applicable.

Also: That the Senate has on March 21, 1988, passed the following bill in which the concurrence of the House is asked:

Senate File 2314, a bill for an act relating to and making appropriations to state agencies whose responsibilities relate to general services, public defense, public safety, transportation, and enforcement, and including allocation and use of moneys from the road use tax fund and abstract fee fund, providing an increase in the abstract fee, mandating reports of certain agency purchases, renaming the chief executive officer of the department of public safety, and providing effective dates.

JOHN F. DWYER, Secretary

### EXPLANATIONS OF VOTE

I was necessarily absent from the House chamber on Friday afternoon, March 18, 1988. Had I been present, I would have voted "aye" on House File 2447 and House File 2448.

LAGESCHULTE of Bremer

I was necessarily absent from the House chamber on Friday, March 18, 1988. Had I been present, I would have voted "aye" on House File 2447.

STUELAND of Clinton

### PRESENTATION OF VISITORS

Sherzan of Polk presented to the House former House Page, Kristi

Santi, 1988 Modern Miss of Iowa. She is presently attending Drake University, Des Moines.

The Speaker announced that the following visitors were present in the House chamber:

Fifteen middle school students from Shenandoah, accompanied by Mr. Calderon. By Royer of Page.

Thirty-five sixth grade students from Twin Cedar Elementary School, Bussey, accompanied by Joan Anderson. By Schrader of Marion.

Seventeen student council members from Central Clinton High School, De Witt, accompanied by Gene Kastler and George Pickup. By Stueland of Clinton.

### CERTIFICATES OF RECOGNITION

MR. SPEAKER: The Chief Clerk of the House respectfully reports that certificates of recognition have been issued as follows.

JOSEPH O'HERN  
Chief Clerk of the House

- |         |  |
|---------|--|
| 1988-27 | Denison High School Academic Decathlon Team — For winning the Iowa Academic Decathlon Championship.            |
| 1988-28 | Girls Basketball Team, Dike Community School — For winning the Six-on-Six Girls State Basketball Championship. |

### SUBCOMMITTEE ASSIGNMENTS

#### Senate File 2269

Local Government: Fuller, Chair; Eddie and Peters.

#### Senate File 2303

Economic Development: Groninga, Chair; Cohoon, Lundby, Miller and Ollie.

### COMMITTEE RECOMMENDATIONS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

JOSEPH O'HERN  
Chief Clerk of the House

### COMMITTEE ON HUMAN RESOURCES

Senate Concurrent Resolution 116, a concurrent resolution relating to a midwest legislative conference on children.

Fiscal Note is not required.

**Recommended Amend and Do Pass with amendment H—5762 and Laid over under Rule 25 March 21, 1988.**

#### COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT

**Committee Resolution**, a concurrent resolution relating to the establishment of an interim study committee to study family and marriage law in Iowa concerning property rights between spouses in comparison with the Uniform Marital Property Act, rights of spouses after a dissolution or divorce, establishment of a family conciliation court including mediation and other dispute resolution mechanisms, and other related issues.

Fiscal Note is not required.

**Recommended Do Pass March 21, 1988.**

#### COMMITTEE ON LOCAL GOVERNMENT

**Senate File 2129**, a bill for an act relating to the issuance of warrants for drainage improvements.

Fiscal Note is not required.

**Recommended Do Pass March 21, 1988.**

**Senate File 2270**, a bill for an act relating to the suspension of the collection of taxes, special assessments, and other assessments by the county board of supervisors.

Fiscal Note is not required.

**Recommended Do Pass March 21, 1988.**

#### RESOLUTION FILED

**HCR 121**, by committee on natural resources and outdoor recreation, a concurrent resolution urging the United States Fish and Wildlife Service to address the problem of illegal duck hunting and urging the Congress of the United States to appropriate the funds necessary for such efforts.

**Laid over under Rule 25.**

#### AMENDMENTS FILED

H—5753	H.F.	2456	Haverland of Polk
H—5754	H.F.	2452	Swartz of Marshall
			Jay of Appanoose
H—5755	H.F.	2452	Swartz of Marshall
H—5756	H.F.	2441	Koenigs of Mitchell
H—5757	H.F.	2452	Peterson of Carroll
H—5758	H.F.	2441	Hatch of Polk
H—5759	S.F.	2117	Jay of Appanoose
			Carpenter of Polk

H—5760	S.F.	2117	De Groot of Lyon
H—5761	S.F.	2164	Spear of Lee
H—5762	S.C.R.	116	Committee on Human Resources
H—5763	H.F.	2452	Peterson of Carroll
H—5764	S.F.	2070	Muhlbauer of Crawford Skow of Guthrie
H—5765	H.F.	2456	Muhlbauer of Crawford
H—5766	S.F.	2230	Black of Jasper
H—5767	H.F.	2441	Skow of Guthrie Hummel of Benton
H—5768	H.J.R.	13	Jochum of Dubuque

On previous motion by Connors of Polk, the House adjourned at 6:02 p.m., until 9:00 a.m., Tuesday, March 22, 1988.



# JOURNAL OF THE HOUSE

Seventy-second Calendar Day — Forty-eighth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Tuesday, March 22, 1988

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, March 21, 1988 was approved.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Royer of Page, until his arrival, on request of Corey of Louisa.

## SENATE MESSAGES CONSIDERED

**Senate File 2005**, by Corning, Lloyd-Jones, Riordan, Gentleman, Hannon and Readinger, a bill for an act to prohibit the use of corporal punishment in approved or accredited schools.

Read first time and referred to committee on **education**.

**Senate File 2017**, by Holden, a bill for an act relating to handicapped parking and the use, issuance, and display of handicapped identification devices, stickers, signs, and plates, providing a penalty and making penalties applicable; and providing an effective date.

Read first time and referred to committee on **transportation**.

**Senate File 2106**, by Varn, a bill for an act relating to the prohibition of the sale, offering for sale, purchase, application, or use of chlordane in this state, and making a penalty applicable.

Read first time and referred to committee on **energy and environmental protection**.

**Senate File 2312**, by committee on appropriations, a bill for an act relating to the funding of, operation of, and appropriation of moneys to agencies, institutions, commissions, departments, and boards responsible for educational and cultural programs of this state and providing an effective date.

Read first time and referred to committee on **appropriations**.

**Senate File 2314**, by committee on appropriations, a bill for an act relating to and making appropriations to state agencies whose responsibilities relate to general services, public defense, public safety, transportation, and enforcement, and including allocation and use of moneys from the road use tax fund and abstract fee fund, providing an increase in the abstract fee, mandating reports of certain agency purchases, renaming the chief executive officer of the department of public safety, and providing effective dates.

Read first time and referred to committee on **appropriations**.

### BUSINESS PENDING AT ADJOURNMENT

The House resumed consideration of the motion to suspend the rules to immediately consider House Joint Resolution 13, pending at adjournment.

On the motion, a non-record roll call was requested.

The ayes were 77, nays 3.

The motion prevailed and **House Joint Resolution 13**, a joint resolution proposing an amendment to the Constitution of the State of Iowa relating to protection of taxpayers' rights by limiting taxes, revenue, and spending of the state and local governments, was taken up for consideration.

The House stood at ease at 9:30 a.m., until the fall of the gavel.

The House resumed session and consideration of House Joint Resolution 13 at 10:55 a.m., Speaker Avenson in the chair.

Jochum of Dubuque offered the following amendment H—5768 filed by him:

H—5768

- 1 Amend House Joint Resolution 13 as follows:
- 2 1. Page 1, by striking line 11 and inserting
- 3 the following: "local governments in fiscal 1987, with
- 4 the following adjustments; revenue committed to implement-
- 5 ing the bill of rights for mentally retarded, mentally
- 6 ill and disabled individuals; revenue committed
- 7 to nursing home reimbursement under the medical assistance
- 8 program; revenue committed to the preservation of
- 9 elementary and secondary schools with enrollments of
- 10 less than one thousand students; revenue committed to
- 11 expanding medically needy program within the department
- 12 of human services and an".

Chapman of Linn offered the following amendment H—5783, to amendment H—5768 filed by her from the floor:

H—5783

- 1 Amend amendment H—5768 to House Joint Resolution 13
- 2 as follows:
- 3 1. Page 1, by inserting before line 2 the
- 4 following:
- 5 "\_\_\_\_\_. Page 1, line 3, by inserting before the
- 6 word "The" the following: "1." "
- 7 2. Page 1, by inserting after line 12 the
- 8 following:
- 9 "\_\_\_\_\_. Page 3, by inserting after line 8 the
- 10 following:
- 11 "2. Section 8 of Article VII of the Constitution
- 12 of the State of Iowa is repealed and the following
- 13 adopted in lieu thereof:
- 14 FOSSIL FUELS AND PETROLEUM PRODUCTS TAXES. SEC. 8.
- 15 Tax receipts from the sale of all fossil fuels and
- 16 petroleum products shall not be set aside to be used
- 17 exclusively for a particular purpose but shall be
- 18 deposited in the general fund of the state." "
- 19 3. Renumber as necessary.

Bennett of Ida rose on a point of order that amendment H—5783 was not germane.

The Speaker ruled the point well taken and amendment H—5783 not germane.

Ollie of Clinton offered the following amendment H—5770, to the amendment H—5768, filed from the floor by Ollie, Fuller and Adams and moved its adoption:

H—5770

- 1 Amend the amendment, H—5768, to House Joint
- 2 Resolution 13 as follows:
- 3 1. Page 1, line 10, by inserting after the word
- 4 "students" the following: "and to school districts
- 5 that were formed as a result of reorganization under
- 6 chapter 275".

Arnould of Scott asked and received unanimous consent that House Joint Resolution 13 be deferred and that the bill retain its place on the calendar.

(Amendment H—5770, to amendment H—5768, pending.)

On motion by Arnould of Scott, the House was recessed at 11:37 a.m., until 3:00 p.m.

## AFTERNOON SESSION

The House reconvened, Speaker Avenson in the chair.

## CONSIDERATION OF BILLS

### Regular Calendar

The House resumed consideration of **House File 2452**, a bill for an act relating to the receipt and disbursement of support payments by transferring the collection and distribution of child support payment from the department of human services collection services center to the district court clerks, by making an exception, for federal social security payments, to the statutory requirements regarding allowable payees, and by providing effective dates, and amendment H—5752 (found on pages 991 through 993 of the House Journal) deferred March 21, 1988.

Peterson of Carroll asked and received unanimous consent to withdraw amendment H—5752, placing out of order the following amendments, to amendment H—5752:

H—5755 filed by Swartz of Marshall on March 21, 1988.

H—5757 filed by Peterson of Carroll on March 21, 1988.

H—5763 filed by Peterson of Carroll on March 21, 1988.

Swartz of Marshall offered amendment H—5751 filed by him and Jay of Appanoose and requested division as follows:

H—5751

1 Amend House File 2452 as follows:

H—5751A

- 2 1. Page 4, line 4, by inserting after the word
- 3 "judgments" the words "on the same day received if
- 4 applied for in person by the payee and acknowledged by
- 5 the payee, or otherwise".
- 6 2. Page 4, line 4, by striking the word "ten" and
- 7 inserting the following: "ten two".
- 8 3. Page 4, line 7, by striking the words "record
- 9 book" and inserting the following: "record book
- 10 computer data base".
- 11 4. Page 4, line 8, by striking the word "open"
- 12 and inserting the following: "open available".
- 13 5. Page 4, line 10, by striking the words "record
- 14 book" and inserting the following: "record book data
- 15 base".
- 16 6. Page 4, line 14, by inserting after the word
- 17 and figure "subsection 47." the following: "The clerk
- 18 of court shall forward the data to a centralized
- 19 statewide data base as directed by the state court
- 20 administrator."

H—5751B

21 7. Page 5, line 31, by inserting after the word  
 22 "orders." the following: "The judicial department may  
 23 authorize a fee pursuant to federal guidelines not to  
 24 exceed twenty-five dollars per year to be charged to  
 25 the child support obligor for the purpose of financing  
 26 the cost of the system of electronic data storage and  
 27 transmission and the cost of child support collection  
 28 services conducted by the district court clerks. A  
 29 clerk may waive the fee for individual obligors on the  
 30 grounds of indigency of the obligor or on the grounds  
 31 that collection of the fee would adversely affect the  
 32 ability of the obligor to meet the child support  
 33 obligation."

H—5751C

34 8. Page 7, line 20, by striking the word "ten"  
 35 and inserting the word "two".

On motion by Swartz of Marshall, amendment H—5751A was adopted.

Swartz of Marshall asked and received unanimous consent to withdraw amendment H—5751B, placing out of order amendment H—5754, (to amendment H—5751B) filed by Swartz of Marshall and Jay of Appanoose on March 21, 1988.

Swartz of Marshall asked and received unanimous consent to withdraw amendment H—5751C.

Mullins of Kossuth rose on a point of order and invoked Rule 32 to refer House File 2452 to the committee on appropriations.

The Speaker ruled the point not well taken and Rule 32 not in order.

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. 2452)

The ayes were, 83:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Black	Blanshan
Brammer	Branstad	Buhr	Carpenter
Chapman	Cphoon	Connolly	Connors
Cooper	Corbett	Corey	Daggett
De Groot	Doderer	Dvorsky	Eddie

Fogarty	Fuller	Garman	Groninga
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hansen, S. D.
Hanson, D. R.	Harbor	Hermann	Holveck
Hummel	Jay	Johnson	Knapp
Koenigs	Kremer	Lageschulte	Lundby
Maulsby	May	McKean	McKinney
Metcalf	Muhlbauer	Mullins	Neuhauser
Ollie	Osterberg	Parker	Pavich
Pellett	Peters	Petersen, D. F.	Plasier
Platt	Poncy	Renaud	Renken
Royer	Running	Schnekloth	Schrader
Sherzan	Shoning	Shoultz	Skow
Stromer	Stueland	Svoboda	Swartz
Swearingen	Tabor	Tyrrell	Van Camp
Van Maanen	Wise	Mr. Speaker	

The nays were, 17:

Clark	Diemer	Fey	Hammond
Harper	Hatch	Haverland	Hester
Jochum	Miller	Norrgard	Paulin
Peterson, M. K.	Rosenberg	Siegrist	Spear
Teaford			

Absent or not voting, none.

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

### RULES SUSPENDED

Arnould of Scott asked and received unanimous consent to suspend the rules and take up out of order House File 2374.

**House File 2374**, a bill for an act relating to the nomination of candidates for the office of lieutenant governor for the general election in the year 1990, was taken up for consideration.

Spear of Lee offered the following amendment H—5570 filed by him and moved its adoption:

H—5570

- 1 Amend House File 2374 as follows:
- 2 1. Page 1, line 1, by striking the words
- 3 "Notwithstanding chapter 43" and inserting the
- 4 following: "NEW SECTION. 43.123 NOMINATION OF
- 5 LIEUTENANT GOVERNOR. Notwithstanding this chapter".
- 6 2. Page 1, line 5, by inserting after the figure
- 7 "1990" the following: "and each four years
- 8 thereafter".

Amendment H—5570 was adopted.

Halvorson of Webster moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2374)

The ayes were, 80:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Black	Blanshan
Brammer	Carpenter	Chapman	Clark
Cohoon	Connolly	Connors	Cooper
De Groot	Diemer	Dvorsky	Eddie
Fey	Fogarty	Garman	Groninga
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Hansen, S. D.	Hanson, D. R.	Harper	Hatch
Haverland	Hermann	Hester	Holveck
Jay	Jochum	Johnson	Knapp
Koenigs	Kremer	Lageschulte	Lundby
Maulsby	May	McKinney	Metcalf
Miller	Muhlbauer	Neuhauser	Norrgard
Ollie	Osterberg	Paulin	Pavich
Pellett	Petersen, D. F.	Peterson, M. K.	Plasier
Platt	Renaud	Rosenberg	Running
Schrader	Sherzan	Shoning	Shoultz
Siegrist	Skow	Spear	Stromer
Stueland	Swartz	Swearingen	Teaford
Tyrrell	Van Camp	Van Maanen	Mr. Speaker

The nays were, 20:

Branstad	Buhr	Corbett	Corey
Daggett	Doderer	Fuller	Harbor
Hummel	McKean	Mullins	Parker
Peters	Poncy	Renken	Royer
Schnekloth	Svoboda	Tabor	Wise

Absent or not voting, none.

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

### RULES SUSPENDED

Arnould of Scott asked and received unanimous consent to suspend the rules and take up out of order Senate File 2061.

**Senate File 2061**, 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, with report of committee recommending passage was taken up for consideration.

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. 2061)

The ayes were, 78:

Adams	Arnould	Beaman	Beatty
Bisignano	Black	Brammer	Branstad
Buhr	Clark	Cphoon	Connolly
Connors	Cooper	Corbett	Corey
Daggett	De Groot	Dvorsky	Eddie
Fey	Fogarty	Fuller	Garman
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	Lundby
Maulsby	May	McKean	McKinney
Muhlbauer	Mullins	Neuhauser	Norrard
Ollie	Osterberg	Parker	Pavich
Pellett	Peters	Peterson, M. K.	Platt
Renaud	Rosenberg	Schrader	Sherzan
Shoning	Shultz	Skow	Spear
Stueland	Svoboda	Swearingen	Tabor
Teaford	Tyrrell	Van Camp	Van Maanen
Wise	Mr. Speaker		

The nays were, 21:

Bennett	Blanshan	Carpenter	Chapman
Diemer	Doderer	Groninga	Harbor
Metcalf	Miller	Paulin	Petersen, D. F.
Plasier	Poncy	Renken	Royer
Running	Schnekloth	Siegrist	Stromer
Swartz			

Absent or not voting, 1:

Lageschulte

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Swearingen of Keokuk, for the remainder of the day, on request of Stromer of Hancock.

### SENATE AMENDMENT CONSIDERED

Teaford of Black Hawk called up for consideration **Senate File**



**2094**, a bill for an act relating to instructional requirements for human growth and development in grades kindergarten through twelve 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—5203 to the House amendment:

H—5203

- 1 Amend the House amendment, S—5106, to Senate File
- 2 2094, as amended, passed, and reprinted by the Senate,
- 3 as follows:
- 4 1. Page 1, by striking line 24.

A non-record roll call was requested.

The ayes were 41, nays 23.

The motion prevailed and the House concurred in the Senate amendment H—5203.

Teaford of Black Hawk moved that the bill, as amended by the House, further amended by the Senate and concurred in by the House, be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2094)

The ayes were, 68:

Adams	Arnould	Beatty	Bisignano
Blanshan	Brammer	Buhr	Carpenter
Chapman	Clark	Cohoon	Connolly
Connors	Cooper	Corbett	Doderer
Dvorsky	Eddie	Fey	Fuller
Groninga	Halvorson, R. A.	Halvorson, R. N.	Hammond
Hansen, S. D.	Hanson, D. R.	Harper	Hatch
Haverland	Hester	Holveck	Hummel
Jay	Jochum	Johnson	Knapp
Koenigs	May	McKinney	Metcalf
Muhlbauer	Mullins	Neuhauser	Norrgard
Ollie	Osterberg	Parker	Pavich
Peters	Peterson, M. K.	Plasier	Platt
Poncy	Renaud	Rosenberg	Running
Schrader	Sherzan	Shoning	Shultz
Siegrist	Stueland	Svoboda	Swartz
Tabor	Teaford	Wise	Mr. Speaker

The nays were, 29:

Beaman	Bennett	Black	Branstad
Corey	Daggett	De Groot	Diemer
Fogarty	Garman	Harbor	Kremer
Lageschulte	Lundby	Maulsby	McKean

Miller  
Renken  
Spear  
Van Maanen

Paulin  
Royer  
Stromer

Pellett  
Schnekloth  
Tyrrell

Petersen, D. F.  
Skow  
Van Camp

Absent or not voting, 3:

Gruhn

Hermann

Swearingen

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

### IMMEDIATE MESSAGES

Arnould of Scott asked and received unanimous consent that House Files 2452 and 2374 and Senate Files 2061 and 2094 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 2345.

The House resumed consideration of **House File 2345**, a bill for an act relating to the certification of school personnel and approval of teacher education programs, including the establishment of a board of educational examiners and a teacher certification advisory committee, deferred March 3, 4, 7 and 14, 1988.

Black of Jasper in the chair at 5:05 p.m.

Carpenter of Polk offered the following amendment H—5583 filed by her and moved its adoption:

H—5583

1 Amend House File 2345 as follows:

2 1. Page 4, line 21, by striking the figure "1989"  
3 and inserting the following: "1994".

4 2. Page 7, line 21, by striking the figure "1989"  
5 and inserting the following: "1994".

6 3. Page 7, line 22, by striking the figure "1990"  
7 and inserting the following: "1995".

8 4. Page 7, line 24, by striking the figure "1991"  
9 and inserting the following: "1996".

10 5. Page 7, line 26, by striking the figure "1992"  
11 and inserting the following: "1997".

12 6. Page 7, by inserting after line 26 the  
13 following:

14 "Sec. \_\_\_\_\_. This Act takes effect July 1, 1993."

Roll call was requested by Shoultz of Black Hawk and Bennett of Ida.

Rule 75 was invoked.

On the question "Shall amendment H—5583 be adopted?"  
(H.F. 2345)

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	Metcalf
Miller	Paulin	Pellet	Petersen, D. F.
Plasier	Platt	Renken	Royer
Schnekloth	Sherzan	Stromer	Stueland
Swartz	Tyrrell	Van Camp	Van Maanen

The nays were, 57:

Adams	Arnould	Avenson	Beatty
Bisignano	Blanshan	Brammer	Buhr
Chapman	Cohon	Connolly	Cooper
Doderer	Dvorsky	Fey	Fogarty
Fuller	Groninga	Gruhn	Halvorson, R. N.
Hansen, S. D.	Harper	Hatch	Haverland
Holveck	Jay	Jochum	Johnson
Knapp	Koenigs	May	McKinney
Muhlbauer	Mullins	Neuhauser	Norrgard
Ollie	Osterberg	Parker	Pavich
Peters	Peterson, M. K.	Poney	Renaud
Rosenberg	Running	Schrader	Shoning
Shoultz	Siegrist	Skow	Spear
Svoboda	Tabor	Teaford	Wise
Mr. Speaker			
(Black)			

Absent or not voting, 3:

Connors	Hammond	Swearingen
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Amendment H—5583 lost.

Halvorson of Clayton offered the following amendment H—5285 filed by him and Harbor of Mills:

H—5285

- 1 Amend House File 2345 as follows:
- 2 1. Page 4, by inserting after line 25 the fol-
- 3 lowing:
- 4 "\_\_\_\_\_. Conduct a comprehensive study of the effect
- 5 that collective bargaining for public employees has
- 6 had on the maintenance of quality teaching in Iowa.
- 7 The board shall file a copy of the results of the

- 8 study with the chief clerk of the house of  
9 representatives and the secretary of the senate on or  
10 before January 1, 1990."

Shoultz of Black Hawk rose on a point of order that amendment H—5285 was not germane.

The Speaker ruled the point not well taken and amendment H—5285 germane.

The House stood at ease at 5:18 p.m., until the fall of the gavel.

The House resumed session and consideration of amendment H—5285 to House File 2345 at 5:53 p.m., Connors of Polk in the chair.

### QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed fifty-two members present, forty-eight absent.

Stromer of Hancock moved that House File 2345 be deferred and that the bill retain its place on the calendar.

Speaker Avenson in the chair at 6:15 p.m.

On the motion to defer, a non-record roll call was requested.

The ayes were 39, nays 54.

The motion to defer lost.

Arnould of Scott asked and received unanimous consent that House File 2345 be deferred and that the bill retain its place on the calendar.

(Amendment H—5285 pending.)

### MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 22, 1988, passed the following bill in which the concurrence of the House is asked:

Senate File 2125, a bill for an act restricting the service area of sanitary landfills, providing for the Act's retroactive applicability, and providing an effective date.

Also: That the Senate has on March 22, 1988, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2196, a bill for an act relating to transportation funding by providing for a network of commercial and industrial highways, increasing the excise taxes on motor fuel and special fuel, increasing the standing appropriation for public transit

assistance, authorizing the transfer of RISE funds to the primary road fund, providing for a study of highway financing, making appropriations from the road use tax fund, and providing effective dates.

Also: That the Senate has on March 22, 1988, passed the following bill in which the concurrence of the House is asked:

Senate File 2208, a bill for an act relating to the possession of alcoholic beverages by persons under legal age.

Also: That the Senate has on March 22, 1988, passed the following bill in which the concurrence of the House is asked:

Senate File 2212, a bill for an act relating to the credentialing of mental health counselors, establishing a board of mental health counseling examiners, making penalties applicable, and providing other properly related matters.

Also: That the Senate has on March 22, 1988, passed the following bill in which the concurrence of the House is asked:

Senate File 2235, a bill for an act relating to student exercise of free expression in the public schools.

Also: That the Senate has on March 22, 1988, passed the following bill in which the concurrence of the House is asked:

Senate File 2276, a bill for an act to reclassify certain tanks and trailers as implements of husbandry.

Also: That the Senate has on March 22, 1988, passed the following bill in which the concurrence of the House is asked:

Senate File 2285, a bill for an act relating to the enforcement of laws concerning motor vehicle fraud, salvage, and theft, certificates of title, and transfer of ownership of foreign, wrecked, and salvage vehicles and making penalties applicable and providing effective dates.

Also: That the Senate has on March 22, 1988, passed the following bill in which the concurrence of the House is asked:

Senate File 2318, a bill for an act relating to the registration of construction contractors; providing for administration and enforcement of a system of registration by the labor commissioner; providing for administrative penalties; providing an effective date; and providing other properly related matters.

Also: That the Senate has on March 22, 1988, adopted the following resolution in which the concurrence of the House is asked:

Senate Concurrent Resolution 123, a concurrent resolution relating to the establishing of a committee on licensure or certification of construction contractors.

JOHN F. DWYER, Secretary

### EXPLANATION OF VOTE

I was necessarily absent from the House chamber on Friday, March 18, 1988. Had I been present, I would have voted "nay" on House File 2448.

METCALF of Polk

## COMMUNICATIONS RECEIVED

The following communications were received and are on file in the office of the Chief Clerk:

### DEPARTMENT OF NATURAL RESOURCES

A preliminary report on the financial ramifications of limiting the types of waste accepted at a hazardous waste facility, pursuant to Chapter 180.6(10), Acts of the Seventy-second General Assembly, 1987 Session.

### DEPARTMENT OF REVENUE AND FINANCE

The 1985 Iowa Individual Income Tax Annual Statistical Report, pursuant to Chapter 422.75, Code of Iowa.

Iowa Corporation Income and Franchise Tax Report, pursuant to Chapter 422.75, Code of Iowa.

## PRESENTATION OF VISITORS

Harper of Black Hawk presented to the House thirty-one eighth through twelfth grade students representing 26,000 Girl Scouts statewide.

## HOUSE STUDY BILL COMMITTEE ASSIGNMENT

### H.S.B. 829 Ways and Means

Relating to the treatment of refund deposits on beverage containers as abandoned deposits by requiring distributors to establish a separate fund to which the deposits are credited, to remit a certain amount from the fund and on hand as of June 30, 1988, to the treasurer of state as abandoned deposits, to file semiannual reports with the treasurer, and providing penalties.

### SUBCOMMITTEE ASSIGNMENTS

#### House File 2429

Ways and Means: Johnson, Chair; De Groot and May.

#### Senate Joint Resolution 2005

Agriculture: Svoboda, Chair; May and Pellett.

#### Senate File 2205

Energy and Environmental Protection: Dvorsky, Chair; Adams, Johnson, McKean and Mullins.

#### Senate File 2223

Human Resources: Harper, Chair; Connors, Hester, Peters and Swearingen.

**Senate File 2247**

Energy and Environmental Protection: Johnson, Chair; McKean, Mullins, Osterberg, Paulin, Schrader and Svoboda.

**Senate File 2249**

Small Business and Commerce: Holveck, Chair; Kremer, McKinney and Metcalf.

**Senate File 2262**

Agriculture: Gruhn, Chair; De Groot and Hatch.

**Senate File 2280**

Small Business and Commerce: Hansen of Woodbury, Chair; and Corbett.

**Senate File 2284**

Human Resources: Adams, Chair; Corey, Eddie, Haverland and Spear.

**Senate File 2288**

Labor and Industrial Relations: Hansen of Woodbury, Chair; Eddie and Peters.

**Senate File 2289**

Small Business and Commerce: Sherzan, Chair; Hummel, Renken and Skow.

**HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS****House Study Bill 828**

Ways and Means: Chapman, Chair; Groninga and Miller.

**House Study Bill 829**

Ways and Means: Doderer, Chair; Hanson of Delaware and Tabor.

**COMMITTEE RECOMMENDATIONS**

**MR. SPEAKER:** The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

**JOSEPH O'HERN**

Chief Clerk of the House

**COMMITTEE ON NATURAL RESOURCES AND OUTDOOR RECREATION**

**Senate File 2167**, a bill for an act relating to the definition and regulation of tip-up fishing devices, and providing a penalty.

Fiscal Note is not required.

Recommended **Do Pass** March 21, 1988.

**COMMITTEE ON SMALL BUSINESS AND COMMERCE**

**Senate File 376**, a bill for an act relating to state banks by permitting a state bank to engage in securities activities and to organize, acquire, or invest in a subsidiary to

engage in nondepository activities permitted by state or federal law, and to invest in certain financial contracts and mutual funds for its own account.

Fiscal Note is not required.

**Recommended Amend and Do Pass with amendment H—5782 March 21, 1988.**

**Senate File 464**, a bill for an act relating to the regulation of health clubs and providing penalties.

Fiscal Note is required.

**Recommended Amend and Do Pass with amendment H—5781 March 21, 1988.**

#### COMMITTEE ON STATE GOVERNMENT

**Senate File 288**, a bill for an act to provide for publication of state salary lists, job titles, and expenses paid to state employees.

Fiscal Note is not required.

**Recommended Amend and Do Pass with amendment H—5814 March 22, 1988.**

**Senate File 299**, a bill for an act relating to podiatry by broadening the scope of practice of podiatry, by including podiatrists in the definition of "physician" for certain purposes, by broadening provisions relating to temporary certificates, by providing for coverage of podiatrists' services under prepaid group plans of health maintenance organizations and providing for data collection and utilization review, and by providing for other properly related matters.

Fiscal Note is not required.

**Recommended Amend and Do Pass with amendment H—5813 March 22, 1988.**

**Senate File 2088**, a bill for an act relating to the eligibility date of certain military veterans for membership on a county commission of veterans affairs and certain military veteran benefits.

Fiscal Note is not required.

**Recommended Do Pass March 22, 1988.**

**Senate File 2170**, a bill for an act relating to the membership of the commission on the status of women.

Fiscal Note is not required.

**Recommended Amend and Do Pass with amendment H—5816 March 22, 1988.**

**Senate File 2201**, a bill for an act to remove the bond required for class "A", "B", "C", and "D" liquor control licenses and retail wine and beer permits.

Fiscal Note is not required.

**Recommended Do Pass March 22, 1988.**

**Senate File 2274**, a bill for an act to allow the board of dental examiners to revoke or suspend a license of a licensee where the licensee has been disciplined in another state, territory, or country.

Fiscal Note is not required.



Recommended **Amend and Do Pass** with amendment H—5815 March 22, 1988.

#### COMMITTEE ON WAYS AND MEANS

**Committee Bill** (Formerly House File 2359), relating to the imposition and collection of the state sales, services, and use taxes by out-of-state retailers.

Fiscal Note is required.

Recommended **Amend and Do Pass** March 22, 1988.

**Committee Bill** (Formerly House Study Bill 567), relating to the exemption from the state sales, services, and use taxes of the gross receipts from the sales of modular homes which are not attributable to the cost of the tangible personal property used in the processing of the modular homes.

Fiscal Note is required.

Recommended **Do Pass** March 22, 1988.

#### RESOLUTIONS FILED

**HCR 122**, by committee on judiciary and law enforcement, a concurrent resolution relating to the establishment of an interim study committee to study family and marriage law in Iowa concerning property rights between spouses in comparison with the Uniform Marital Property Act, rights of spouses after a dissolution or divorce, establishment of a family conciliation court including mediation and other dispute resolution mechanisms, and other related issues.

Laid over under **Rule 25**.

**HCR 123**, by Schneklath, a concurrent resolution to exempt House Joint Resolution 13 from Joint Rule 20.

Referred to committee on **state government**.

**SCR 123**, by committee on business and labor relations, a concurrent resolution relating to the establishing of a committee on licensure or certification of construction contractors.

Referred to committee on **labor and industrial relations**.

#### AMENDMENTS FILED

H—5769	H.J.R.	13	Koenigs of Mitchell
H—5771	H.J.R.	13	Ollie of Clinton
			Fuller of Hardin
			Adams of Hamilton
H—5772	H.J.R.	13	Ollie of Clinton
			Fuller of Hardin
			Adams of Hamilton
H—5773	H.J.R.	13	Doderer of Johnson

H-5774	H.J.R.	13	Doderer of Johnson
H-5775	H.J.R.	13	Doderer of Johnson
Brammer of Linn			Poncy of Wapello
Running of Linn			Peters of Woodbury
Buhr of Polk			Connors of Polk
			Hammond of Story
H-5776	H.J.R.	13	Doderer of Johnson
			Buhr of Polk
			Hammond of Story
H-5777	H.J.R.	13	Doderer of Johnson
			Brammer of Linn
			Clark of Cerro Gordo
			Buhr of Polk
H-5778	H.J.R.	13	Neuhauser of Johnson
H-5779	H.J.R.	13	Neuhauser of Johnson
H-5780	H.J.R.	13	Halvorson of Webster
H-5781	S.F.	464	Committee on Small
			Business and Commerce
H-5782	S.F.	376	Committee on Small
			Business and Commerce
H-5784	H.J.R.	13	Wise of Lee
H-5785	H.J.R.	13	Wise of Lee
H-5786	H.J.R.	13	Wise of Lee
H-5787	H.J.R.	13	Wise of Lee
H-5788	H.J.R.	13	Wise of Lee
H-5789	H.J.R.	13	Fuller of Hardin
			Adams of Hamilton
H-5790	H.J.R.	13	Groninga of Cerro Gordo
H-5791	H.J.R.	13	Connors of Polk
H-5792	H.J.R.	13	Connors of Polk
H-5793	H.J.R.	13	Connors of Polk
H-5794	H.J.R.	13	Connors of Polk
H-5795	H.J.R.	13	Hammond of Story
			Harper of Black Hawk
H-5796	H.J.R.	13	Hammond of Story
			Rosenberg of Story
			Teaford of Black Hawk
			Harper of Black Hawk
H-5797	S.F.	2314	Koenigs of Mitchell
			Lageschulte of Bremer
H-5798	S.F.	2117	Jay of Appanoose
H-5799	H.J.R.	13	Sherzan of Polk
H-5800	H.J.R.	13	Poncy of Wapello

H—5801	H.J.R.	13	Doderer of Johnson Fey of Scott
H—5802	H.F.	2366	Brammer of Linn
H—5803	S.F.	464	Chapman of Linn
H—5804	S.C.R.	116	Buhr of Polk Hammond of Story Plasier of Sioux
H—5805	H.J.R.	13	Wise of Lee Dvorsky of Johnson Adams of Hamilton Fey of Scott Cohoon of Des Moines Bisignano of Polk Peters of Woodbury
H—5806	H.J.R.	13	Wise of Lee Dvorsky of Johnson Adams of Hamilton Fey of Scott Bisignano of Polk Peters of Woodbury
H—5807	H.J.R.	13	Wise of Lee Dvorsky of Johnson Adams of Hamilton Fey of Scott Cohoon of Des Moines Bisignano of Polk Peters of Woodbury
H—5808	H.J.R.	13	Wise of Lee Adams of Hamilton Fey of Scott Cohoon of Des Moines Bisignano of Polk Peters of Woodbury
H—5809	H.J.R.	13	Wise of Lee Dvorsky of Johnson Adams of Hamilton Fey of Scott Bisignano of Polk Peters of Woodbury
H—5810	H.J.R.	13	Wise of Lee Dvorsky of Johnson Adams of Hamilton Fey of Scott Cohoon of Des Moines Bisignano of Polk Peters of Woodbury
H—5811	H.J.R.	13	Adams of Hamilton Harper of Black Hawk Gruhn of Dickinson
H—5812	H.J.R.	13	Jay of Appanoose
H—5813	S.F.	299	Committee on State Government

H—5814	S.F.	288	Committee on State Government
H—5815	S.F.	2274	Committee on State Government
H—5816	S.F.	2170	Committee on State Government
H—5817	H.J.R.	13	Swartz of Marshall
H—5818	H.J.R.	13	Doderer of Johnson
H—5819	H.J.R.	13	Shoultz of Black Hawk
H—5820	S.F.	2023	Shoultz of Black Hawk
H—5821	H.F.	2455	Beatty of Warren
H—5822	H.F.	2345	Daggett of Adams
H—5823	H.F.	2345	Daggett of Adams
H—5824	H.J.R.	13	Chapman of Linn
H—5825	H.F.	2345	Maulsby of Calhoun
H—5826	H.J.R.	13	Cohon of Des Moines Spear of Lee
H—5827	H.F.	2345	Daggett of Adams
H—5828	H.F.	2441	Rosenberg of Story
H—5829	H.F.	2345	Carpenter of Polk
H—5830	H.J.R.	13	Tabor of Jackson
H—5831	H.F.	2345	Carpenter of Polk

On motion by Arnould of Scott, the House adjourned at 7:02 p.m., until 9:00 a.m., Wednesday, March 23, 1988.

# JOURNAL OF THE HOUSE

Seventy-third Calendar Day — Forty-ninth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Wednesday, March 23, 1988

The House met pursuant to adjournment, Speaker Avenson in the chair.

Prayer was offered by the Honorable Bob Dvorsky, state representative from Johnson County.

The Journal of Tuesday, March 22, 1988 was approved.

## INTRODUCTION OF BILLS

**House File 2458**, by committee on ways and means, a bill for an act relating to the exemption from the state sales, services, and use taxes of the gross receipts from the sales of modular homes which are not attributable to the cost of the tangible personal property used in the processing of the modular homes.

Read first time and placed on the **ways and means calendar**.

**House File 2459**, by committee on ways and means, a bill for an act relating to the imposition and collection of the state sales, services, and use taxes by out-of-state retailers.

Read first time and placed on the **ways and means calendar**.

## SENATE MESSAGES CONSIDERED

**Senate File 2125**, by committee on natural resources, a bill for an act restricting the service area of sanitary landfills, providing for the Act's retroactive applicability, and providing an effective date.

Read first time and referred to committee on **energy and environmental protection**.

**Senate File 2208**, by committee on judiciary, a bill for an act relating to the possession of alcoholic beverages by persons under legal age.

Read first time and referred to committee on **judiciary and law enforcement**.

**Senate File 2276**, by committee on transportation, a bill for an act to reclassify certain tanks and trailers as implements of husbandry.

Read first time and referred to committee on **transportation**.

**Senate File 2285** by committee on transportation, a bill for an act relating to the enforcement of laws concerning motor vehicle fraud, salvage, and theft, certificates of title, and transfer of ownership of foreign, wrecked, and salvage vehicles and making penalties applicable and providing effective dates.

Read first time and referred to committee on **transportation**.

**Senate File 2318**, by Hutchins and Hultman, a bill for an act relating to the registration of construction contractors; providing for administration and enforcement of a system of registration by the labor commissioner; providing for administrative penalties; providing an effective date; and providing other properly related matters.

Read first time and referred to committee on **labor and industrial relations**.

### RULES SUSPENDED

Arnould of Scott asked and received unanimous consent to suspend the rules and take up out of order House Files 2372, 2366 and 2418.

### CONSIDERATION OF BILLS

#### Regular Calendar

**House File 2372**, a bill for an act relating to the investment powers of state banks, was taken up for consideration.

#### SENATE FILE 2302 SUBSTITUTED FOR HOUSE FILE 2372

Parker of Jasper asked and received unanimous consent to substitute Senate File 2302 for House File 2372.

**Senate File 2302**, a bill for an act relating to the investment powers of state banks, was taken up for consideration.

Arnould of Scott asked and received unanimous consent that Senate File 2302 be deferred and that the bill retain its place on the calendar.

**House File 2366**, a bill for an act relating to claims against public corporations for nonpayment of moneys due on public improvements, was taken up for consideration.

Brammer of Linn offered the following amendment H — 5802 filed by him and moved its adoption:

H — 5802

1 Amend House File 2366 as follows:

- 2 1. Page 1, line 9, by inserting after the word  
 3 "chapter." the following: "When a bond has been  
 4 waived pursuant to section 12.44, the remedies  
 5 provided for under this paragraph are available in an  
 6 action against the public corporation."

Amendment H—5802 was adopted.

## SENATE FILE 2271 SUBSTITUTED FOR HOUSE FILE 2366

Brammer of Linn asked and received unanimous consent to substitute Senate File 2271 for House File 2366.

**Senate File 2271**, a bill for an act relating to claims against public corporations for nonpayment of moneys due on public improvements, was taken up for consideration.

Brammer of Linn moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2271)

The ayes were, 95:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Black	Blanshan
Brammer	Branstad	Buhr	Carpenter
Chapman	Clark	Cphoon	Cooper
Corbett	Corey	Daggett	De Groot
Diemer	Doderer	Dvorsky	Eddie
Fey	Fogarty	Fuller	Groninga
Gruhn	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
Mullins	Neuhauser	Norrard	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	Spear	Stromer
Stueland	Svoboda	Swartz	Swearingen
Tabor	Teaford	Tyrell	Van Camp
Van Maanen	Wise	Mr. Speaker	

The nays were, none.

Absent or not voting, 5:

Connolly  
Skow

Connors

Garman

Halvorson, R. N.

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**House File 2418**, a bill for an act relating to the certification of laboratories which perform analyses of specimens for the department of natural resources, was taken up for consideration.

Diemer of Black Hawk offered the following amendment H—5400 filed by him and Harper of Black Hawk and moved its adoption:

H—5400

- 1 Amend House File 2418 as follows:
- 2 1. Page 1, line 10, by inserting after the word
- 3 "department." the following: "The commission shall
- 4 also adopt rules regarding reciprocity agreements with
- 5 other states that have equivalent laboratory
- 6 certification requirements."

Amendment H—5400 was adopted.

#### SENATE FILE 2245 SUBSTITUTED FOR HOUSE FILE 2418

Harper of Black Hawk asked and received unanimous consent to substitute Senate File 2245 for House File 2418.

**Senate File 2245**, a bill for an act relating to the certification of laboratories which perform analyses of specimens for the department of natural resources, was taken up for consideration.

Arnould of Scott asked and received unanimous consent that Senate File 2245 be deferred and that the bill retain its place on the calendar.

On motion by Arnould of Scott, the House was recessed at 10:38 a.m., until 1:00 p.m.

#### AFTERNOON SESSION

The House reconvened, Speaker Avenson in the chair.

#### QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed fifty-three members present, forty-seven absent.

#### RULES SUSPENDED

Arnould of Scott asked and received unanimous consent to sus-



pend the rules and take up out of order Senate File 2168 and House File 2441.

## CONSIDERATION OF BILLS

### Regular Calendar

**Senate File 2168**, a bill for an act relating to the authority of the treasurer of state to invest in United States government obligations, deferred March 7, 1988, with report of committee recommending passage was taken up for consideration.

Knapp of Dubuque moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2168)

The ayes were, 86:

Adams	Arnould	Beaman	Beatty
Bisignano	Black	Brammer	Branstad
Buhr	Chapman	Clark	Cphoon
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
Hester	Holveck	Hummel	Jay
Jochum	Johnson	Knapp	Koenigs
Kremer	Lageschulte	May	McKean
McKinney	Metcalf	Mullins	Neuhauser
Norrsgard	Ollie	Parker	Paulin
Pavich	Pellet	Peters	Petersen, D. F.
Peterson, M. K.	Plasier	Poncy	Renaud
Renken	Rosenberg	Royer	Running
Schnekloth	Schrader	Sherzan	Shoning
Siegrist	Spear	Stromer	Stueland
Svoboda	Swartz	Swearingen	Tabor
Teaford	Tyrrell	Van Camp	Van Maanen
Wise	Mr. Speaker		

The nays were, none.

Absent or not voting, 14:

Bennett	Blanshan	Carpenter	Connors
Doderer	Hermann	Lundby	Maulsby
Miller	Muhlbauer	Osterberg	Platt
Shultz	Skow		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

## Ways and Means Calendar

**House File 2441**, a bill for an act relating to underground storage tanks, establishing certain fees, providing penalties, and providing an effective date, was taken up for consideration.

The House stood at ease at 1:17 p.m., until the fall of the gavel.

The House resumed session and consideration of House File 2441 at 2:18 p.m., Bisignano of Polk in the chair.

Hatch of Polk offered the following amendment H—5635 filed by him:

H—5635

- 1 Amend House File 2441 as follows:
- 2 1. Page 2, by inserting after line 2, the
- 3 following:
- 4 "Sec. \_\_\_\_\_. Section 455B.474, subsection 1,
- 5 paragraph f, unnumbered paragraph 1, Code Supplement
- 6 1987, is amended to read as follows:
- 7 Specifying an adequate monitoring system to detect
- 8 the presence of a leaking underground storage tank and
- 9 to provide for protection of the groundwater resources
- 10 for regulated tanks installed prior to May 1, 1986.
- 11 The commission shall adopt these rules not later than
- 12 April 1, 1986; however, the effective date of the
- 13 rules adopted shall be May July 1, 1988. In the event
- 14 that federal regulations are adopted by the United
- 15 States environmental protection agency after the
- 16 commission has adopted state standards pursuant to
- 17 this subsection, the commission shall immediately
- 18 proceed to adopt rules consistent with those federal
- 19 regulations adopted."
- 20 2. Page 2, line 6, by striking the word "may" and
- 21 inserting the following: "shall".
- 22 3. Page 3, line 4, by inserting after the word
- 23 "tank." the following: "Farm and residential tanks of
- 24 less than one thousand one hundred gallons capacity,
- 25 regardless of their date of installation, and
- 26 hydraulic lift reservoirs, such as for automobile
- 27 hoists and elevators, containing hydraulic oil, shall
- 28 not be required to comply with the financial
- 29 responsibility provisions of sections 455B.479A
- 30 through 455B.479I."
- 31 4. Page 4, by inserting after line 5, the
- 32 following:
- 33 "The state of Iowa, its agencies, departments, and
- 34 other administrative subdivisions, are not exempt from
- 35 this division. The state may purchase coverage from
- 36 the fund, or the state may prove both minimum

37 financial responsibility and aggregate financial  
38 responsibility by its status as a governmental entity  
39 capable of self-insuring by reliance upon its taxing  
40 powers to satisfy future incurred obligations."

41 5. Page 5, by inserting after line 12, the  
42 following:

43 "a. The board shall only extend fund coverage to  
44 an owner or operator for a petroleum underground  
45 storage tank which has an adequate monitoring system.  
46 However, the board may extend fund coverage for a  
47 petroleum underground storage tank without an adequate  
48 monitoring system, if one or more of the following  
49 conditions are satisfied:

50 (1) The owner or operator has been granted, by the

**Page 2**

1 department of natural resources, a waiver with an  
2 enforceable schedule of compliance pursuant to section  
3 455B.474, subsection 1, paragraph "f". However, if an  
4 adequate monitoring system is not installed before the  
5 later of November 1, 1988, or the expiration of the  
6 waiver or renewals or extensions of the waiver for  
7 just cause, the fund shall not provide further  
8 coverage to the person who was the owner at the time  
9 the waiver was in effect.

10 (2) The owner or operator has been granted a  
11 waiver by the board, provided that the waiver shall  
12 include an enforceable schedule for installation of  
13 monitoring wells satisfactory to the board before  
14 November 1, 1988. A waiver shall be granted an owner  
15 or operator who demonstrates plans for tank removal,  
16 replacement, or filling with an inert material  
17 pursuant to a department of natural resources approved  
18 variance, or significant tank upgrades or improvements  
19 prior to November 1, 1988. Waivers may be renewed or  
20 extended for just cause. If monitoring wells are not  
21 installed before the later of November 1, 1988, or the  
22 expiration of the waiver or renewals or extensions of  
23 the waiver for just cause, the fund shall not provide  
24 further coverage to the person who was the owner at  
25 the time the waiver was in effect.

26 b. For purposes of this section, "an adequate  
27 monitoring system" means a system complying with  
28 mandatory monitoring rules issued by the department of  
29 natural resources or monitoring wells satisfactory to  
30 the board."

31 6. Page 5, line 26, by inserting after the word  
32 "regulations" the following: ", except as provided by  
33 section 455B.479E, subsection 1".

34 7. Page 9, by striking lines 22 through 28, and  
35 inserting the following:

## 36 "1. GUARANTEE OF FUND'S SOLVENCY.

37 a. The board shall do one or both of the  
38 following, in its discretion, when the unexpended  
39 balance in the fund falls below two million dollars:

40 (1) Notify the director of revenue and finance.

41 When notified that the fund's balance is less than two  
42 million dollars, the director of revenue and finance  
43 shall impose and collect the fee established in  
44 subsection 2 on the use of an underground storage  
45 tank, but only in the months of either or both July  
46 and August, as necessary to restore the fund balance  
47 to more than two million dollars.

48 (2) Increase the premium established pursuant to  
49 section 455B.479A, subsection 7, by an amount  
50 reasonably calculated to restore the fund balance to

**Page 3**

1 greater than two million dollars within twelve months.  
2 The increase shall be applied to premiums as they  
3 become due upon renewal of coverage.

4 b. The board shall notify the director of revenue  
5 and finance when the unexpended balance in the fund  
6 falls below one million dollars. When notified that  
7 the fund's balance is less than one million dollars,  
8 the director of revenue and finance shall impose and  
9 collect the fee established in subsection 2 on the use  
10 of an underground storage tank for a one-month period,  
11 within sixty days of receiving notice from the board.  
12 The fee shall remain in effect for so many months as  
13 necessary to restore the fund balance to more than one  
14 million dollars."

15 8. Page 14, line 33, by inserting after the  
16 figure "1988" the following: " , except that fund  
17 coverage may be provided on or after July 1, 1988, if  
18 the covered tank is required to have an adequate  
19 monitoring system on that date by department of  
20 natural resources regulation. No claims shall be paid  
21 until on or after November 1, 1988, in any case".

22 9. Page 18, by inserting after line 7, the  
23 following:

24 "Sec. \_\_\_\_\_. The Iowa comprehensive petroleum  
25 underground storage tank fund board shall review the  
26 feasibility of including the installers of petroleum  
27 underground storage tanks as premium paying insureds  
28 on an actuarially sound basis either under the Iowa  
29 comprehensive petroleum underground storage tank fund,  
30 or within a newly created separate fund. The study  
31 shall include an actuarial estimate of the per-  
32 installed tank premium necessary to extend actuarially  
33 sound coverage to tank installers. The study shall  
34 include, but is not limited to, the following topics:

35 Need for licensing or other precondition to providing  
36 coverage to a specific petroleum underground storage  
37 tank installer; the cost and availability of private  
38 insurance for installers; the number of installers  
39 doing business in the state; and loss data from past  
40 or existing claims against installers for both  
41 corrective action and third-party liability. The  
42 results of the study shall be submitted to the general  
43 assembly on or before December 1, 1988. The board may  
44 provide fund coverage to installers on an actuarially  
45 sound premium basis after completion of the  
46 feasibility study, if a positive recommendation for  
47 inclusion of installers in the fund is made."  
48 10. By renumbering, relettering, or redesignating  
49 and correcting internal references as necessary.

Rosenberg of Story offered the following amendment H—5828,  
to amendment H—5635, filed by him and moved its adoption:

H—5828

1 Amend the amendment H—5635 to House File 2441 as  
2 follows:  
3 1. Page 1, line 19, by inserting after the word  
4 "adopted." the following: "Unless the federal  
5 environmental protection agency adopts final rules to  
6 the contrary, rules adopted pursuant to this section  
7 shall not apply to hydraulic lift reservoirs, such as  
8 for automobile hoists and elevators, containing  
9 hydraulic oil."

Amendment H—5828 was adopted.

Hatch of Polk offered the following amendment H—5758, to  
amendment H—5635, filed by him and moved its adoption:

H—5758

1 Amend the amendment, H—5635, to House File 2441 as  
2 follows:  
3 1. Page 1, by striking lines 48 and 49, and  
4 inserting the following: "monitoring system, if the  
5 applicable one of the following conditions is  
6 satisfied":  
7 2. Page 1, line 50, by inserting before the word  
8 "The" the following: "TANKS TWENTY-YEARS AND OLDER OR  
9 NEWLY INSTALLED."  
10 3. Page 1, line 50, by inserting after the word  
11 "operator" the following: ", of a tank then subject  
12 to Iowa department of natural resources monitoring  
13 rules,"  
14 4. Page 2, line 10, by inserting before the word  
15 "The" the following: "TANKS ZERO TO TWENTY-YEARS."

16 5. Page 2, line 10, by inserting after the word  
17 "operator" the following: ", of an underground  
18 storage tank less than twenty years old,".

19 6. Page 2, line 12, by inserting after the word  
20 "of" the following: "a".

21 7. Page 2, line 13, by striking the word "wells"  
22 and inserting the following: "system".

23 8. Page 2, line 14, by striking the figure "1988"  
24 and inserting the following: "1989".

25 9. Page 2, line 19, by striking the figure "1988"  
26 and inserting the following: "1989".

27 10. Page 2, line 21, by striking the figure  
28 "1988" and inserting the following: "1989".

29 11. Page 2, line 25, by inserting after the word  
30 "effect." the following: "The board shall not grant a  
31 waiver or extension or renewal of a waiver, if the  
32 owner or operator has previously been denied a waiver  
33 or extension or renewal of a waiver for that tank by  
34 the department of natural resources."

35 12. Page 2, line 30, by inserting after the word  
36 "board" the following: ", except the board shall not  
37 accept the manual inventory method as a satisfactory  
38 monitoring system".

Amendment H—5758 was adopted.

Van Camp of Scott offered the following amendment H—5849, to amendment H—5635, filed by him from the floor and moved its adoption:

H—5849

1 Amend the amendment, H—5635, to House File 2441 as  
2 follows:

3 1. Page 2, line 40, by striking the figure "(1)".

4 2. By striking page 2, line 48 through page 3,  
5 line 3.

A non-record roll call was requested.

The ayes were 32, nays 44.

Amendment H—5849 lost.

Hatch of Polk offered the following amendment H—5836, to amendment H—5635, filed by him from the floor and moved its adoption:

H—5836

1 Amend the amendment, H—5635, to House File 2441 as  
2 follows:

3 1. Page 3, by striking lines 24 through 47, and

4 inserting the following:

5 " "Sec. \_\_\_\_\_. INSTALLER'S FUND STUDY. The board  
6 shall perform a study of the feasibility of creating a  
7 separate fund to provide coverage to installers of  
8 petroleum underground storage tanks. An installer's  
9 fund would provide coverage to premium paying insureds  
10 on an actuarially sound basis and be managed by the  
11 board in conjunction with the comprehensive petroleum  
12 underground storage tank fund. Installer's coverage  
13 would be limited to environmental hazard coverage for  
14 both corrective action and third-party liability for  
15 petroleum underground storage tanks installed in Iowa  
16 after the creation of the fund. The study shall  
17 include, but is not limited to, the following topics:  
18 1. Actuarial estimate of the per-tank premium  
19 necessary to provide actuarially sound coverage to  
20 tank installers.  
21 2. Need for licensing or other precondition to  
22 providing coverage to a specific petroleum underground  
23 storage tank installer.  
24 3. The cost and availability of private insurance  
25 for installers.  
26 4. The number of installers doing business in the  
27 state.  
28 5. Loss data from past or existing claims against  
29 installers for both corrective action and third-party  
30 liability.  
31 6. Suggested limits of coverage, amount of the  
32 deductible, and other fund features.  
33 7. The board's recommendation to the general  
34 assembly concerning provision of coverage to  
35 installers.  
36 The results of the study shall be submitted to the  
37 general assembly on or before December 1, 1988." "

Amendment H—5836 was adopted.

On motion by Hatch of Polk, amendment H—5635, as amended, was adopted, placing out of order amendment H—5572 filed by Petersen of Muscatine on March 14, 1988.

Van Camp of Scott offered amendment H—5581 filed by him and requested division as follows:

H—5581

1 Amend House File 2441 as follows:

H—5581A

2 1. Page 2, line 11, by striking the word and  
3 figures "November 1, 1988" and inserting the  
4 following: "May 1, 1989".

H—5581A

5 2. Page 2, by striking line 13, and inserting the  
6 following: "for twelve months, from May 1, 1988,  
7 through April 30, 1989."

H—5581B

8 3. Page 7, line 22, by inserting after the word  
9 "expertise" the following: ", and two representatives  
10 from the petroleum industry, all".

H—5581A

11 4. Page 9, line 28, by inserting after the word  
12 "board" the following: ", except that the fee shall  
13 not be imposed except during the months of June  
14 through August".

H—5581C

15 5. Page 10, by inserting after line 29, the  
16 following:  
17 "The maximum annual payment to the administrator  
18 for fund administration shall not exceed two percent  
19 of fund revenues."

Speaker Avenson in the chair at 2:45 p.m.

Van Camp of Scott asked and received unanimous consent to withdraw amendment H—5581A.

Skow of Guthrie offered the following amendment H—5767 filed by him and Hummel of Benton and moved its adoption:

H—5767

1 Amend House File 2441 as follows:  
2 1. Page 3, line 16, by striking the word "twenty"  
3 and inserting the following: "ten".

A non-record roll call was requested.

The ayes were 43, nays 53.

Amendment H—5767 lost.

Koenigs of Mitchell offered the following amendment H—5756 filed by him and moved its adoption:

H—5756

1 Amend House File 2441 as follows:  
2 1. Page 7, line 4, by striking the words "general  
3 fund of the".

Amendment H—5756 was adopted.



The House resumed consideration of amendment H—5581B (found on page 1031 of the House Journal).

Van Camp of Scott moved the adoption of amendment H—5581B.

A non-record roll call was requested.

The ayes were 30, nays 44.

Amendment H—5581B lost.

The House resumed consideration of amendment H—5581C (found on page 1031 of the House Journal).

On motion by Van Camp of Scott, amendment H—5581C lost.

Petersen of Muscatine offered the following amendment H—5571 filed by him and moved its adoption:

H—5571

- 1 Amend House File 2441 as follows:
- 2 1. Page 11, line 8, by inserting after the figure
- 3 "6." the following: "However, before the effective
- 4 date of the federal environmental protection agency
- 5 rules on petroleum underground storage tank financial
- 6 responsibility, the fund shall not disburse moneys to
- 7 compensate an individual third party for a single
- 8 occurrence for more than two hundred fifty thousand
- 9 dollars."

A non-record roll call was requested.

The ayes were 30, nays 35.

Amendment H—5571 lost.

Paulin of Plymouth asked and received unanimous consent to suspend Rule 31.8, relating to the timely filing of amendments, for consideration of amendment H—5835 filed by him from the floor as follows:

H—5835

- 1 Amend House File 2441 as follows:
- 2 1. Page 1, by inserting after line 28 the
- 3 following:
- 4 "Sec. \_\_\_\_\_. NEW SECTION. 455B.473A PETROLEUM
- 5 UNDERGROUND STORAGE TANK REGISTRATION AMNESTY PROGRAM.
- 6 A petroleum underground storage tank required to be
- 7 registered under section 455B.473, which has not been
- 8 registered prior to July 1, 1988, may be registered
- 9 under the following conditions:
- 10 1. The tank registration fee under section

11 455B.473, subsection 5, shall accompany the  
12 registration.

13 2. The storage tank management fee of fifteen  
14 dollars per tank under section 455B.479 shall be paid  
15 for past years in which the tank should have been  
16 registered.

17 3. The owner or operator shall demonstrate  
18 financial responsibility as required by section  
19 455B.479A.

20 If a tank is registered under this section on or  
21 prior to October 1, 1989, penalties under section  
22 455B.477 shall be waived."

23 2. Page 2, line 25, by striking the word  
24 "subsection" and inserting the following:  
25 "subsections".

26 3. Page 2, by inserting after line 29, the  
27 following:

28 "NEW SUBSECTION. 7. The penalty for intentional  
29 failure of an owner or operator to register a  
30 petroleum underground storage tank under section  
31 455B.473 shall be a minimum of seven thousand five  
32 hundred dollars up to a maximum of ten thousand  
33 dollars after October 1, 1989."

34 4. Page 2, line 34, by inserting after the word  
35 "annually" the following: ", beginning July 1,  
36 1989,".

Hatch of Polk offered the following amendment H—5847, to amendment H—5835, filed by him from the floor and moved its adoption:

H—5847

1 Amend amendment, H—5835 to House File 2441 as  
2 follows:

3 1. Page 1, lines 35 and 36, by striking the words  
4 "beginning July 1, 1989," and inserting the following:  
5 ", beginning on the effective date of the federal  
6 environmental protection agency's final rules on  
7 petroleum underground storage tank financial  
8 responsibility,".

Amendment H—5847 was adopted.

On motion by Paulin of Plymouth, amendment H—5835, as amended, was adopted.

Hatch of Polk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2441)

The ayes were, 99:

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	Shoultz
Siegrist	Skow	Spear	Stromer
Stueland	Svoboda	Swartz	Swearingen
Tabor	Teaford	Tyrrell	Van Camp
Van Maanen	Wise	Mr. Speaker	

The nays were, none.

Absent or not voting, 1:

Bisignano

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

### IMMEDIATE MESSAGE (House File 2441)

Arnould of Scott asked and received unanimous consent that House File 2441 be immediately messaged to the Senate.

### PRESENTATION OF VISITORS

Miller of Cherokee presented to the House Joyce Yang and Lo Ying Shey, from Taiwan - Peoples Republic of China. They are part of a delegation of 44 ambassadors from Taiwan visiting Des Moines with the Friendship Force.

The Speaker announced that the following visitors were present in the House chamber:

Twenty-four senior students from English Valleys High School, North English, accompanied by Brian Newell. By Tyrrell of Iowa.

Thirty fifth grade students from Lakeview Elementary School, Centerville, accompanied by Helen Oglesvy. By Jay of Appanoose.

#### **SUBCOMMITTEE ASSIGNMENTS**

##### **Senate File 2005**

Education: Harper, Chair; Shoultz and Siegrist.

##### **Senate File 2017**

Transportation: Fey, Chair; Pellett and Renaud.

##### **Senate File 2106**

Energy and Environmental Protection: Schrader, Chair; Mullins and Rosenberg.

##### **Senate File 2133**

Energy and Environmental Protection: Johnson, Chair; McKean, Mullins, Osterberg, Paulin, Schrader and Svoboda.

##### **Senate File 2169**

State Government: Beatty, Chair; Garman, Hanson of Delaware, Knapp and Peterson of Carroll.

##### **Senate File 2246**

Energy and Environmental Protection: Adams, Chair; Dvorsky, Holveck, Petersen of Muscatine and Van Camp.

##### **Senate File 2273**

Transportation: Fogarty, Chair; De Groot and Pavich.

##### **Senate File 2276**

Transportation: Muhlbauer, Chair; Branstad and Fogarty.

##### **Senate File 2285**

Transportation: Cooper, Chair; Pavich and Platt.

##### **Senate File 2296**

Education: Ollie, Chair; Connolly, Daggett, Maulsby, Miller, Shoultz and Swartz.

##### **Senate File 2318**

Labor and Industrial Relations: Sherzan, Chair; Corey and Running.

##### **Senate Concurrent Resolution 123**

Labor and Industrial Relations: Sherzan, Chair; Corey and Running.

#### **COMMITTEE RECOMMENDATIONS**

**MR. SPEAKER:** The Chief Clerk of the House respectfully

reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

JOSEPH O'HERN  
Chief Clerk of the House

#### COMMITTEE ON AGRICULTURE

**Senate File 356**, a bill for an act relating to the exemptions from regulation of a home used to prepare food for a cafe.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H—5843** March 22, 1988.

**Senate File 2011**, a bill for an act relating to meat and poultry regulation and inspection, providing penalties, and providing for injunctive relief.

Fiscal Note is not required.

Recommended **Do Pass** March 22, 1988.

**Senate Concurrent Resolution 117**, a concurrent resolution to honor the Iowa Agriculture and Home Economics Experiment Station.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H—5844 and Laid over under Rule 25** March 22, 1988.

**Senate Concurrent Resolution 118**, a concurrent resolution urging the Congress of the United States to exempt diesel fuel used for farming purposes from retail excise taxes.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H—5852 and Laid over under Rule 25** March 22, 1988.

#### COMMITTEE ON APPROPRIATIONS

**Senate File 2309**, a bill for an act relating to and making appropriations to the department of economic development.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H—5842** March 23, 1988.

#### COMMITTEE ON EDUCATION

**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.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H—5832** March 22, 1988.

**Senate File 2236**, a bill for an act relating to the qualification for office by elected school board members and school officers.

Fiscal Note is not required.

**Recommended Do Pass March 22, 1988.**

**Senate File 2253**, a bill for an act to require that students in grades nine through twelve take history and government classes.

Fiscal Note is not required.

**Recommended Do Pass March 22, 1988.**

#### COMMITTEE ON ENERGY AND ENVIRONMENTAL PROTECTION

**Senate File 443**, a bill for an act defining and establishing redemption centers, dealer agents, and territory of service between dealer agents and distributors, and subjecting violators to a penalty.

Fiscal Note is not required.

**Recommended Amend and Do Pass with amendment H—5850 March 22, 1988.**

#### COMMITTEE ON LABOR AND INDUSTRIAL RELATIONS

**Senate File 2174**, a bill for an act making changes in the state's labor laws relating to occupational safety and health, safety inspection of amusement rides, and elevator safety, and providing injunctive relief under certain of those laws.

Fiscal Note is not required.

**Recommended Do Pass March 22, 1988.**

**Senate File 2239**, a bill for an act relating to administrative agency and the Iowa employment security law by providing that administrative determinations are not binding in separate actions.

Fiscal Note is not required.

**Recommended Amend and Do Pass with amendment H—5833 March 22, 1988.**

#### COMMITTEE ON TRANSPORTATION

**Senate File 450**, a bill for an act relating to the regulation of the operation of trains and to the safety of transportation of railroad company workers and equipment and providing a penalty and effective date.

Fiscal Note is not required.

**Recommended Do Pass March 22, 1988.**

**Senate File 2146**, a bill for an act relating to entering private land for highway construction purposes.

Fiscal Note is not required.

**Reconsidered and Recommended Amend and Do Pass with amendment H—5834 March 22, 1988.**

**Senate File 2273**, a bill for an act relating to the establishment and construction of rest areas and rest area buildings.

Fiscal Note is not required.

Recommended **Do Pass** March 23, 1988.

**Senate File 2285**, a bill for an act relating to the enforcement of laws concerning motor vehicle fraud, salvage, and theft, certificates of title, and transfer of ownership of foreign, wrecked, and salvage vehicles and making penalties applicable and providing effective dates.

Fiscal Note is not required.

Recommended **Do Pass** March 23, 1988.

**Senate Concurrent Resolution 109**, a concurrent resolution relating to the spending limitations placed on the highway program and the release of user fees for urgently needed highway improvements.

Fiscal Note is not required.

Recommended **Do Pass and Laid over under Rule 25** March 22, 1988.

### AMENDMENTS FILED

H—5832	S.F.	323	Committee on Education
H—5833	S.F.	2239	Committee on Labor and Industrial Relations
H—5834	S.F.	2146	Committee on Transportation
H—5837	H.F.	2345	Daggett of Adams
H—5838	H.F.	2345	Miller of Cherokee
H—5839	H.F.	2345	Miller of Cherokee
H—5840	H.F.	2278	Fey of Scott
			Bisignano of Polk
			Hansen of Woodbury
			Rosenberg of Story
			Sherzan of Polk
H—5841	H.F.	2345	Corbett of Linn
H—5842	S.F.	2309	Committee on Appropriations
H—5843	S.F.	356	Committee on Agriculture
H—5844	S.C.R.	117	Committee on Agriculture
H—5845	H.F.	2345	Carpenter of Polk
H—5846	H.J.R.	13	Ollie of Clinton
H—5850	S.F.	443	Committee on Energy and Environmental Protection
H—5851	H.F.	2278	Sherzan of Polk
H—5852	S.C.R.	118	Committee on Agriculture
H—5853	H.F.	2345	Corbett of Linn
H—5854	H.F.	2345	Corbett of Linn

H—5855	H.J.R.	13	Hammond of Story
Connors of Polk			Adams of Hamilton
Harper of Black Hawk			Gruhn of Dickinson
Neuhauser of Johnson			Wise of Lee
Rosenberg of Story			Teaford of Black Hawk
H—5856	H.J.R.	13	Swartz of Marshall
H—5857	H.F.	2442	Koenigs of Mitchell

On motion by Arnould of Scott, the House adjourned at 4:06 p.m., until 9:00 a.m., Thursday, March 24, 1988.



# JOURNAL OF THE HOUSE

Seventy-fourth Calendar Day — Fiftieth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Thursday, March 24, 1988

The House met pursuant to adjournment, Speaker Avenson in the chair.

Prayer was offered by the Honorable Hugo Schnekloth, state representative from Scott County.

The Journal of Wednesday, March 23, 1988 was approved.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Mullins of Kossuth, for March 24 and 25, 1988, on request of Clark of Cerro Gordo.

## SENATE MESSAGES CONSIDERED

**Senate File 2212**, by committee on state government, a bill for an act relating to the credentialing of mental health counselors, establishing a board of mental health counseling examiners, making penalties applicable, and providing other properly related matters.

Read first time and referred to committee on **state government**.

**Senate File 2235**, by committee on education, a bill for an act relating to student exercise of free expression in the public schools.

Read first time and referred to committee on **education**.

## MOTION TO RECONSIDER PREVAILED

(House File 2392)

Peterson of Carroll called up for consideration the motion to reconsider House File 2392, filed on March 10, 1988, and moved to reconsider the vote by which House File 2392, a bill for an act relating to the admission of a report or findings of the criminalistics laboratory as evidence in a civil proceeding, passed the House and was placed on its last reading on March 9, 1988.

A non-record roll call was requested.

The ayes were 56, nays 4.

The motion prevailed and the House reconsidered House File 2392.

Peterson of Carroll offered the following amendment H—5537 filed by him and moved its adoption:

H—5537

- 1 Amend House File 2392 as follows:
- 2 1. Page 1, line 11, by inserting after the word
- 3 "evidence" the following: "if determined to be
- 4 relevant."

Amendment H—5537 was adopted.

## SENATE FILE 2256 SUBSTITUTED FOR HOUSE FILE 2392

Peterson of Carroll asked and received unanimous consent to substitute Senate File 2256 for House File 2392.

**Senate File 2256**, a bill for an act relating to the admission of a report or findings of the criminalistics laboratory as evidence in a civil proceeding, was taken up for consideration.

Peterson of Carroll moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2256)

The ayes were, 96:

Adams	Arnould	Beaman	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	Neuhauser
Norrgard	Ollie	Osterberg	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
Swearingen	Tabor	Teaford	Tyrrell
Van Camp	Van Maanen	Wise	Mr. Speaker

The nays were, none.

Absent or not voting, 4:

Beatty

Mullins

Parker

Plasier

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

### HOUSE FILE 2392 WITHDRAWN

Peterson of Carroll asked and received unanimous consent to withdraw House File 2392 from further consideration by the House.

### MOTION TO RECONSIDER PREVAILED (House File 2173)

Running of Linn called up for consideration the motion to reconsider House File 2173, filed on March 9, 1988, and moved to reconsider the vote by which House File 2173, a bill for an act relating to the eligibility date of certain military veterans for membership on a county commission of veterans affairs and certain military veteran benefits, passed the House and was placed on its last reading on March 9, 1988.

A non-record roll call was requested.

The ayes were 75, nays none.

The motion prevailed and the House reconsidered House File 2173.

Arnould of Scott asked and received unanimous consent that House File 2173 be deferred and that the bill retain its place on the calendar.

### RULES SUSPENDED

Arnould of Scott asked and received unanimous consent to suspend the rules and take up out of order Senate File 2020 and House File 2278.

### CONSIDERATION OF BILLS Regular Calendar

**Senate File 2020**, a bill for an act relating to the return of cash or other qualified security deposited with the clerk of the district court as bail, 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. 2020)

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	Hermann	Hester	Holveck
Hummel	Jay	Jochum	Johnson
Knapp	Koenigs	Kremer	Lageschulte
Lundby	Maulsby	May	McKean
McKinney	Metcalf	Miller	Muhlbauer
Neuhauser	Norrgard	Ollie	Osterberg
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
Swearingen	Taber	Teaford	Tyrrell
Van Camp	Van Maanen	Wise	Mr. Speaker

The nays were, none.

Absent or not voting, 4:

Mullins	Parker	Plasier	Swartz
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

The House resumed consideration of **House File 2278**, a bill for an act relating to the issuance of citations to juveniles, the detention of juveniles and restrictions on the detention of juveniles in adult facilities, and providing penalties, deferred March 10, 1988.

Fey of Scott called up for consideration the motion to reconsider amendment H—5281A filed by him on March 11, 1988 and moved to reconsider the vote by which amendment H—5281A (found on page 699 of the House Journal) was adopted by the House on March 10, 1988.

The motion prevailed and the House reconsidered amendment H—5281A (lines 2 through 6).

Bisignano of Polk asked and received unanimous consent to defer action on amendment H—5281A.

Fey of Scott offered the following amendment H—5840 filed by Fey, et al.:

H—5840

1 Amend House File 2278 as follows:

2 1. Page 1, by striking lines 26 and 27 and  
3 inserting the following: "would be a felony, an  
4 aggravated misdemeanor, a serious misdemeanor under  
5 section 321J.2, subsection 2, section 708.2,  
6 subsection 2, section 709.9, section 710.7, or section  
7 204.401 involving a controlled substance classified in  
8 schedule IV, or a violation of section 123.46, and".

9 2. Page 2, line 9, by inserting after the figure  
10 "123.46," the following: "section 321J.2, subsection  
11 2, or section 709.9".

12 3. Page 2, line 20, by inserting after the figure  
13 "123.46" the following: ", section 321J.2, subsection  
14 2, or section 709.9".

15 4. Page 3, by striking line 19 and inserting the  
16 following:

17 "1. Except as provided in subsection 2 of this  
18 section, a peace officer shall issue a police citation  
19 or".

20 5. Page 3, by striking line 27 and inserting the  
21 following:

22 "2. A person under the age of eighteen who refuses  
23 to".

24 6. By striking page 3, line 32, through page 4,  
25 line 5, and inserting the following: "person's own  
26 safety or the safety of the public may be arrested in  
27 the manner provided in subsection 3.

28 3. A person arrested pursuant to subsection 2  
29 shall only be arrested for the limited purpose of  
30 holding the person in nonsecure custody in an area not  
31 intended for secure detention while awaiting transfer  
32 to an appropriate juvenile facility or to court, for  
33 booking, for implied consent testing, for contacting  
34 and release to the person's parents, or for other  
35 administrative purposes.

36 For purposes of this subsection, "nonsecure  
37 custody" means custody in an unlocked multipurpose  
38 area, such as a lobby, office, or interrogation room  
39 which is not designed, set aside, or used as a secure  
40 detention area, and the person arrested is not  
41 physically secured during the period of custody in the

42 area, the person is physically accompanied by a peace  
43 officer or a person employed by the facility where the  
44 person arrested is being held, and the use of the area  
45 is limited to providing nonsecure custody only long  
46 enough for the purposes stated in the preceding  
47 paragraph and not for a period of time in excess of  
48 six hours without the oral or written order of a judge  
49 or magistrate authorizing the detention. A judge  
50 shall not extend the period of time in excess of six

**Page 2**

- 1 hours beyond the initial six-hour period.
- 2 4. This section does not prohibit the execution of
- 3 an arrest warrant by a peace officer."

Sherzan of Polk offered the following amendment H—5851, to amendment H—5840, filed by him and moved its adoption:

H—5851

- 1 Amend amendment H—5840 to House File 2278, as
- 2 follows:
- 3 1. Page 1, line 27, by inserting after the figure
- 4 "3." the following: "In addition, or alternatively,
- 5 the peace officer may require that person to surrender
- 6 the person's motor vehicle operator's license until
- 7 the time of the person's initial court appearance.
- 8 The peace officer shall immediately send the person's
- 9 operator's license along with a copy of the unsigned
- 10 citation indicating the juvenile's refusal to sign to
- 11 the clerk of the district court for the district in
- 12 which the peace officer issued the citation."

Amendment H—5851 was adopted.

On motion by Fey of Scott, amendment H—5840, as amended, was adopted, placing out of order the following amendments previously adopted:

H—5281A and H—5281B, found on pages 699 and 700 of the House Journal.

H—5425, to amendment H—5281B, found on page 700 of the House Journal.

Fey of Scott moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2278)

The ayes were, 95:

Adams	Arnould	Beaman	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
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	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	Stromer
Stueland	Svoboda	Swartz	Swearingen
Tabor	Teaford	Tyrrell	Van Camp
Van Maanen	Wise	Mr. Speaker	

The nays were, none.

Absent or not voting, 5:

Beatty	Doderer	Muhlbauer	Mullins
Neuhauser			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

### HOUSE FILE 2366 WITHDRAWN

Swartz of Marshall asked and received unanimous consent to withdraw House File 2366 from further consideration by the House.

### IMMEDIATE MESSAGE (House File 2278)

Arnould of Scott asked and received unanimous consent that House File 2278 be immediately messaged to the Senate.

On motion by Arnould of Scott, the House was recessed at 10:48 a.m., until 1:00 p.m.

### AFTERNOON SESSION

The House reconvened, Speaker Avenson in the chair.

## QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed fifty-six members present, forty-four absent.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

McKean of Jones, for the remainder of the day and March 25, 1988, on request of Daggett of Adams; Diemer of Black Hawk, until his arrival, on request of Kremer of Buchanan.

## RULES SUSPENDED

Arnould of Scott asked and received unanimous consent to suspend the rules and take up out of order House File 2442.

## CONSIDERATION OF BILLS

### Regular Calendar

**House File 2442**, a bill for an act relating to the operation and funding of rail lines including appropriations from the road use tax fund, and authorizing the issuance of bonds, was taken up for consideration.

Koenigs of Mitchell offered the following amendment H—5857 filed by him:

H—5857

- 1 Amend House File 2442 as follows:
- 2 1. By striking everything after the enacting
- 3 clause and inserting the following:
- 4 "Section 1. Section 307B.23, Code 1987, is amended
- 5 to read as follows:
- 6 307B.23 SPECIAL RAILROAD FACILITY FUND.
- 7 1. There is created in the office of the state
- 8 treasurer a "special railroad facility fund". This
- 9 fund shall include moneys credited to this fund under
- 10 sections 307.29, 435.9, and other funds moneys which
- 11 by law may be credited to the special railroad
- 12 facility fund. The moneys in the special railroad
- 13 facility fund are hereby appropriated to and for the
- 14 purposes of the authority as provided in this chapter.
- 15 The funds in the special railroad facility fund shall
- 16 not be considered as a part of the general fund of the
- 17 state, shall are not be subject to appropriation for
- 18 any other purpose by the general assembly, and in
- 19 determining a general fund balance shall not be
- 20 included in the general fund of the state but shall



21 remain in the special railroad facility fund to be  
22 used for the purposes set forth herein in this  
23 section. The treasurer of state shall act as  
24 custodian of the fund and disburse amounts contained  
25 in it as directed by the authority. The treasurer of  
26 state is authorized to invest the funds deposited in  
27 the special railroad facility fund at the direction of  
28 the authority and subject to any limitations contained  
29 in the bond proceedings. The income from such  
30 investment shall be credited to and deposited in the  
31 special railroad facility fund. This fund shall be  
32 administered by the authority and may be used to  
33 purchase or upgrade railroad right-of-way and trackage  
34 facilities or to purchase general or limited  
35 partnership interests in a partnership formed to  
36 purchase, upgrade, or operate railroad right-of-way  
37 and trackage facilities, to pay or secure obligations  
38 issued by the authority, to pay obligations,  
39 judgments, or debts for which the authority becomes  
40 liable in its capacity as a general partner, or for  
41 any other use authorized under this chapter. The fund  
42 may also be used to purchase or upgrade railroad  
43 right-of-way and trackage facilities for the  
44 development of railroad passenger tourism.

45 2. Any moneys credited to the special railroad  
46 facility fund under section 435.9 shall be deposited  
47 in a separate account within the special railroad  
48 facility fund. The authority may issue obligations  
49 under this chapter which are secured solely by the  
50 moneys to be deposited in that separate account and

**Page 2**

1 the holders or owners of any such obligations shall  
2 have no rights to payment of bond service charges from  
3 any other funds in the special railroad facility fund,  
4 including any moneys accruing to the authority from  
5 the lease, sale or other disposition, or use of  
6 railway facilities, or from payment of the principal  
7 of or interest on loans made, or from any other use of  
8 the proceeds of the sale of the obligations, and no  
9 such moneys may be used for the payment of bond  
10 service charges on any such obligations, except for  
11 accrued interest, capitalized interest, and reserves  
12 funded from proceeds received upon the sale of the  
13 obligations.

14 3. Moneys received from repayment from heartland  
15 rail corporation as provided in 1983 Iowa Acts,  
16 chapter 198, section 32, as amended by 1987 Iowa Acts,  
17 chapter 232, section 28, and section 4 of this Act,  
18 shall be deposited in a separate account within the  
19 special railroad facility fund and shall be used by

20 the authority only on branch rail lines whose total  
21 traffic is at least fifty percent agricultural  
22 products.

23 Sec. 2. NEW SECTION. 307B.25 CERTIFICATION FOR  
24 RECEIPT OF USE TAX MONEYS.

25 The authority shall certify to the treasurer of  
26 state amounts of money necessary for payment of  
27 principle and interest by the authority on bonds  
28 issued on or after July 1, 1988, or to make payments  
29 on leases guaranteed by the authority on or after July  
30 1, 1988. However, certification shall only be made  
31 under this section when there are insufficient moneys  
32 available to the authority for the payment from moneys  
33 credited to the special railroad facility fund or  
34 other sources available to the authority.

35 Certification shall only be made under this section  
36 for projects in which the authority has done all of  
37 the following:

38 1. Conducted a feasibility study, prior to  
39 agreeing to assist the project, which demonstrates  
40 that the proposed project has a reasonable potential  
41 to generate adequate revenues to be economically  
42 viable.

43 2. Obtained from participants in the project  
44 pledges to be received by the authority, which in  
45 combination with other moneys available to the  
46 authority, are sufficient to either retire bonds  
47 issued by the authority to assist the project or make  
48 all payments on leases guaranteed by the authority to  
49 assist the project, including a lien against the  
50 assets of the project and a lien against the assets of

**Page 3**

1 each participant in the project to the extent of that  
2 participant's pledged obligation.

3 Sec. 3. Section 312.2, Code Supplement 1987, is  
4 amended by adding the following new subsection:

5 NEW SUBSECTION. 20. The treasurer of state,  
6 before making the allotments provided for in this  
7 section, shall credit to the Iowa railway finance  
8 authority from revenue credited to the road use tax  
9 fund under section 423.24, subsection 1, paragraph  
10 "b", amounts certified by the authority under section  
11 307B.25. However, the total amount credited to the  
12 Iowa railway finance authority under this section  
13 shall not exceed five million dollars annually.  
14 Moneys credited to the Iowa railway finance authority  
15 under this subsection are appropriated only for the  
16 payment of principle and interest on bonds or the  
17 payment of leases guaranteed by the authority as  
18 provided under section 307B.25.

19 Sec. 4. 1983 Iowa Acts, chapter 198, section 32,  
20 unnumbered paragraph 1, as amended by 1987 Iowa Acts,  
21 chapter 232, section 28, is amended to read as  
22 follows:

23 Notwithstanding the provisions of section 423.24,  
24 there is transferred from revenues collected under  
25 chapter 423 during each year of the fiscal period  
26 beginning July 1, 1983 and ending June 30, 1985 from  
27 the use tax imposed on motor vehicles, trailers and  
28 motor vehicle accessories and equipment under section  
29 423.7 the sum of seven million five hundred thousand  
30 (7,500,000) dollars which shall be transferred to the  
31 special railroad facility fund to be used exclusively  
32 for the purposes provided in this section. The Iowa  
33 railway finance authority may enter into a partnership  
34 agreement as allowed under section 307B.7, subsection  
35 7, for the purpose of acquiring the right-of-way of  
36 the Chicago, Rock Island and Pacific railroad. The  
37 funds shall be expended to supplement private  
38 investment capital obtained for that purpose by  
39 matching any private investment capital on an equal  
40 basis. The funds transferred to the special railroad  
41 facility fund under this section shall be considered  
42 an interest-free loan to be repaid to the road use tax  
43 fund from receipts credited to the special railroad  
44 facility fund under section 307B.23 except that moneys  
45 credited for repayment of the loan during the period  
46 beginning July 1, 1987 and ending June 30, ~~1989~~ 1988,  
47 shall be credited to the railroad assistance fund.  
48 The special railroad facility fund shall repay to the  
49 road use tax fund, within thirty years after receipt  
50 of each repayment from heartland rail corporation the

Page 4

1 amount of the repayment, but in the interim the Iowa  
2 railway finance authority may lend these moneys for  
3 other rail projects without any other limitations  
4 contained in this section being applicable."  
5 2. Title page, line 3, by striking the words  
6 "issuance of bonds" and inserting the following:  
7 "payment of principle and interest on bonds and  
8 payment of guaranteed leases."

The House stood at ease at 1:26 p.m., until the fall of the gavel.

The House resumed session and consideration of amendment H—5857 to House File 2442 at 2:42 p.m., Connors of Polk in the chair.

On motion by Koenigs of Mitchell, amendment H—5857 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?" (H.F. 2442)

The ayes were, 73:

Adams	Arnould	Avenson	Beaman
Beatty	Bennett	Black	Blanshan
Brammer	Branstad	Buhr	Carpenter
Chapman	Clark	Cohoon	Connolly
Cooper	Corbett	Corey	De Groot
Doderer	Dvorsky	Eddie	Fey
Fogarty	Fuller	Groninga	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Hanson, D. R.
Harbor	Harper	Hatch	Haverland
Holveck	Hummel	Jay	Johnson
Knapp	Koenigs	Lageschulte	Lundby
May	McKinney	Metcalf	Miller
Muhlbauer	Norrgard	Ollie	Osterberg
Parker	Pavich	Pellett	Peters
Peterson, M. K.	Plasier	Renaud	Renken
Rosenberg	Royer	Running	Schrader
Sherzan	Shoultz	Skow	Spear
Svoboda	Swartz	Tabor	Teaford
Mr. Speaker (Connors)			

The nays were, 23:

Bisignano	Daggett	Diemer	Garman
Hansen, S. D.	Hermann	Hester	Kremer
Maulsby	Neuhauser	Paulin	Petersen, D. F.
Platt	Poncy	Schneklloth	Shoning
Siegrist	Stueland	Swearingen	Tyrrell
Van Camp	Van Maanen	Wise	

Absent or not voting, 4:

Jochum	McKean	Mullins	Stromer
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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.

### RULES SUSPENDED

Arnould of Scott asked and received unanimous consent to suspend the rules and take up out of order House File 2368.

**House File 2368**, a bill for an act relating to indemnification and limitation of liability of directors and officers and to liability of persons who serve rural water districts, volunteer as guardians or conservators, or who provide-child foster care, was taken up for consideration.

**SENATE FILE 2248 SUBSTITUTED FOR HOUSE FILE 2368**

Jay of Appanoose asked and received unanimous consent to substitute Senate File 2248 for House File 2368.

**Senate File 2248**, a bill for an act relating to indemnification and the limitation of liability of directors and officers and to the liability of persons who serve rural water districts, volunteer as guardians or conservators, or who provide child foster care, was taken up for consideration.

Arnould of Scott asked and received unanimous consent that Senate File 2248 be deferred and that the bill retain its place on the calendar.

**REPORT OF THE CONFERENCE COMMITTEE  
FAILED TO BE ADOPTED  
(House File 395)**

Black of Jasper called up for consideration the report of the conference committee on House File 395 and moved the adoption of the conference committee report and the amendments contained therein as follows:

**REPORT OF THE CONFERENCE COMMITTEE  
ON HOUSE FILE 395**

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 395, a bill for an act relating to the taking of animals and subjecting violators to penalties, respectfully make the following report:

1. Amend the Senate amendment, H—3901, to House File 395 as amended, passed and reprinted by the House as follows:

1. Page 1, by inserting after line 2 the following:

" \_\_\_\_\_. Page 3, by inserting after line 16 the following:

"Sec \_\_\_\_\_. **NEW SECTION. 109.18 POLITICAL SUBDIVISION REGULATION.**

1. A political subdivision of this state shall not adopt an ordinance or other manner of law regarding the taking of animals, open seasons, closed seasons, possession limits, bag limits, and methods of taking which is inconsistent with the provisions of this chapter and the rules adopted under it.

2. A political subdivision of this state shall not adopt or enforce an ordinance regulating the ownership, possession, legal transfer, lawful transportation, registration, or licensing of firearms when the ownership, possession, transfer, or transportation is otherwise lawful under the laws of this state

2. Page 1, by striking lines 20 through 23.

3. Page 2, by inserting after line 2 the following:

" \_\_\_\_\_. Page 21, by inserting after line 26 the following:

"Sec. \_\_\_\_\_. Section 110.37, Code 1987, is amended by adding the following new unnumbered paragraph:

**NEW UNNUMBERED PARAGRAPH.** A person shall not transport or carry on one's person a loaded or uncased high-power, centerfire cartridge rifle in an area of the state open to deer hunting during the shotgun hunting season for deer except as authorized by rule by the commission. This paragraph does not apply to any law enforcement or military personnel, and veterans military service groups in performance of duty, color guard units, and gun club firing ranges. The commission shall establish by rule methods of movement for repairs or other uses.

Sec. \_\_\_\_\_. **NEW SECTION. 110.38 LIGHTING BY LAW ENFORCEMENT VEHICLES OF CONSERVATION OFFICERS.**

The required usage of lighting devices set out in sections 321.384 through 321.409 and section 321.415 does not apply to official law enforcement vehicles operated by conservation officers appointed under section 107.13, while these vehicles are being used in criminal investigations or while attempting to apprehend suspected criminals." "

ON THE PART OF THE HOUSE:

DENNIS BLACK, Chair  
MARVIN E. DIEMER  
WENDELL C. PELLETT  
DAVID SCHRADER

ON THE PART OF THE SENATE:

HURLEY W. HALL, Chair  
RAY TAYLOR  
DALE TIEDEN

The motion lost and the conference committee report failed to be adopted.

## RULES SUSPENDED

Arnould of Scott asked and received unanimous consent to suspend the rules and take up out of order Senate File 2086.

**Senate File 2086**, a bill for an act relating to the procurement of starch-based plastics and soybean-based inks by the department of general services, the state board of regents, the commission for the blind, and the state department of transportation, with report of committee recommending amendment and passage was taken up for consideration.

McKinney of Dallas offered the following amendment H—5407 filed by the committee on agriculture and moved its adoption:

H—5407

- 1 Amend Senate File 2086, as passed by the Senate, as
- 2 follows:
- 3 1. Page 1, by striking lines 12 through 16 and
- 4 inserting the following:

5     "a. By July 1, 1989, a minimum of fifty percent of  
6     the purchases of inks which are used for newsprint  
7     printing services performed internally or contracted  
8     for by the department of general services shall be  
9     soybean-based."

10    2. Page 1, by striking lines 24 through 29 and  
11    inserting the following:

12     "c. The department of general services shall  
13     report to the general assembly on January 1 of each  
14     year the plastic products which are regularly  
15     purchased by the department of general services for  
16     which starch-based product alternatives are available.  
17     The report shall also include the cost of the plastic  
18     products purchased and the cost of the starch-based  
19     product alternatives."

20    3. Page 2, by striking lines 21 through 25 and  
21    inserting the following:

22     "a. By July 1, 1989, a minimum of fifty percent of  
23     the purchases of inks which are used for newsprint  
24     paper for printing services performed internally or  
25     contracted for by the board shall be soybean-based."

26    4. By striking page 2, line 32 through page 3,  
27    line 1, and inserting the following:

28     "c. The board shall report to the general assembly  
29     on January 1 of each year, the plastic products which  
30     are regularly purchased by the board for which starch-  
31     based product alternatives are available. The report  
32     shall also include the cost of the plastic products  
33     purchased and the cost of the starch-based product  
34     alternatives."

35    5. Page 3, by striking lines 19 through 23 and  
36    inserting the following:

37     "a. By July 1, 1989, a minimum of fifty percent of  
38     the purchases of inks which are used for newsprint  
39     paper for printing services performed internally or  
40     contracted for by the commission shall be soybean-  
41     based."

42    6. Page 3, by striking lines 30 through 35 and  
43    inserting the following:

44     "c. The commission shall report to the general as-  
45     sembly on January 1 of each year, the plastic products  
46     which are regularly purchased by the commission for  
47     which starch-based product alternatives are available.  
48     The report shall also include the cost of the plastic  
49     products purchased and the cost of the starch-based  
50     product alternatives."

The committee amendment H-5407 was adopted.

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. 2086)

The ayes were, 98:

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	McKinney
Metcalfe	Miller	Muhlbauer	Neuhauser
Norrsgard	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	Swearingen	Tabor
Teaford	Tyrrell	Van Camp	Van Maanen
Wise	Mr. Speaker (Connors)		

The nays were, none.

Absent or not voting, 2:

McKean Mullins

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Speaker Avenson in the chair at 3:17 p.m.

## SENATE AMENDMENT CONSIDERED

Doderer of Johnson called up for consideration **Senate File 2074**, a bill for an act relating to the extension of the applicability of House File 689, enacted during the Second Extraordinary Session of the Seventy-second General Assembly during 1987, updating references to the Internal Revenue Code, providing for retroactive applicability, 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—5147 to the House amendment:



H—5147

- 1 Amend the House amendment, S—5070, to Senate File
- 2 2074, as amended, passed, and reprinted by the Senate,
- 3 as follows:
- 4 1. Page 12, by striking lines 43 through 45.
- 5 2. Page 21, line 49, by striking the words and
- 6 figure "Sections 21 and" and inserting the following:
- 7 "Section".
- 8 3. Page 21, line 49, by striking the word "are"
- 9 and inserting the following: "is".
- 10 4. Page 22, lines 21 and 22, by striking the
- 11 words "repealing capital gains refund provisions,".

Roll call was requested by Doderer of Johnson and Osterberg of Linn.

On the question "Shall the House concur in the Senate amendment H—5147?" (S.F. 2074)

The ayes were, 67:

Arnould	Beaman	Bennett	Black
Blanshan	Branstad	Clark	Cohoon
Cooper	Corbett	Corey	Daggett
De Groot	Diemer	Eddie	Fogarty
Fuller	Garman	Gruhn	Halvorson, R. A.
Hansen, S. D.	Hanson, D. R.	Harbor	Haverland
Hermann	Hester	Hummel	Jay
Knapp	Koenigs	Kremer	Lageschulte
Lundby	Maulsby	May	McKinney
Miller	Muhlbauer	Norrgard	Parker
Paulin	Pavich	Pellett	Peters
Petersen, D. F.	Peterson, M. K.	Plasier	Renaud
Renken	Royer	Schnekloth	Schrader
Sherzan	Shoning	Siegrist	Skow
Spear	Stromer	Stueland	Svoboda
Swearingen	Tabor	Tyrrell	Van Camp
Van Maanen	Wise	Mr. Speaker	

The nays were, 29:

Adams	Beatty	Bisignano	Brammer
Buhr	Carpenter	Chapman	Connors
Doderer	Dvorsky	Fey	Groninga
Halvorson, R. N.	Hammond	Harper	Hatch
Holveck	Jochum	Johnson	Metcalf
Neuhauser	Ollie	Osterberg	Platt
Poncy	Rosenberg	Running	Shoultz
Teaford			

Absent or not voting, 4:

Connolly	McKean	Mullins	Swartz
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The motion prevailed and the House concurred in the Senate amendment H—5147.

Doderer of Johnson 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. 2074)

The ayes were, 91:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Black	Blanshan
Branstad	Buhr	Carpenter	Chapman
Clark	Cohon	Connors	Cooper
Corbett	Corey	Daggett	De Groot
Diemer	Doderer	Dvorsky	Eddie
Fey	Fogarty	Fuller	Garman
Groninga	Gruhn	Halvorson, R. A.	Hammond
Hansen, S. D.	Harbor	Harper	Hatch
Haverland	Hermann	Hester	Holveck
Hummel	Jay	Jochum	Knapp
Koenigs	Kremer	Lageschulte	Lundby
Maulsby	May	McKinney	Metcalf
Miller	Muhlbauer	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	Stueland	Swartz	Swearingen
Tabor	Teaford	Tyrrell	Van Camp
Van Maanen	Wise	Mr. Speaker	

The nays were, 4:

Brammer	Halvorson, R. N.	Johnson	Svoboda
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Absent or not voting, 5:

Connolly	Hanson, D. R.	McKean	Mullins
Stromer			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

### RULES SUSPENDED

Arnould of Scott asked and received unanimous consent to suspend the rules and take up out of order Senate File 2064 and House File 2456.

### Regular Calendar

**Senate File 2064**, a bill for an act relating to the residency of an agent for an authorized company engaged in the business of becoming surety upon bonds in criminal cases, with report of committee recommending passage was taken up for consideration.

Plasier of Sioux moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2064)

The ayes were, 93:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Black	Blanshan
Brammer	Branstad	Buhr	Carpenter
Chapman	Clark	Cohoon	Connors
Cooper	Corbett	Corey	Daggett
De Groot	Diemer	Dvorsky	Eddie
Fey	Fogarty	Fuller	Garman
Groninga	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	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	Stueland	Svoboda
Swartz	Swearingen	Tabor	Teaford
Tyrrell	Van Camp	Van Maanen	Wise

Mr. Speaker

The nays were, none.

Absent or not voting, 7:

Connolly	Doderer	Gruhn	Harbor
McKean	Mullins	Stromer	

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

### Appropriations Calendar

**House File 2456**, a bill for an act relating to programs for which

appropriations to the department of human services are required, and providing penalties, was taken up for consideration.

Haverland of Polk offered the following amendment H—5753 filed by him and moved its adoption:

H—5753

- 1 Amend House File 2456 as follows:
- 2 1. Page 3, line 25, by striking the figure "16"
- 3 and inserting the following: "6".

Amendment H—5753 was adopted.

Muhlbauer of Crawford offered the following amendment H—5765 filed by him and moved its adoption:

H—5765

- 1 Amend House File 2456 as follows:
- 2 1. Page 5, by striking lines 6 through 20.
- 3 2. By renumbering as necessary.

Amendment H—5765 was adopted.

Haverland of Polk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2456)

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	Haverland
Hermann	Hester	Holveck	Hummel
Jay	Jochum	Johnson	Knapp
Koenigs	Kremer	Lageschulte	Lundby
Maulsby	May	McKinney	Metcalf
Miller	Muhlbauer	Neuhauser	Norrsgard
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

Stueland  
Tabor  
Van Maanen

Svoboda  
Teaford  
Wise

Swartz  
Tyrrell  
Mr. Speaker

Swearingen  
Van Camp

The nays were, none.

Absent or not voting, 5:

Hatch  
Stromer

McKean

Mullins

Plasier

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

### IMMEDIATE MESSAGES

(House Files 2442 and 2456)

Arnould of Scott asked and received unanimous consent that House Files 2442 and 2456 be immediately messaged to the Senate.

### MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 24, 1988, passed the following bill in which the concurrence of the House is asked:

Senate File 2024, a bill for an act relating to the membership of the college aid commission.

Also: That the Senate has on March 24, 1988, passed the following bill in which the concurrence of the House is asked:

Senate File 2078, a bill for an act relating to the issuance of fuel exemption certificates for purposes of the state sales, services, and use tax, providing for retroactive applicability, and providing an effective date.

Also: That the Senate has on March 24, 1988, passed the following bill in which the concurrence of the House is asked:

Senate File 2234, a bill for an act relating to the starting date and the calendar for schools.

Also: That the Senate has on March 24, 1988, passed the following bill in which the concurrence of the House is asked:

Senate File 2301, a bill for an act relating to the maintenance of local financial support by governmental subdivisions for operating expenses of local libraries.

Also: That the Senate has on March 24, 1988, passed the following bill in which the concurrence of the House is asked:

Senate File 2316, a bill for an act relating to the establishment of a division on the status of blacks within the department of human rights.

JOHN F. DWYER, Secretary

## SENATE MESSAGES CONSIDERED

**Senate File 2024**, by Varn, a bill for an act relating to the membership of the college aid commission.

Read first time and referred to committee on **education**.

**Senate File 2234**, by committee on education, a bill for an act relating to the starting date and the calendar for schools.

Read first time and referred to committee on **education**.

## EXPLANATIONS OF VOTE

I was necessarily absent from the House chamber on Wednesday, March 23, 1988. Had I been present, I would have voted "aye" on House File 2441.

BISIGNANO of Polk

I inadvertently voted "aye" on Senate File 2074. I meant to vote "nay."

HOLVECK of Polk

## PRESENTATION OF VISITORS

The Speaker announced that the following visitors were present in the House chamber:

Fifty sixth grade students from Southeast Warren Community School, Lacona, accompanied by Pat Butler and Sue Phillips. By Beatty of Warren.

Twenty-eight eighth grade students from Chariton Junior High School, Chariton, accompanied by Al Mangels and Gary Courter. By Cooper of Lucas.

Thirty-three junior and senior students from Leo High School, Holy Cross, accompanied by John Kohlstedt and Linda Meyer. By Knapp of Dubuque.

## HOUSE STUDY BILL COMMITTEE ASSIGNMENT

### **H.S.B. 830 Ways and Means**

Relating to the authorization for a city and county to impose a local option income surtax or a local option sales and services tax, the spending of the revenues, obtaining tax return information relating to the taxes, providing penalties, and providing effective dates.

## SUBCOMMITTEE ASSIGNMENT

Senate File 2208

Judiciary and Law Enforcement: Jay, Chair; Halvorson of Clayton and Rosenberg.

## COMMITTEE RECOMMENDATIONS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

JOSEPH O'HERN

Chief Clerk of the House

## COMMITTEE ON APPROPRIATIONS

**Senate File 2310**, a bill for an act relating to and making appropriations to the Iowa state civil rights commission, the department of human rights, the department for the blind, the department of elder affairs, and the department of public health, transferring the criminal and juvenile justice planning agency to the department of human rights, and establishing a division on the status of blacks.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H—5867** March 23, 1988.

**Senate File 2311**, a bill for an act relating to and making appropriations to various state agencies including the elected officials, the executive council, the department of general services, the department of personnel, the department of revenue and finance, the office of state-federal relations, and the department of management appropriating certain membership fees, increasing fees collected by the office of the secretary of state, transferring moneys in the Iowa economic emergency fund to the general fund of the state, and appropriating moneys to the county assistance fund, the municipal assistance fund, and the moneys and credits replacement fund.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H—5882** March 24, 1988.

## COMMITTEE ON ENERGY AND ENVIRONMENTAL PROTECTION

**Senate File 2055**, a bill for an act relating to the registration and use of certain pesticides.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H—5860** March 23, 1988.

**Senate File 2068**, a bill for an act to require a public hearing before the issuance of a permit to construct and operate a sanitary landfill.

Fiscal Note is not required.

Recommended **Do Pass** March 23, 1988.

**Senate File 2106**, a bill for an act relating to the prohibition of the sale, offering for sale, purchase, application, or use of chlordane in this state, and making a penalty applicable.

Fiscal Note is not required.

Recommended **Do Pass** March 23, 1988.

**Senate File 2133**, a bill for an act relating to the registration date for agricultural drainage wells and providing an effective date.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H—5862** March 23, 1988.

**Senate File 2205**, a bill for an act relating to interstate natural gas pipelines by establishing a new chapter to define jurisdiction over interstate natural gas pipelines, removing references to interstate natural gas pipelines from the current chapter relating to pipelines and natural gas storage, and adjusting fees.

Fiscal Note is not required.

Recommended **Do Pass** March 23, 1988.

**Senate File 2246**, a bill for an act relating to the penalties for water pollution and hazardous waste disposal.

Fiscal Note is not required.

Recommended **Do Pass** March 23, 1988.

**Senate File 2247**, a bill for an act relating to the regulation and reporting of certain pesticides.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H—5859** March 23, 1988.

**Senate File 2250**, a bill for an act relating to environmental protection by correcting the reference to the membership of the advisory committee for the center for health effects of environmental contamination; by establishing requirements regarding sanitary disposal project inspections, the disposal of solid waste, and the solid waste tonnage fee; by making corrections relating to the collection and allocation of moneys within the solid waste account and the agriculture management account; by correcting a reference to the duties of the department of natural resources regarding household hazardous materials; and by specifying the content and liability for the content of statements submitted with a declaration of value regarding the existence and location of wells, disposal sites, underground storage tanks, and hazardous waste.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H—5858** March 23, 1988.

#### COMMITTEE ON HUMAN RESOURCES

**Senate File 173**, a bill for an act establishing priorities for deductions from the earnings of residents of community-based correctional facilities.

Fiscal Note is required.

Recommended **Do Pass** March 23, 1988.

**Senate File 302**, a bill for an act relating to the disability of brain injury.



Fiscal Note is not required.

**Recommended Amend and Do Pass with amendment H—5872** March 23, 1988.

**Senate File 2018**, a bill for an act creating a family support subsidy program.

Fiscal Note is not required.

**Recommended Amend and Do Pass with amendment H—5883** March 23, 1988.

**Senate File 2157**, a bill for an act relating to a comprehensive acquired immune deficiency syndrome (AIDS) prevention and intervention plan.

Fiscal Note is not required.

**Recommended Amend and Do Pass with amendment H—5869** March 23, 1988.

**Senate File 2180**, a bill for an act relating to the eligibility policies established by the commission of elder affairs.

Fiscal Note is not required.

**Recommended Do Pass** March 23, 1988.

**Senate File 2284**, a bill for an act relating to the disclosure of mental health information.

Fiscal Note is not required.

**Recommended Amend and Do Pass with amendment H—5877** March 23, 1988.

**Senate Concurrent Resolution 115**, a concurrent resolution relating to the certificate of need program.

Fiscal Note is not required.

**Recommended Amend and Do Pass with amendment H—5878 and Laid over under Rule 25** March 23, 1988.

#### COMMITTEE ON LOCAL GOVERNMENT

**Senate File 2269**, a bill for an act relating to the establishment of a drainage sub-district.

Fiscal Note is not required.

**Recommended Do Pass** March 24, 1988.

#### COMMITTEE ON NATURAL RESOURCES AND OUTDOOR RECREATION

**Senate File 2126**, a bill for an act restricting the time period for the initiating of administrative or judicial actions to remove or eliminate certain structures, dams, obstructions, deposits, excavations, or stream straightenings to a floodway.

Fiscal Note is not required.

**Recommended Amend and Do Pass with amendment H—5868** March 23, 1988.

#### COMMITTEE ON SMALL BUSINESS AND COMMERCE

**Senate File 437**, a bill for an act relating to anesthesia services, care, and procedures provided by certified registered nurse anesthetists, providing for insurance cover-

age and payment for services provided to recipients of medical assistance, providing other properly related matters, and providing for the applicability of the Act.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H—5865** March 23, 1988.

**Senate File 2280**, a bill for an act relating to the time of filing a nonprofit corporation's annual report.

Fiscal Note is required.

Recommended **Do Pass** March 23, 1988.

**Senate File 2289**, a bill for an act relating to the sale of certificates of deposit, issued by foreign associations, within the state.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H—5864** March 23, 1988.

#### COMMITTEE ON TRANSPORTATION

**Senate File 2039**, a bill for an act allowing certain personalized vehicle registration plates to contain up to seven characters and providing an effective date.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H—5880** March 23, 1988.

#### AMENDMENTS FILED

H—5858	S.F.	2250	Committee on Energy and Environmental Protection
H—5859	S.F.	2247	Committee on Energy and Environmental Protection
H—5860	S.F.	2055	Committee on Energy and Environmental Protection
H—5861	H.J.R.	13	Swartz of Marshall
H—5862	S.F.	2133	Committee on Energy and Environmental Protection
H—5863	S.F.	2310	Corbett of Linn Tyrrell of Iowa Petersen of Muscatine Eddie of Buena Vista
H—5864	S.F.	2289	Committee on Small Business and Commerce
H—5865	S.F.	437	Committee on Small Business and Commerce

H-5866	S.F.	323	Spear of Lee
H-5867	S.F.	2310	Committee on Appropriations
H-5868	S.F.	2126	Committee on Natural Resources and Outdoor Recreation
H-5869	S.F.	2157	Committee on Human Resources
H-5872	S.F.	302	Committee on Human Resources
H-5873	S.F.	2248	Jay of Appanoose
H-5874	S.F.	323	Spear of Lee
H-5875	S.F.	2248	Jay of Appanoose
H-5876	H.J.R.	13	Connors of Polk
H-5877	S.F.	2284	Committee on Human Resources
H-5878	S.C.R.	115	Committee on Human Resources
H-5879	S.F.	2225	Swartz of Marshall
H-5880	S.F.	2039	Clark of Cerro Gordo Committee on Transportation
H-5881	S.F.	2248	Jay of Appanoose
H-5882	S.F.	2311	Committee on Appropriations
H-5883	S.F.	2018	Committee on Human Resources
H-5884	S.F.	2310	Swartz of Marshall
H-5885	S.F.	2248	Carpenter of Polk
H-5886	S.F.	2284	Adams of Hamilton
H-5887	S.F.	2310	Hermann of Scott
H-5888	H.J.R.	13	Swartz of Marshall

On motion by Arnould of Scott, the House adjourned at 3:52 p.m., until 9:00 a.m., Friday, March 25, 1988.

# JOURNAL OF THE HOUSE

Seventy-fifth Calendar Day — Fifty-first Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Friday, March 25, 1988

The House met pursuant to adjournment, Speaker Avenson in the chair.

Prayer was offered by the Honorable Tom Fey, state representative from Scott County.

The Journal of Thursday, March 24, 1988 was approved.

## PETITION FILED

The following petition was received and placed on file:

By Running of Linn from twenty-nine constituents of the 51st District opposing any increase in beer, wine or liquor taxing measures.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Hanson of Delaware on request of Renken of Grundy.

## SENATE MESSAGES CONSIDERED

**Senate File 2078**, by Boswell, a bill for an act relating to the issuance of fuel exemption certificates for purposes of the state sales, services, and use tax, providing for retroactive applicability, and providing an effective date.

Read first time and referred to committee on **ways and means**.

**Senate File 2301**, by committee on appropriations, a bill for an act relating to the maintenance of local financial support by governmental subdivisions for operating expenses of local libraries.

Read first time and referred to committee on **appropriations**.

**Senate File 2316**, by Hutchins and Hultman, a bill for an act relating to the establishment of a division on the status of blacks within the department of human rights.

Read first time and referred to committee on **state government**.

## RULES SUSPENDED

Arnould of Scott asked and received unanimous consent to suspend the rules and take up out of order Senate Files 2063, 2230 and 2183 and House File 2457.

## CONSIDERATION OF BILLS

### Regular Calendar

**Senate File 2063**, a bill for an act relating to the jurisdiction of magistrates, with report of committee recommending amendment and passage was taken up for consideration.

Chapman of Linn offered the following amendment H—5695 filed by the committee on judiciary and law enforcement and moved its adoption:

H—5695

- 1 Amend Senate File 2063 as passed by the Senate as
- 2 follows:
- 3 1. Title page, line 1, by inserting after the
- 4 word "magistrates" the following: ", and providing an
- 5 effective date".

The committee amendment H—5695 was adopted.

Chapman of Linn moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2063)

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	Fey	Fogarty	Fuller
Garman	Groninga	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Harbor
Harper	Hatch	Haverland	Hermann
Hester	Holveck	Hummel	Jay
Jochum	Johnson	Knapp	Koenigs
Kremer	Lageschulte	Lundby	Maulsby
May	McKinney	Metcalf	Muhlbauer
Neuhauser	Norrsgard	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	Siegrist
Skow	Spear	Stromer	Stueland
Svoboda	Swartz	Swearingen	Tabor
Teaford	Tyrrell	Van Camp	Van Maanen
Wise	Mr. Speaker		

The nays were, none.

Absent or not voting, 6:

Eddie  
Mullins

Hanson, D. R.  
Shoultz

McKean

Miller

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

**Senate File 2230**, a bill for an act relating to the sale of part of a gravel pit owned by a county, with report of committee recommending passage was taken up for consideration.

Spear of Lee offered the following amendment H—5691 filed by him:

H—5691

- 1 Amend Senate File 2230, as passed by the Senate, as
- 2 follows:
- 3 1. Page 1, line 5, by inserting after the word
- 4 "sell" the following: "all or".
- 5 2. Page 1, lines 6 and 7, by striking the words
- 6 "the property has been owned by the county for more
- 7 than ten years and".

Black of Jasper offered the following amendment H—5766, to amendment H—5691, filed by him and moved its adoption:

H—5766

- 1 Amend amendment, H—5691, to Senate File 2230 as
- 2 passed by the Senate, as follows:
- 3 1. Page 1, by striking lines 5 through 7 and
- 4 inserting the following:
- 5 "\_\_\_\_\_. Page 1, line 7, by striking the word "ten"
- 6 and inserting the following: "five".
- 7 2. By renumbering as necessary.

A non-record roll call was requested.

The ayes were 41, nays 36.

Amendment H—5766 was adopted.

On motion by Spear of Lee, amendment H—5691, as amended, was adopted.

Cooper of Lucas moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2230)

The ayes were, 93:

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.	Harper
Hatch	Haverland	Hermann	Hester
Holveck	Hummel	Jay	Jochum
Johnson	Knapp	Koenigs	Kremer
Lageschulte	Lundby	Maulsby	May
McKinney	Metcalf	Muhlbauer	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	Siegrist	Skow
Spear	Stromer	Stueland	Svoboda
Swartz	Swearingen	Tabor	Teaford
Tyrrell	Van Camp	Van Maanen	Wise
Mr. Speaker			

The nays were, none.

Absent or not voting, 7:

Blanshan	Hanson, D. R.	Harbor	McKean
Miller	Mullins	Shoultz	

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**Senate File 2183**, a bill for an act relating to the publication of notice of a drainage district hearing, with report of committee recommending passage was taken up for consideration.

Fuller of Hardin moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2183)

The ayes were, 94:

Adams	Arnould	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
Groninga	Gruhn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hansen, S. D.	Harbor	Harper
Hatch	Haverland	Hermann	Hester
Holveck	Hummel	Jay	Jochum
Johnson	Knapp	Koenigs	Kremer
Lageschulte	Lundby	Maulsby	May
McKinney	Metcalf	Miller	Muhlbauer
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	Swearingen	Tabor
Teaford	Tyrrell	Van Camp	Van Maanen
Wise	Mr. Speaker		

The nays were, none.

Absent or not voting, 6:

Beaman	De Groot	Hanson, D. R.	McKean
Mullins	Shoultz		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

### HOUSE FILE 2418 WITHDRAWN

Rosenberg of Story asked and received unanimous consent to withdraw House File 2418 from further consideration by the House.

### Appropriations Calendar

**House File 2457**, a bill for an act relating to payments for local school districts, area schools, counties, cities, local conference boards, county hospitals, and county agricultural extension councils, was taken up for consideration.

Swartz of Marshall moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2457)

The ayes were, 93:

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	Fogarty	Garman	Groninga
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Hansen, S. D.	Harbor	Harper	Hatch
Haverland	Hermann	Hester	Holveck
Hummel	Jay	Jochum	Johnson
Knapp	Koenigs	Kremer	Lageschulte
Lundby	Maulsby	May	McKinney
Metcalf	Miller	Muhlbauer	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	Siegrist	Skow
Spear	Stromer	Stueland	Svoboda
Swartz	Swearingen	Tabor	Teaford
Tyrrell	Van Camp	Van Maanen	Wise
Mr. Speaker			

The nays were, none.

Absent or not voting, 7:

Beaman	Fey	Fuller	Hanson, D. R.
McKean	Mullins	Shoultz	

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

## SECOND CONFERENCE COMMITTEE APPOINTED (House File 395)

The Speaker announced the appointment of the second conference committee to consider the differences between the House and Senate concerning House File 395: Johnson of Winneshiek, Chair; Black of Jasper, Gruhn of Dickinson, Diemer of Black Hawk and Stueland of Clinton.

The House stood at ease at 10:46 a.m., until the fall of the gavel.

The House resumed session at 11:29 a.m., 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 Joint Resolution 13.

The House resumed consideration of **House Joint Resolution 13**, a joint resolution proposing an amendment to the Constitution of the

State of Iowa relating to protection of taxpayers' rights by limiting taxes, revenue, and spending of the state and local governments, and amendment H—5770 (found on page 1002 of the House Journal, to amendment H—5768, found on page 1001 of the House Journal).

Arnould of Scott asked and received unanimous consent to defer action on amendment H—5770 and amendment H—5768.

Jochum of Dubuque asked and received unanimous consent to suspend Rule 31.8, relating to the timely filing of amendments, and to take up out of order for immediate consideration amendment H—5893 filed by him from the floor as follows:

H—5893

- 1 Amend House Joint Resolution 13 as follows:
- 2 1. Page 1, line 7, by striking the word "and".
- 3 2. Page 1, line 8, by striking the words "all
- 4 local governments".
- 5 3. Page 1, line 10, by striking the words "and
- 6 all".
- 7 4. Page 1, line 11, by striking the words "local
- 8 governments".
- 9 5. Page 1, by striking line 26 and inserting the
- 10 following: "government as provided by law."
- 11 6. Page 1, by striking lines 27 through 32.
- 12 7. Page 1, line 33, by striking the words "and
- 13 local".
- 14 8. Page 2, line 3, by striking the word "limits"
- 15 and inserting the following: "limit".
- 16 9. Page 2, line 8, by striking the word "limits"
- 17 and inserting the following: "limit".
- 18 10. Page 2, line 12, by striking the word "Each"
- 19 and inserting the following: "The state".
- 20 11. Page 2, by striking lines 22 through 27.
- 21 12. Page 2, line 28, by striking the words "or
- 22 local government".
- 23 13. Page 3, lines 29 and 30, by striking the
- 24 words "and local governments".
- 25 14. Page 3, by striking lines 31 and 32 and in-
- 26 serting the following: "3 of article XIII."
- 27 15. Page 4, by striking lines 3 through 13 and
- 28 inserting the following: "and operations of a
- 29 government."
- 30 16. Page 4, by striking lines 14 through 17.
- 31 17. Page 4, by striking line 22 and inserting the
- 32 following: "state revenue limit."
- 33 18. Page 4, by striking lines 23 and 24.
- 34 19. Page 4, line 25, by striking the words
- 35 "electors may vote."

- 36 20. Page 4, line 26, by striking the words "or  
37 one or more local".  
38 21. Page 4, line 27, by striking the word  
39 "limits".  
40 22. Page 4, line 35, by striking the words "and  
41 local governments".  
42 23. Title page, lines 3 and 4, by striking the  
43 words "and local governments".  
44 24. By renumbering as necessary.

Jochum of Dubuque offered the following amendment H—5896, to amendment H—5893, filed by him from the floor and moved its adoption:

H—5896

- 1 Amend the amendment, H—5893, to House Joint  
2 Resolution 13 as follows:  
3 1. Page 1, by inserting after line 8 the  
4 following:  
5 "\_\_\_\_\_. Page 1, by striking lines 18 and 19 and  
6 inserting the following: "from nongovernmental  
7 sources;".  
8 \_\_\_\_\_. Page 1, line 20, by striking the words "no  
9 tax revenue;".  
10 2. Page 3, lines 7 and 8, by striking the words  
11 "all governments" and inserting the following: "state  
12 government".  
13 3. By renumbering as necessary.

Amendment H—5896 was adopted.

Connors of Polk in the chair at 12:02 p.m.

Speaker Avenson in the chair at 12:22 p.m.

Division of amendment H—5893, as amended, was requested as follows:

- H—5893A — line 2  
H—5893B — lines 3 and 4  
H—5893C — lines 5 and 6  
H—5893D — lines 7 and 8  
H—5893E — lines 9 and 10  
H—5893F — line 11  
H—5893G — lines 12 and 13  
H—5893H — lines 14 and 15  
H—5893I — lines 16 and 17  
H—5893J — lines 18 and 19  
H—5893K — line 20  
H—5893L — lines 21 and 22

H-5893M — lines 23 and 24  
 H-5893N — lines 25 and 26  
 H-5893O — lines 27 through 29  
 H-5893P — line 30  
 H-5893Q — lines 31 and 32  
 H-5893R — lines 33 through 35  
 H-5893S — lines 36 and 37  
 H-5893T — lines 38 and 39  
 H-5893U — lines 40 and 41  
 H-5893V — lines 42 through 44

Arnould of Scott asked and received unanimous consent that House Joint Resolution 13 be deferred and that the resolution retain its place on the calendar.

(Amendment H-5893A pending.)

### RULES SUSPENDED

Arnould of Scott asked and received unanimous consent to suspend the rules and take up out of order Senate Files 2258, 2182 and 2270.

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Peters of Woodbury on request of Fuller of Hardin; Lageschulte of Bremer on request of Pellett of Cass, both for the remainder of the day.

**Senate File 2258**, a bill for an act relating to the destruction and retention of court reporters' notes and certified transcripts in civil and criminal proceedings, 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. 2258)

The ayes were, 90:

Adams	Arnould	Beaman	Beatty
Bennett	Black	Blanshan	Brammer
Branstad	Buhr	Carpenter	Chapman
Cohoon	Connolly	Connors	Corbett
Corey	Daggett	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	Holveck	Hummel
Jay	Jochum	Johnson	Knapp
Koenigs	Kremer	Lundby	Maulsby
May	McKinney	Metcalf	Miller
Muhlbauer	Neuhauser	Norrgard	Ollie
Osterberg	Parker	Paulin	Pavich
Pellett	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	Swearingen	Tabor
Teaford	Tyrrell	Van Camp	Van Maanen
Wise	Mr. Speaker		

The nays were, none.

Absent or not voting, 10:

Bisignano	Clark	Cooper	De Groot
Hanson, D. R.	Lageschulte	McKean	Mullins
Peters	Platt		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**Senate File 2182**, a bill for an act to provide for the payment of costs of improvements in drainage districts by special assessment, with report of committee recommending passage was taken up for consideration.

Fuller of Hardin moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2182)

The ayes were, 90:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Black	Blanshan
Brammer	Branstad	Buhr	Carpenter
Chapman	Cohoon	Connolly	Connors
Corbett	Corey	Daggett	Diemer
Doderer	Dvorsky	Eddie	Fey
Fogarty	Fuller	Garman	Groninga
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Hansen, S. D.	Harbor	Harper	Haverland
Hermann	Hester	Holveck	Hummel
Jay	Jochum	Johnson	Knapp
Koenigs	Kremer	Lundby	Maulsby
May	McKinney	Metcalf	Miller

Muhlbauer	Neuhauser	Norrgard	Ollie
Osterberg	Parker	Paulin	Pavich
Pellett	Petersen, D. F.	Peterson, M. K.	Plasier
Poncy	Renaud	Renken	Rosenberg
Royer	Running	Schneklloth	Schrader
Sherzan	Shoning	Shoultz	Siegrist
Skow	Spear	Stromer	Stueland
Svoboda	Swartz	Swearingen	Tabor
Teaford	Tyrrell	Van Camp	Van Maanen
Wise	Mr. Speaker		

The nays were, none.

Absent or not voting, 10:

Clark	Cooper	De Groot	Hanson, D. R.
Hatch	Lageschulte	McKean	Mullins
Peters	Platt		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**Senate File 2270**, a bill for an act relating to the suspension of the collection of taxes, special assessments, and other assessments by the county board of supervisors, with report of committee recommending passage was taken up for consideration.

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. 2270)

The ayes were, 86:

Adams	Arnould	Beatty	Bennett
Bisignano	Black	Blanshan	Brammer
Branstad	Buhr	Carpenter	Cohoon
Connolly	Connors	Corbett	Corey
Daggett	Diemer	Doderer	Dvorsky
Eddie	Fey	Fogarty	Garman
Groninga	Gruhn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hansen, S. D.	Harbor	Harper
Hatch	Haverland	Hermann	Hester
Holveck	Hummel	Jay	Jochum
Johnson	Knapp	Koenigs	Kremer
Lundby	Maulsby	May	McKinney
Metcalf	Miller	Muhlbauer	Neuhauser
Norrgard	Ollie	Parker	Paulin
Pavich	Pellett	Petersen, D. F.	Peterson, M. K.
Poncy	Renaud	Renken	Rosenberg
Royer	Running	Schneklloth	Schrader
Sherzan	Shoning	Shoultz	Siegrist

Skow	Spear	Stromer	Stueland
Svoboda	Swartz	Swearingen	Tabor
Teaford	Tyrrell	Van Camp	Van Maanen
Wise	Mr. Speaker		

The nays were, none.

Absent or not voting, 14:

Beaman	Chapman	Clark	Cooper
De Groot	Fuller	Hanson, D. R.	Lageschulte
McKean	Mullins	Osterberg	Peters
Plasier	Platt		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

### OBJECTION TO SUSPENSION OF RULE 57

Arnould of Scott asked for unanimous consent to suspend Rule 57, relating to committee notice and agenda, for a meeting of the committee on education today.

Objection was raised.

The House stood at ease at 12:55 p.m., until the fall of the gavel.

The House resumed session at 1:45 p.m., Speaker Avenson in the chair.

### IMMEDIATE MESSAGE

(House File 2457)

Arnould of Scott asked and received unanimous consent that House File 2457 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

**Senate File 2238**, 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.

Fiscal Note is not required.

Recommended Amend and Do Pass with amendment H—5902 March 24, 1988.

**REREFERRED TO COMMITTEE ON  
JUDICIARY AND LAW ENFORCEMENT  
(Senate File 2238)**

Arnould of Scott asked and received unanimous consent that Senate File 2238, recommended amend and do pass by the committee on **judiciary and law enforcement**, be rereferred to the committee on **judiciary and law enforcement**.

Connors of Polk in the chair at 1:54 p.m.

**MOTIONS TO RECONSIDER  
(Senate File 2182)**

I move to reconsider the vote by which Senate File 2182 passed the House on March 25, 1988.

OSTERBERG of Linn

(Senate File 2258)

I move to reconsider the vote by which Senate File 2258 passed the House on March 25, 1988.

OSTERBERG of Linn

**MESSAGES FROM THE SENATE**

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 25, 1988, passed the following bill in which the concurrence of the Senate was asked:

House File 2264, a bill for an act repealing a requirement that the department of corrections prepare a biennial report relating to the management of the community-based corrections programs.

Also: That the Senate has on March 25, 1988, passed the following bill in which the concurrence of the Senate was asked:

House File 2306, a bill for an act relating to regulation of the extraction of coal for commercial purposes from a site of one-half acre or less, and making penalties applicable.

Also: That the Senate has on March 25, 1988, passed the following bill in which the concurrence of the Senate was asked:

House File 2318, a bill for an act providing for the acknowledgment of delivery of certain debt documents.

Also: That the Senate has on March 25, 1988, passed the following bill in which the concurrence of the Senate was asked:



House File 2322, a bill for an act relating to schedule I and schedule III controlled substances.

Also: That the Senate has on March 25, 1988, passed the following bill in which the concurrence of the Senate was asked:

House File 2337, a bill for an act relating to the jurisdiction of the employment appeal board.

Also: That the Senate has on March 25, 1988, passed the following bill in which the concurrence of the Senate was asked:

House File 2355, a bill for an act relating to cooperative associations by providing for their purposes and powers.

Also: That the Senate has on March 25, 1988, passed the following bill in which the concurrence of the House is asked:

Senate File 2315, a bill for an act making an appropriation from the road use tax fund of the state to a certain person in settlement of claims made against the state of Iowa.

Also: That the Senate has on March 25, 1988, passed the following bill in which the concurrence of the House is asked:

Senate File 2321, 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 making coordinating amendments to the Code, and by providing applicability dates.

Also: That the Senate has on March 25, 1988, passed the following bill in which the concurrence of the House is asked:

Senate File 2322, a bill for an act relating to and making appropriations for the compensation and benefits for public officials and employees.

Also: That the Senate has on March 25, 1988, passed the following bill in which the concurrence of the House is asked:

Senate File 2323, 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

## PRESENTATION OF VISITOR

Pellett of Cass presented to the House the Honorable Arlyn Danker, former member of the House representing Pottawattamie County.

## SUBCOMMITTEE ASSIGNMENTS

**Senate Joint Resolution 2006**

Judiciary and Law Enforcement: Rosenberg, Chair; Chapman, Lageschulte, Peterson of Carroll and Siegrist.

**Senate File 2024**

Education: Tabor, Chair; Plasier, Schrader, Siegrist and Wise.

**Senate File 2130**

Energy and Environmental Protection: Rosenberg, Chair; Johnson and Mullins.

**Senate File 2234**

Education: Cohoon, Chair; Adams, Hester, Lageschulte and Spear.

**Senate File 2235**

Education: Haverland, Chair; Daggett and Ollie.

**Senate File 2257**

Judiciary and Law Enforcement: McKinney, Chair; Chapman, Lageschulte, Peterson of Carroll and Siegrist.

**Senate File 2304**

Judiciary and Law Enforcement: McKinney, Chair; Chapman, Lageschulte, Peterson of Carroll 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 AGRICULTURE

**Senate Joint Resolution 2005**, a joint resolution to designate "TAMA SOIL" as the official state soil for the state of Iowa.

Fiscal Note is not required.

Recommended **Do Pass** March 24, 1988.

**Senate File 2051**, a bill for an act relating to the development of soil and water resource conservation plans by soil and water conservation districts and the division of soil conservation of the department of agriculture and land stewardship.

Fiscal Note is not required.

Recommended **Do Pass** March 24, 1988.

**Senate File 2262**, a bill for an act relating to organically produced food by providing for the establishment of standards, enforcement measures, penalties and an effective date.

Fiscal Note is not required.

**Recommended Amend and Do Pass with amendment H—5900** March 24, 1988.

#### COMMITTEE ON ECONOMIC DEVELOPMENT

**Senate File 2092**, a bill for an act establishing a community and rural development loan program and a sewage treatment works financing program to assist communities in financing sewage treatment projects and in financing traditional and new infrastructure and housing for needy and elderly, authorizing the Iowa finance authority to issue bonds and notes for the program, and providing an appropriation from a revolving fund to be used for each program.

Fiscal Note is required.

**Committee Action: Failed to Pass** March 24, 1988.

**Senate File 2303**, a bill for an act relating to the Iowa small business new jobs training Act by providing for repayments to the permanent school fund, establishing a revolving loan account, and providing for departmental approval of certain projects by rule.

Fiscal Note is required.

**Recommended Amend and Do Pass with amendment H—5889** March 24, 1988.

#### COMMITTEE ON EDUCATION

**Senate File 2005**, a bill for an act to prohibit the use of corporal punishment in approved or accredited schools.

Fiscal Note is not required.

**Committee Action: Failed to Pass** March 25, 1988.

**Senate File 2190**, a bill for an act to create an advancement and recruitment program to encourage administrative advancement of women and minorities and recruitment of minorities by school corporations.

Fiscal Note is not required.

**Recommended Do Pass** March 24, 1988.

**Senate File 2192**, a bill for an act to establish a child development coordinating council for the promotion of child development services to certain at-risk children and to prescribe its duties.

Fiscal Note is not required.

**Recommended Amend and Do Pass with amendment H—5916** March 24, 1988.

**Senate File 2193**, a bill for an act relating to requirements for approved teacher education programs.

Fiscal Note is not required.

**Recommended Amend and Do Pass with amendment H—5915** March 25, 1988.

**Senate File 2234**, a bill for an act relating to the starting date and the calendar for schools.

Fiscal Note is not required.

**Recommended Amend and Do Pass with amendment H—5910** March 25, 1988.

**Senate File 2235**, a bill for an act relating to student exercise of free expression in the public schools.

Fiscal Note is not required.

**Committee Action: Failed to Pass** March 25, 1988.

**Senate File 2278**, a bill for an act relating to implementation of educational standards adopted by the state board of education, including delaying the effective date and providing for additional study of certain standards.

Fiscal Note is not required.

**Recommended Do Pass** March 24, 1988.

**Senate File 2295**, a bill for an act relating to the development of programs for the identification, educational methods, and staff qualifications for at-risk children.

Fiscal Note is not required.

**Recommended Amend and Do Pass with amendment H—5913** March 24, 1988.

**Senate File 2296**, a bill for an act requiring the area education agencies to utilize private health care benefit plans and federally funded health care programs to share in the costs of services provided to certain children requiring special education.

Fiscal Note is not required.

**Recommended Amend and Do Pass with amendment H—5912** March 24, 1988.

#### COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT

**Senate File 4**, a bill for an act relating to the offense of prostitution and providing penalties.

Fiscal Note is not required.

**Recommended Amend and Do Pass with amendment H—5901** March 24, 1988.

**Senate File 2062**, a bill for an act relating to the appointment and compensation of acting county attorneys.

Fiscal Note is not required.

**Recommended Do Pass** March 24, 1988.

**Senate File 2075**, a bill for an act relating to child abuse by providing for examination of a child, by providing for filing complaints of alleged child sexual abuse, by requiring departmental coordination in cases of child abuse, and by expanding the definition of indecent contact with a child.

Fiscal Note is required.

**Recommended Amend and Do Pass with amendment H—5898 March 24, 1988.**

**Senate File 2091**, a bill for an act relating to the offense of disorderly conduct and making a penalty applicable.

Fiscal Note is not required.

**Recommended Do Pass March 24, 1988.**

**Senate File 2142**, a bill for an act relating to recording, without fee, an acknowledgment of a mortgage foreclosure decree.

Fiscal Note is not required.

**Recommended Do Pass March 24, 1988.**

**Senate File 2186**, a bill for an act relating to the modification of dissolution and parentage decrees.

Fiscal Note is not required.

**Committee Action: Failed to Pass March 24, 1988.**

**Senate File 2281**, a bill for an act relating to service of notice on a judgment debtor in garnishment proceedings.

Fiscal Note is not required.

**Recommended Do Pass March 24, 1988.**

**Senate File 2304**, a bill for an act relating to the administration of legal representation of indigent persons in criminal cases by local public defenders, and the state public defender's office, and providing an effective date.

Fiscal Note is required.

**Recommended Do Pass March 24, 1988.**

**Senate File 2306**, a bill for an act repealing a right to review by a juvenile court judge of a juvenile court referee's decision.

Fiscal Note is not required.

**Recommended Amend and Do Pass with amendment H—5897 March 24, 1988.**

**Senate File 2307**, a bill for an act relating to evidence for identification of certain criminals, providing for a study by the department of public safety, and providing an effective date.

Fiscal Note is not required.

**Recommended Amend and Do Pass with amendment H—5899 March 24, 1988.**

#### COMMITTEE ON LABOR AND INDUSTRIAL RELATIONS

**Senate File 2318**, a bill for an act relating to the registration of construction contractors; providing for administration and enforcement of a system of registration by the labor commissioner; providing for administrative penalties; providing an effective date; and providing other properly related matters.

Fiscal Note is not required.

Recommended **Do Pass** March 25, 1988.

**Senate Concurrent Resolution 123**, a concurrent resolution relating to the establishing of a Committee on licensure or certification of construction contractors.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H—5904 and Laid over under Rule 25** March 25, 1988.

#### COMMITTEE ON STATE GOVERNMENT

**Senate File 2019**, a bill for an act relating to the credentialing and regulation of respiratory care practitioners.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H—5907** March 24, 1988.

**Senate File 2172**, a bill for an act relating to an appeal regarding the purchase of Iowa state industry products.

Fiscal Note is not required.

Recommended **Do Pass** March 24, 1988.

**Senate File 2202**, a bill for an act relating to the licensing of private investigators and private security officers, providing for the issuance of temporary permits to certain persons pursuant to reciprocal agreement, making penalties applicable, and providing other properly related matters.

Fiscal Note is not required.

Recommended **Do Pass** March 24, 1988.

**Senate File 2216**, a bill for an act providing that the state fair board may make an agreement with the department of public safety to provide security during the annual fair and exposition and interim events.

Fiscal Note is not required.

Recommended **Do Pass** March 24, 1988.

**Senate File 2232**, a bill for an act relating to elections and election procedures and providing an effective date.

Fiscal Note is not required.

Recommended **Do Pass** March 24, 1988.

**Senate File 2291**, a bill for an act to provide that certain appropriations for retirement allowances be paid from the Iowa public employees' retirement fund rather than from the general fund of the state retroactive to July 1, 1987.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H—5908** March 24, 1988.

## COMMITTEE ON TRANSPORTATION

**Senate File 2017**, a bill for an act relating to handicapped parking and the use, issuance, and display of handicapped identification devices, stickers, signs, and plates, providing a penalty and making penalties applicable; and providing an effective date.

Fiscal Note is not required.

Recommended Amend and Do Pass with amendment H—5906 March 25, 1988.

## AMENDMENTS FILED

H—5889	S.F.	2303	Committee on Economic Development
H—5890	H.J.R.	13	Tabor of Jackson
H—5891	S.F.	2314	Swartz of Marshall
H—5892	S.F.	2146	Koenigs of Mitchell
H—5894	S.F.	2146	Neuhauser of Johnson
H—5895	S.F.	2311	Harbor of Mills Hummel of Benton Van Maanen of Mahaska
H—5897	S.F.	2306	Committee on Judiciary and Law Enforcement
H—5898	S.F.	2075	Committee on Judiciary and Law Enforcement
H—5899	S.F.	2307	Committee on Judiciary and Law Enforcement
H—5900	S.F.	2262	Committee on Agriculture
H—5901	S.F.	4	Committee on Judiciary and Law Enforcement
H—5902	S.F.	2238	Committee on Judiciary and Law Enforcement
H—5903	S.F.	2157	Hammond of Story Peters of Woodbury
H—5904	S.C.R.	123	Committee on Labor and Industrial Relations
H—5905	H.J.R.	13	Peterson of Carroll Spear of Lee
H—5906	S.F.	2017	Committee on Transportation
H—5907	S.F.	2019	Committee on State Government
H—5908	S.F.	2291	Committee on State Government
H—5909	S.F.	2225	Fey of Scott Haverland of Polk

H—5910	S.F.	2234	Committee on Education
H—5911	S.F.	2307	Tyrrell of Iowa
H—5912	S.F.	2296	Committee on Education
H—5913	S.F.	2295	Committee on Education
H—5914	S.F.	2311	Halvorson of Clayton
			Chapman of Linn
			Swartz of Marshall
			Van Maanen of Mahaska
H—5915	S.F.	2193	Committee on Education
H—5916	S.F.	2192	Committee on Education
H—5917	H.J.R.	13	Ollie of Clinton

On motion by Arnould of Scott, the House adjourned at 2:00 p.m., until 10:00 a.m., Monday, March 28, 1988.



# JOURNAL OF THE HOUSE

Seventy-eighth Calendar Day — Fifty-second Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Monday, March 28, 1988

The House met pursuant to adjournment, Speaker Avenson in the chair.

Prayer was offered by the Honorable Mary Lundby, state representative from Linn County.

The Journal of Friday, March 25, 1988 was approved.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Eddie of Buena Vista, for March 28 and 29, 1988, on request of Stueland of Clinton; Brammer of Linn on request of Svoboda of Tama; Hammond of Story on request of Neuhauser of Johnson, both until their arrival; Hatch of Polk on request of Schrader of Marion; Teafor of Black Hawk, until her arrival, on request of Harper of Black Hawk; Hanson of Delaware and Renken of Grundy, until their arrival, on request of Metcalf of Polk.

## SENATE MESSAGES CONSIDERED

**Senate File 2315**, by committee on appropriations, a bill for an act making an appropriation from the road use tax fund of the state to a certain person in settlement of claims made against the state of Iowa.

Read first time and referred to committee on **appropriations**.

**Senate File 2321**, 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 making coordinating amendments to the Code, and by providing applicability dates.

Read first time and referred to committee on **appropriations**.

**Senate File 2322**, by committee on appropriations, a bill for an act relating to and making appropriations for the compensation and benefits for public officials and employees.

Read first time and referred to committee on **appropriations**.

**Senate File 2323**, by committee on appropriations, a bill for an act appropriating federal funds made available from federal block grants, allocating portions of federal block grants, and providing procedures

if federal funds are more or less than anticipated or if federal block grants are more or less than anticipated or if categorical grants are consolidated into new or existing block grants.

Read first time and referred to committee on **appropriations**.

## CONSIDERATION OF BILLS

### Regular Calendar

**Senate File 2225**, a bill for an act relating to the establishment of a family development and self-sufficiency council and the council's duties, with report of committee recommending amendment and passage was taken up for consideration.

Haverland of Polk offered the following amendment H—5699 filed by the committee on human resources and moved its adoption:

H—5699

- 1 Amend Senate File 2225 as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, by striking lines 25 and 26 and
- 4 inserting the following:
- 5 "9. The head of the department of home economics
- 6 at the University of Northern Iowa or that person's
- 7 designee."

The committee amendment H—5699 was adopted.

Haverland of Polk offered the following amendment H—5909 filed by Fey of Scott and him and moved its adoption:

H—5909

- 1 Amend Senate File 2225 as amended, passed, and
- 2 reprinted by the Senate as follows:
- 3 1. Page 1, line 22, by striking the words "A
- 4 recipient or former recipient" and inserting the
- 5 following: "Two recipients or former recipients".

Amendment H—5909 was adopted.

Swartz of Marshall asked and received unanimous consent to withdraw amendment H—5879 filed by him on March 24, 1988.

Van Maanen of Mahaska rose on a point of order and invoked Joint Rule 17, to require a fiscal note, on Senate File 2225.

The Speaker ruled the point not well taken and Joint Rule 17 not in order.

Haverland of Polk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

### On the question "Shall the bill pass?" (S.F. 2225)

The ayes were, 86:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Black	Blanshan
Branstad	Buhr	Chapman	Clark
Cohoon	Connolly	Connors	Cooper
Corbett	Daggett	De Groot	Diemer
Doderer	Dvorsky	Fey	Fogarty
Fuller	Garman	Groninga	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Harbor
Harper	Haverland	Hermann	Hester
Holveck	Hummel	Jochum	Johnson
Knapp	Kremer	Lageschulte	Lundby
Maulsby	May	McKean	McKinney
Muhlbauer	Mullins	Neuhauser	Norrsgard
Ollie	Osterberg	Parker	Paulin
Pavich	Peters	Petersen, D. F.	Peterson, M. K.
Plasier	Platt	Poncy	Renaud
Rosenberg	Running	Schneklath	Schrader
Sherzan	Shoning	Shoultz	Siegrist
Skow	Spear	Stromer	Stueland
Svoboda	Swartz	Swearingen	Tabor
Teaford	Tyrrell	Van Camp	Van Maanen
Wise	Mr. Speaker		

The nays were, 6:

Carpenter	Corey	Gruhn	Metcalfe
Pellett	Royer		

Absent or not voting, 8:

Brammer	Eddie	Hanson, D. R.	Hatch
Jay	Koenigs	Miller	Renken

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

### RULES SUSPENDED

Arnould of Scott asked and received unanimous consent to suspend the rules and take up out of order Senate Files 2159 and 2164.

### RULE 34 SUSPENDED

#### Addition to Daily Debate Calendar

Arnould of Scott asked and received unanimous consent to suspend the rules and add Senate File 2311 (inadvertently omitted) to the Tuesday, March 29, 1988 Daily Debate Calendar.

**Senate File 2159**, a bill for an act relating to the provision of hospice care within health care facilities by Medicare certified hospice programs, with report of committee recommending passage was taken up for consideration.

Harper of Black Hawk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2159)

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	Dvorsky
Fey	Fogarty	Fuller	Garman
Groninga	Gruhn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hansen, S. D.	Harbor	Harper
Haverland	Hermann	Hester	Holveck
Hummel	Jochum	Johnson	Knapp
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	Rosenberg
Royer	Running	Schneklath	Schrader
Sherzan	Shoning	Shoultz	Siegrist
Skow	Spear	Stromer	Stueland
Svoboda	Swartz	Swearingen	Tabor
Teaford	Tyrrell	Van Camp	Van Maanen
Wise	Mr. Speaker		

The nays were, none.

Absent or not voting, 6:

Brammer	Eddie	Hanson, D. R.	Hatch
Jay	Renken		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**Senate File 2164**, a bill for an act relating to the composition of the Iowa economic development board, with report of committee recommending amendment and passage was taken up for consideration.

Groninga of Cerro Gordo offered amendment H—5270 filed by the committee on economic development. Division was requested as follows:

H—5270

1 Amend Senate File 2164 as passed by the Senate as  
2 follows:

H—5270A

3 1. Page 1, line 23, by striking the word "five"  
4 and inserting the following: "five six".

H—5270B

5 2. Page 2, by inserting after line 6 the  
6 following:  
7 "Sec. \_\_\_\_\_. Section 99E.31, subsection 2, paragraph  
8 c, Code Supplement 1987, is amended to read as  
9 follows:

10 c. The department has the sole authority to  
11 approve applications for funds from the account but  
12 shall not provide approve more than one million  
13 dollars for any project, unless at least two-thirds of  
14 the members of the economic development board vote for  
15 providing more. However, after the first ten million  
16 dollars in the community economic betterment account  
17 have been provided to political subdivisions, the  
18 amount that may be provided approved by the department  
19 for a project from additional moneys credited to that  
20 account is not subject to the one million dollar  
21 limitation."

22 3. Title page, line 1, by inserting after the  
23 word "composition" the following: "and duties, in  
24 regard to the Iowa plan fund,".

On motion by Groninga of Cerro Gordo, the committee amendment H—5270A was adopted.

Bennett of Ida rose on a point of order that the committee amendment H—5270B was not germane.

The Speaker ruled the point well taken and the committee amendment H—5270B not germane.

Spear of Lee offered the following amendment H—5761 filed by him and moved its adoption:

H—5761

1 Amend Senate File 2164, as passed by the Senate, as  
2 follows:

3 1. Page 1, line 25, by inserting after the word  
4 "agriculture" the following: "or the secretary's  
5 designee".

Amendment H—5761 lost.

Connolly of Dubuque in the chair at 11:09 a.m.

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. 2164)

The ayes were, 65:

Adams	Arnould	Avenson	Beaman
Beatty	Bennett	Bisignano	Black
Branstad	Buhr	Carpenter	Chapman
Cohoon	Connors	Cooper	Daggett
Diemer	Dvorsky	Fey	Fogarty
Fuller	Groninga	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hansen, S. D.	Harper	Haverland
Hermann	Holveck	Jochum	Johnson
Knapp	Koenigs	Lageschulte	Lundby
May	McKinney	Muhlbauer	Norrsgard
Ollie	Osterberg	Parker	Paulin
Pavich	Peters	Petersen, D. F.	Peterson, M. K.
Poncy	Renaud	Running	Schrader
Shoning	Shoultz	Siegrist	Skow
Spear	Stueland	Svoboda	Swartz
Tabor	Teaford	Van Camp	Wise
Mr. Speaker			
(Connolly)			

The nays were, 25:

Clark	Corbett	Corey	De Groot
Doderer	Garman	Hammond	Harbor
Hester	Hummel	Maulsby	McKean
Metcalf	Miller	Mullins	Neuhauser
Pellett	Plasier	Platt	Rosenberg
Royer	Schnekloth	Swearingen	Tyrrell
Van Maanen			

Absent or not voting, 10:

Blanshan	Brammer	Eddie	Hanson, D. R.
Hatch	Jay	Kremer	Renken
Sherzan	Stromer		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

# MOTION TO RECONSIDER WITHDRAWN (Senate File 2258)

Osterberg of Linn asked and received unanimous consent to withdraw the motion to reconsider Senate File 2258, a bill for an act relating to the destruction and retention of court reporters' notes and

certified transcripts in civil and criminal proceedings, filed by him on March 25, 1988.

### RULES SUSPENDED

Arnould of Scott asked and received unanimous consent to suspend the rules and take up out of order Senate File 2070.

**Senate File 2070**, a bill for an act relating to the application of certain transportation safety regulations, with report of committee recommending amendment and passage was taken up for consideration.

Muhlbauer of Crawford offered amendment H—5191 filed by the committee on transportation and requested division as follows:

H—5191

- 1 Amend Senate File 2070 as amended, passed, and
- 2 reprinted by the Senate as follows:

H—5191A

- 3 1. Page 1, by inserting before line 1 the
- 4 following:
- 5 "Sec. \_\_\_\_\_. Section 321.1, subsection 16, Code
- 6 Supplement 1987, is amended by adding the following
- 7 new lettered paragraph, immediately following paragraph
- 8 d:

9 NEW LETTERED PARAGRAPH. e. (1) Portable tanks,

10 nurse tanks, trailers, and bulk spreaders which are

11 not self-propelled and which have gross weights of not

12 more than twelve tons and are used for the

13 transportation of fertilizer and chemicals used for

14 farm crop production.

15 (2) Other types of equipment than those listed in

16 subparagraph (1) which are used primarily for the

17 application of fertilizers and chemicals in farm

18 fields or for farm storage."

H—5191B

- 19 2. Page 1, by striking lines 14 through 27 and
- 20 inserting the following: "by adding the following new
- 21 unnumbered paragraph:
- 22 NEW UNNUMBERED PARAGRAPH. Notwithstanding other
- 23 provisions of this section, an individual who is
- 24 employed as a driver of a commercial vehicle engaged
- 25 in intrastate commerce, whose physical or medical
- 26 qualifications may endanger the individual's
- 27 employment status, may apply for a medical waiver. A
- 28 driver license examiner may grant a medical waiver, on
- 29 an individual basis, for drivers with physical

H-5191B

30 restrictions. Medical restrictions shall be reviewed  
31 on an individual basis by the department's medical  
32 advisory board."

H-5191A

33 3. Page 2, by striking lines 2 through 7 and  
34 inserting the following: "However, rules adopted  
35 under this section concerning tank specifications  
36 shall not apply to cargo tank motor vehicles with a  
37 capacity of four thousand gallons or less used to  
38 transport gasoline in intrastate commerce, which were  
39 manufactured between 1950 and 1979 and are in  
40 compliance with the American society of mechanical  
41 engineers specifications in effect at the time of  
42 manufacture."

43 4. Renumber sections as necessary.

Muhlbauer of Crawford offered the following amendment  
H-5650, to the committee amendment H-5191A filed by him and  
moved its adoption:

H-5650

1 Amend the Committee amendment, H-5191, to Senate  
2 File 2070 as amended, passed, and reprinted by the  
3 Senate as follows:

4 1. Page 1, by striking line 18 and inserting the  
5 following: "fields or for farm storage.

6 Sec. \_\_\_\_\_. Section 321.1, subsection 17, Code  
7 Supplement 1987, is amended to read as follows:

8 17. "Special mobile equipment" means every vehicle  
9 not designed or used primarily for the transportation  
10 of persons or property and incidentally operated or  
11 moved over the highways, including trailers and bulk  
12 spreaders which are not self-propelled having a gross  
13 weight of not more than twelve tons used for the  
14 transportation of fertilizers and chemicals used for  
15 farm crop production, and other equipment used  
16 primarily for the application of fertilizers and  
17 chemicals in farm fields or for farm storage, but not  
18 including trucks mounted with applicators of such  
19 products, road construction or maintenance machinery  
20 and ditch-digging apparatus. The foregoing  
21 enumeration shall be deemed partial and shall This  
22 description does not operate to exclude other such  
23 vehicles which are within the general terms of this  
24 subsection; provided that nothing contained in.  
25 However, this section shall be construed to does not  
26 include portable mills or cornshellers mounted upon a  
27 motor vehicle or semitrailer."



Amendment H—5650 was adopted.

On motion by Muhlbauer of Crawford, the committee amendment H—5191A, as amended, was adopted.

Muhlbauer of Crawford asked and received unanimous consent to defer action on the committee amendment H—5191B.

Muhlbauer of Crawford moved to reconsider the vote by which the committee amendment H—5191A, as amended, was adopted.

The motion prevailed and the House reconsidered the committee amendment H—5191A, as amended.

Muhlbauer of Crawford asked and received unanimous consent to withdraw amendment H—5227, to the committee amendment H—5191A, filed by him on March 2, 1988.

On motion by Muhlbauer of Crawford, the committee amendment H—5191A, as amended, was adopted.

Skow of Guthrie offered the following amendment H—5655 filed by Skow, et al., and moved its adoption:

H—5655

1 Amend Senate File 2070, as amended, passed, and  
2 reprinted by the Senate, as follows:

3 1. Page 1, by inserting before line 28 the  
4 following:

5 "Sec. \_\_\_\_\_. Section 321.449, Code Supplement 1987,  
6 is amended by adding the following new unnumbered  
7 paragraph:

8 NEW UNNUMBERED PARAGRAPH. Notwithstanding other  
9 provisions of this section, rules adopted under this  
10 section concerning physical and medical qualifications  
11 for a driver shall not apply to a farmer or a farmer's  
12 hired help when operating a vehicle owned by the  
13 farmer while it is being used in connection with the  
14 intrastate transportation of agricultural commodities  
15 or feed."

16 2. Page 1, by inserting before line 28 the  
17 following:

18 "Sec. \_\_\_\_\_. Section 321.449, Code Supplement 1987,  
19 is amended by adding the following new unnumbered  
20 paragraph:

21 NEW UNNUMBERED PARAGRAPH. Notwithstanding other  
22 provisions of this section, rules adopted under this  
23 section concerning physical and medical qualifications  
24 for a driver shall not apply to a farmer or a farmer's  
25 hired help when operating a vehicle owned by the  
26 farmer while it is being used in connection with the

- 27 intrastate transportation of fertilizers and chemicals  
28 used in the farmer's crop production."

Amendment H—5655 was adopted.

Skow of Guthrie offered the following amendment H—5656 filed by Skow, et al.:

H—5656

- 1 Amend Senate File 2070 as amended, passed, and  
2 reprinted by the Senate as follows:  
3 1. Page 1, by inserting before line 28 the  
4 following:  
5 "Sec. \_\_\_\_\_. Section 321.449, Code Supplement 1987,  
6 is amended by adding the following new unnumbered  
7 paragraph:  
8 NEW UNNUMBERED PARAGRAPH. Notwithstanding other  
9 provisions of this section, rules adopted under this  
10 section concerning physical and medical qualifications  
11 for a driver of a commercial vehicle shall not apply  
12 to a truck driver engaged exclusively in intrastate  
13 commerce when the driver's truck is not operated more  
14 than one hundred miles from the truck driver's place  
15 of business."

Muhlbauer of Crawford offered the following amendment H—5764, to amendment H—5656, filed by him and Skow of Guthrie:

H—5764

- 1 Amend the Skow et al. amendment, H—5656, to Senate  
2 File 2070, as amended, passed, and reprinted by the  
3 Senate, as follows:  
4 1. Page 1, line 10, by striking the words  
5 "concerning physical and medical qualifications".

Doderer of Johnson asked for unanimous consent to defer action on Senate File 2070.

Objection was raised.

Doderer of Johnson moved to defer action on Senate File 2070.

A non-record roll call was requested.

The ayes were 33, nays 43.

The motion to defer lost.

Muhlbauer of Crawford moved the adoption of amendment H—5764, to amendment H—5656.

Roll call was requested by Skow of Guthrie and Doderer of Johnson.

On the question "Shall amendment H—5764, to amendment H—5656, be adopted?" (S.F. 2070)

The ayes were, 68:

Avenson	Beaman	Beatty	Bennett
Black	Branstad	Clark	Cooper
Corbett	Corey	Daggett	De Groot
Diemer	Fey	Fogarty	Fuller
Garman	Groninga	Gruhn	Halvorson, R. A.
Hansen, S. D.	Harbor	Haverland	Hermann
Hester	Hummel	Jay	Jochum
Johnson	Knapp	Koenigs	Kremer
Lageschulte	Lundby	Maulsby	McKean
McKinney	Muhlbauer	Mullins	Norrgard
Ollie	Osterberg	Parker	Paulin
Pavich	Pellett	Petersen, D. F.	Peterson, M. K.
Renaud	Royer	Running	Schnekloth
Schrader	Shoning	Shoultz	Siegrist
Skow	Spear	Stueland	Svoboda
Swartz	Swearingen	Tabor	Tyrrell
Van Camp	Van Maanen	Wise	Mr. Speaker (Connolly)

The nays were, 21:

Adams	Arnould	Bisignano	Buhr
Carpenter	Chapman	Cohoon	Connors
Doderer	Dvorsky	Halvorson, R. N.	Hammond
Harper	Holveck	Metcalf	Miller
Neuhauser	Platt	Poney	Rosenberg
Teaford			

Absent or not voting, 11:

Blanshan	Brammer	Eddie	Hanson, D. R.
Hatch	May	Peters	Plasier
Renken	Sherzan	Stromer	

Amendment H—5764 was adopted.

On motion by Skow of Guthrie, amendment H—5656, as amended, was adopted.

The House resumed consideration of the committee amendment H—5191B.

Muhlbauer of Crawford asked and received unanimous consent to withdraw the committee amendment H—5191B.

Speaker Avenson in the chair at 12:05 p.m.

Muhlbauer of Crawford moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2070)

The ayes were, 79:

Adams	Arnould	Beaman	Beatty
Bennett	Black	Blanshan	Branstad
Clark	Connolly	Cooper	Corbett
Corey	Daggett	De Groot	Dvorsky
Fey	Fogarty	Fuller	Garman
Groninga	Gruhn	Halvorson, R. A.	Hansen, S. D.
Hanson, D. R.	Harbor	Haverland	Hermann
Hester	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	Petersen, D. F.	Peterson, M. K.
Plasier	Platt	Renaud	Royer
Running	Schneklath	Schrader	Sherzan
Shoning	Siegrist	Skow	Spear
Stromer	Stueland	Svoboda	Swartz
Swearingen	Tabor	Tyrrell	Van Camp
Van Maanen	Wise	Mr. Speaker	

The nays were, 16:

Bisignano	Buhr	Carpenter	Chapman
Cohoon	Connors	Diemer	Doderer
Halvorson, R. N.	Hammond	Harper	Holveck
Poncy	Rosenberg	Shoultz	Teaford

Absent or not voting, 5:

Brammer	Eddie	Hatch	Peters
Renken			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

On motion by Arnould of Scott, the House was recessed at 12:13 p.m., until 1:15 p.m.

## AFTERNOON SESSION

The House reconvened, Speaker Avenson in the chair.

## CONSIDERATION OF BILLS

### Regular Calendar

**Senate File 323**, a bill for an act to provide a procedure for par-

ents 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, with report of committee recommending amendment and passage was taken up for consideration.

Ollie of Clinton offered the following amendment H—5832 filed by the committee on education:

H—5832

- 1 Amend Senate File 323, 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. 282.19 OPEN ENROLLMENT.
- 6 It is the intent of the general assembly to allow a
- 7 pupil with special and exceptional needs to enroll in
- 8 a district contiguous to the pupil's resident district
- 9 if the contiguous district offers coursework or
- 10 programs, not already available to the pupil, that
- 11 would meet the needs of the pupil.
- 12 1. Except as provided in subsection 2, for the
- 13 school year commencing July 1, 1990, and each
- 14 succeeding school year, a parent or guardian residing
- 15 in a school district may be allowed to enroll the
- 16 parent's or guardian's child or ward in a public
- 17 school in a contiguous school district as provided in
- 18 this section.
- 19 Not later than November 1 of the preceding school
- 20 year, the parent or guardian shall notify the district
- 21 of residence and the department of education that the
- 22 parent or guardian intends to enroll the parent's or
- 23 guardian's child or ward in a contiguous school
- 24 district. Notice shall be made in the form and manner
- 25 prescribed by the department of education and shall
- 26 contain a description of the substantial educational
- 27 opportunities necessary and available for the child in
- 28 the receiving district that are not available in the
- 29 district of residence. The state board of education
- 30 shall adopt rules under chapter 17A by January 1,
- 31 1990, that define substantial educational opportunity.
- 32 The definition shall include, but not be limited to,
- 33 whether the contiguous district offers coursework or
- 34 programs not available in the district of residence.
- 35 A request under this section is for a period of not
- 36 less than four years, unless the pupil will graduate
- 37 within the four-year period.
- 38 The board of directors of the district of residence

39 shall approve or disapprove the request within thirty  
40 days of receipt of the parent's and guardian's notice.  
41 The parent or guardian may appeal the decision of the  
42 board under chapter 290. If the parent or guardian  
43 appeals to the state board of education, the parent or  
44 guardian must prove by substantial evidence to the  
45 state board that the conditions listed in the request  
46 exist and the denial of the request of the parent or  
47 guardian was an abuse of discretion by the board of  
48 the district of residence.  
49 Following approval of the transfer, the board of  
50 the district of residence shall transmit a copy of the

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1 form to the contiguous school district. The board of  
2 the contiguous school district shall enroll the pupil  
3 in a school in the contiguous district for the  
4 following school year, unless the contiguous school  
5 district does not have classroom space for the pupil  
6 or enrolling the pupil in the contiguous district will  
7 adversely affect the minority enrollment in the  
8 resident or contiguous school district because of  
9 voluntary or court ordered desegregation. The child  
10 shall, however, be included in the basic enrollment of  
11 the district of residence for purposes of section  
12 442.4.

13 The board of directors of the district of residence  
14 shall pay to the receiving school district an amount  
15 which is equal to the lesser of the state aid received  
16 as part of the resident district's cost per pupil or  
17 the state aid received as part of the receiving  
18 district's cost per pupil. The state aid amount shall  
19 include moneys received under sections 294A.9 and  
20 294A.14. If the amount paid to the receiving school  
21 district is not equal to that district's cost per  
22 pupil, the receiving district has the option of either  
23 accepting the amount paid by the district of  
24 residence, or billing the parent or guardian for the  
25 difference between the district cost per pupil and the  
26 amount received from the district of residence. The  
27 district of residence may reimburse the parent for any  
28 difference paid to the receiving district. Quarterly  
29 payment shall be made to the receiving district.  
30 Notwithstanding section 285.1 relating to  
31 transportation of nonresident pupils, the parent or  
32 guardian is responsible for transporting the pupil  
33 without reimbursement to and from a point on a regular  
34 school bus route of the receiving district. A parent  
35 or guardian who chooses to reenroll the child in the  
36 district of residence, or to enroll the child in  
37 another school district, during the four-year period

38 covered by the request, shall pay the maximum tuition  
39 fee to the enrolling district pursuant to section  
40 282.24.

41 A student who attends school in a contiguous school  
42 district is not eligible to participate in  
43 interscholastic athletic contests and athletic  
44 competitions during the first year of enrollment under  
45 this section except for an interscholastic sport in  
46 which the district of residence and the contiguous  
47 school district jointly participate.

48 2. This section does not apply if the contiguous  
49 district, in which the parent or guardian wishes to  
50 enroll their child, is a party to a sharing agreement,

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1 which covers the request, with the district of  
2 residence under sections 282.7 through 282.12. If a  
3 resident or receiving district is participating in a  
4 reorganization study under chapter 275, subsection 1  
5 shall not be available to a parent or guardian until  
6 the study is completed.

7 Sec. 2. Section 280.16, Code 1987, is repealed  
8 effective July 1, 1990.

9 Sec. 3. By January 1, 1989, the department of  
10 education shall adopt rules to implement chapter 261C  
11 including, but not limited to, defining the term  
12 "academic". For purposes of this section, "academic"  
13 shall be defined narrowly to provide opportunities for  
14 an enriched curriculum characterized by rigor and  
15 extending beyond ordinary high school offerings."

16 2. Title page, by striking lines 3 through 5 and  
17 inserting the following: "districts and providing for  
18 the implementation of administrative rules and an  
19 effective date."

Ollie of Clinton offered the following amendment H—5925, to the  
committee amendment H—5832, filed by him from the floor and moved  
its adoption:

**H—5925**

1 Amend the amendment, H—5832, to Senate File 323, as  
2 amended, passed, and reprinted by the Senate, as  
3 follows:

4 1. Page 2, line 15, by striking the word  
5 "received" and inserting the following: "portion".

6 2. Page 2, line 16, by striking the words "as  
7 part".

8 3. Page 2, line 17, by striking the words  
9 "received as part".

10 4. Page 2, line 18, by striking the word "The"  
11 and inserting the following: "For the purpose of this

12 section, "state aid portion of a district's cost per  
13 pupil" is the state foundation aid for the budget year  
14 received by the district under section 442.26 for  
15 regular program costs divided by the district's basic  
16 enrollment for the budget year. In addition, the".

Amendment H—5925 was adopted.

Ollie of Clinton offered the following amendment H—5936, to the committee amendment H—5832, filed from the floor by him and Daggett of Adams and moved its adoption:

H—5936

- 1 Amend the amendment, H—5832, to Senate File 323, as
- 2 amended, passed, and reprinted by the Senate as
- 3 follows:
- 4 1. Page 1, line 19, by inserting after the word
- 5 and figure "November 1" the following: ", 1989, or
- 6 not later than November 1".
- 7 2. Page 1, line 29, by inserting after the word
- 8 "residence" the following: "and a statement that the
- 9 child intends to take advantage of the opportunity
- 10 before graduation".
- 11 3. Page 1, line 31, by striking the figure "1990"
- 12 and inserting the following: "1989".

Amendment H—5936 was adopted.

Spear of Lee offered the following amendment H—5874, to the committee amendment H—5832, filed by him and moved its adoption:

H—5874

- 1 Amend the amendment, H—5832, to Senate File 323, as
- 2 amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 2, line 40, by inserting after the figure
- 5 "282.24." the following: "However, the tuition fee
- 6 requirement does not apply if a child is enrolled in
- 7 another school district, during the four-year period
- 8 covered by the request, because of a change in the
- 9 child's place of residence."

Amendment H—5874 was adopted.

Spear of Lee offered the following amendment H—5866, to the committee amendment H—5832, filed by him and moved its adoption:

H—5866

- 1 Amend the amendment, H—5832, to Senate File 323, as
- 2 amended, passed, and reprinted by the Senate, as
- 3 follows:



- 4 1. Page 3, line 14, by striking the words  
5 "characterized by rigor and".

Amendment H—5866 was adopted.

Arnould of Scott asked and received unanimous consent that Senate File 323 be deferred and that the bill retain its place on the calendar.

(The committee amendment H—5832, as amended, pending.)

### RULES SUSPENDED

Arnould of Scott asked and received unanimous consent to suspend the rules and take up out of order Senate File 2167.

**Senate File 2167**, a bill for an act relating to the definition and regulation of tip-up fishing devices, and providing a penalty, with report of committee recommending passage was taken up for consideration.

Platt of Muscatine moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2167)

The ayes were, 97:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Black	Blanshan
Brammer	Branstad	Buhr	Carpenter
Chapman	Clark	Cphoon	Connolly
Connors	Cooper	Corbett	Corey
Daggett	De Groot	Diemer	Dvorsky
Fey	Fogarty	Fuller	Garman
Groninga	Gruhn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. R.	Harbor
Harper	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	Schneklloth	Schrader	Sherzan
Shoning	Shoultz	Siegrist	Skow
Spear	Stromer	Stueland	Svoboda
Swartz	Swearingen	Tabor	Teaford
Tyrrell	Van Camp	Van Maanen	Wise
Mr. Speaker			

The nays were, 1:

Doderer

Absent or not voting, 2:

Eddie

Hatch

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 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, and the committee amendment H—5832, as amended, (found on pages 1100 through 1102 of the House Journal), previously deferred.

Tyrrell of Iowa offered amendment H—5948, to the committee amendment H—5832, filed by him from the floor. Division was requested as follows:

H—5948

- 1 Amend the amendment H—5832 to Senate File 323 as
- 2 amended, passed, and reprinted by the Senate as
- 3 follows:

H—5948A

- 4 1. Page 2, line 26, by inserting after the word
- 5 "residence" the following: "; however, if more than
- 6 one student enrolls, the amount of difference billed
- 7 shall be the same for each parent".

H—5948B

- 8 2. Page 2, line 44, by striking the word "year"
- 9 and inserting the following: "two years".

The following amendment H—5952, to amendment H—5948A, to the committee amendment H—5832, filed by Tyrrell of Iowa from the floor, was adopted by unanimous consent:

H—5952

- 1 Amend amendment H—5948 to Senate File 323 as
- 2 amended, passed, and reprinted by the Senate as
- 3 follows:
- 4 1. Page 1, line 7, by striking the work
- 5 "parent" and inserting the word "student".

On motion by Tyrrell of Iowa amendment H—5948A (to the committee amendment H—5832), as amended, lost.

On motion by Tyrrell of Iowa amendment H—5948B (to the committee amendment H—5832) lost.

On motion by Ollie of Clinton, the committee amendment H—5832, as amended, was adopted.

Connors of Polk in the chair at 2:20 p.m.

Ollie of Clinton moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 323)

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	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	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
Shoultz	Siegrist	Spear	Stromer
Stueland	Svoboda	Swartz	Swearingen
Tabor	Teaford	Tyrrell	Van Camp
Van Maanen	Wise	Mr. Speaker	
		(Connors)	

The nays were, 2:

Garman                      Hummel

Absent or not voting, 3:

Eddie                      Hatch                      Skow

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 and take up out of order Senate File 299.

**Senate File 299**, a bill for an act relating to podiatry by broadening the scope of practice of podiatry, by including podiatrists in the definition of "physician" for certain purposes, by broadening provisions relating to temporary certificates, by providing for coverage of podiatrists' services under prepaid group plans of health maintenance organizations and providing for data collection and utilization review, and by providing for other properly related matters, with report of committee recommending amendment and passage was taken up for consideration.

Beatty of Warren offered the following amendment H—5813 filed by the committee on state government and moved its adoption:

H—5813

- 1 Amend Senate File 299, as passed by the Senate, as
- 2 follows:
- 3 1. Page 1, by striking lines 15 through 35 and
- 4 inserting the following:
- 5 "Sec. \_\_\_\_\_. Section 149.1, Code 1987, is amended to
- 6 read as follows:
- 7 149.1 PERSONS ENGAGED IN PRACTICE — DEFINITION.
- 8 1. For the purpose of this title the following
- 9 classes of persons shall be deemed to be engaged in
- 10 the practice of podiatry:
- 11 1 a. Persons who publicly profess to be
- 12 podiatrists or who publicly profess to assume the
- 13 duties incident to the practice of podiatry.
- 14 2. A podiatrist is one who examines or diagnoses
- 15 or treats ailments of the human foot, medically or
- 16 surgically.
- 17 b. Persons who diagnose, prescribe, or prescribe
- 18 and furnish medicine for ailments of the human foot,
- 19 or treat such ailments by medical, mechanical, or
- 20 surgical treatments.
- 21 2. As used in this chapter, "human foot" means the
- 22 ankle and soft tissue which insert into the foot as
- 23 well as the foot."
- 24 2. By striking page 2, line 23 through page 4,
- 25 line 24 and inserting the following:
- 26 "Sec. \_\_\_\_\_. Section 514F.1, Code Supplement 1987,
- 27 is amended to read as follows:
- 28 514F.1 UTILIZATION AND COST CONTROL REVIEW

## 29 COMMITTEES.

30 The boards of examiners under chapters 148, 149,  
 31 150, 150A, 151, and 153 shall establish utilization  
 32 and cost control review committees of licensees under  
 33 the respective chapters, selected from licensees who  
 34 have practiced in Iowa for at least the previous five  
 35 years, or shall accredit and designate other  
 36 utilization and cost control organizations as  
 37 utilization and cost control committees under this  
 38 section, for the purposes of utilization review of the  
 39 appropriateness of levels of treatment and of giving  
 40 opinions as to the reasonableness of charges for  
 41 diagnostic or treatment services of licensees.  
 42 Persons governed by the various chapters of Title XX  
 43 of the Code and self-insurers for health care benefits  
 44 to employees may utilize the services of the  
 45 utilization and cost control review committees upon  
 46 the payment of a reasonable fee for the services, to  
 47 be determined by the respective boards of examiners.  
 48 The respective boards of examiners under chapters 148,  
 49 149, 150, 150A, 151, and 153 shall adopt rules  
 50 necessary and proper for the implementation of this

## Page 2

- 1 section pursuant to chapter 17A. It is the intent of  
 2 this general assembly that conduct of the utilization  
 3 and cost control review committees authorized under  
 4 this section shall be exempt from challenge under  
 5 federal or state antitrust laws or other similar laws  
 6 in regulation of trade or commerce."  
 7 3. Title page, by striking lines 3 through 6 and  
 8 inserting the following: " "physician" for certain  
 9 purposes, by providing for data collection".  
 10 4. By numbering and renumbering as necessary.

The committee amendment H—5813 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. 299)

The ayes were, 86:

Adams	Arnould	Avenson	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Branstad	Buhr
Carpenter	Clark	Cohoon	Connolly
Cooper	Corbett	Corey	Daggett
Diemer	Doderer	Dvorsky	Fey
Fogarty	Fuller	Garman	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	Miller
Muhlbauer	Mullins	Neuhauser	Norrgard
Ollie	Osterberg	Parker	Paulin
Pavich	Peters	Peterson, M. K.	Poncy
Renaud	Renken	Rosenberg	Royer
Running	Schnekloth	Schrader	Shoning
Shoultz	Siegrist	Spear	Stromer
Stueland	Svoboda	Swearingen	Tabor
Teaford	Tyrrell	Van Camp	Van Maanen
Wise	Mr. Speaker (Connors)		

The nays were, 9:

De Groot	Groninga	Hummel	Metcalf
Pellett	Petersen, D. F.	Plasier	Platt
Swartz			

Absent or not voting, 5:

Chapman	Eddie	Hatch	Sherzan
Skow			

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 and take up out of order Senate Files 2050, 443 and 464.

### Appropriations Calendar

**Senate File 2050**, a bill for an act appropriating funds to the office of the attorney general to fund the legal assistance for farmers program and providing an effective date, with report of committee recommending passage was taken up for consideration.

Peterson of Carroll moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2050)

The ayes were, 86:

Adams	Arnould	Avenson	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Branstad	Buhr

Chapman	Cohoon	Cooper	Corbett
Corey	Daggett	De Groot	Doderer
Dvorsky	Fey	Fogarty	Fuller
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
Lundby	Maulsby	May	McKean
McKinney	Miller	Muhlbauer	Mullins
Neuhauser	Norrgard	Ollie	Osterberg
Parker	Pavich	Pellett	Peters
Petersen, D. F.	Peterson, M. K.	Plasier	Poncy
Renaud	Rosenberg	Royer	Running
Schrader	Sherzan	Shoning	Shoultz
Siegrist	Skow	Spear	Stromer
Stueland	Svoboda	Swartz	Swearingen
Tabor	Teaford	Tyrrell	Van Camp
Wise	Mr. Speaker (Connors)		

The nays were, 11:

Carpenter	Clark	Diemer	Garman
Lageschulte	Metcalf	Paulin	Platt
Renken	Schneklath	Van Maanen	

Absent or not voting, 3:

Connolly	Eddie	Hatch
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

### RETURNED TO COMMITTEE

Arnould of Scott asked and received unanimous consent to remove from the regular calendar and return to their committees of origin the following bills: House Files 231, 2050, 2071, 2167, 2173, 2211, 2221, 2276, 2282, 2288, 2290, 2314, 2330, 2335, 2345, 2378, 2389, 2397, 2403, 2408, 2410, 2411, 2420, 2421, 2422, 2424, 2425 and 2434.

### Regular Calendar

**Senate File 443**, a bill for an act defining and establishing redemption centers, dealer agents, and territory of service between dealer agents and distributors, and subjecting violators to a penalty, with report of committee recommending amendment and passage was taken up for consideration.

Schrader of Marion offered the following amendment H—5850 filed by the committee on energy and environmental protection and moved its adoption:

H—5850

- 1 Amend Senate File 443 as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, lines 29 and 30, by striking the words
- 4 "or solicited".
- 5 2. Page 2, line 5, by striking the words "or
- 6 solicited".

The committee amendment H—5850 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. 443)

The ayes were, 91:

Adams	Arnould	Avenson	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Branstad	Buhr
Carpenter	Chapman	Clark	Cphoon
Connolly	Cooper	Corbett	Corey
De Groot	Diemer	Dvorsky	Fey
Fogarty	Fuller	Garman	Groninga
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Hansen, S. D.	Harbor	Harper	Haverland
Hermann	Hester	Holveck	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.	Plasier	Platt	Poncy
Renaud	Rosenberg	Royer	Running
Schnekloth	Schrader	Sherzan	Shoning
Shoultz	Siegrist	Skow	Spear
Stromer	Stueland	Svoboda	Swartz
Swearingen	Tabor	Teaford	Van Camp
Van Maanen	Wise	Mr. Speaker	
		(Connors)	

The nays were, 7:

Daggett	Doderer	Hanson, D. R.	Hummel
Mullins	Renken	Tyrrell	

Absent or not voting, 2:

Eddie	Hatch
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.



**Senate File 464**, a bill for an act relating to the regulation of health clubs and providing penalties, with report of committee recommending amendment and passage was taken up for consideration.

Chapman of Linn offered the following amendment H—5781 filed by the committee on small business and commerce and moved its adoption:

H—5781

- 1 Amend Senate File 464, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, line 7, by striking the word "health"
- 4 and inserting the following: "physical exercise".
- 5 2. Page 1, line 8, by striking the word "health"
- 6 and inserting the following: "physical exercise".
- 7 3. Page 1, line 11, by striking the word "Health"
- 8 and inserting the following: "Physical exercise".
- 9 4. Page 1, lines 11 and 12, by striking the words
- 10 "in business for a primary purpose of".
- 11 5. Page 1, line 17, by inserting after the word
- 12 "as" the following: " "health clubs";".
- 13 6. Page 1, line 23, by striking the word "Health"
- 14 and inserting the following: "Physical exercise".
- 15 7. Page 1, line 31, by striking the word and
- 16 figure "and 552.14," and inserting in lieu thereof the
- 17 following: "552.14, and 552.16".
- 18 8. Page 2, line 4, by striking the word "Health"
- 19 and inserting the following: "Physical exercise".
- 20 9. Page 2, line 5, by striking the word "health"
- 21 and inserting the following: "physical exercise".
- 22 10. Page 2, line 6, by striking the word "health"
- 23 and inserting the following: "physical exercise".
- 24 11. Page 2, line 9, by striking the word "health"
- 25 and inserting the following: "physical exercise".
- 26 12. Page 2, line 16, by striking the word
- 27 "health" and inserting the following: "physical
- 28 exercise".
- 29 13. Page 2, line 18, by striking the word
- 30 "health" and inserting the following: "physical
- 31 exercise".
- 32 14. Page 2, line 21, by striking the word
- 33 "health" and inserting the following: "physical
- 34 exercise".
- 35 15. Page 2, line 24, by striking the word
- 36 "HEALTH" and inserting the following: "PHYSICAL
- 37 EXERCISE".
- 38 16. Page 2, line 26, by striking the word
- 39 "health" and inserting the following: "physical
- 40 exercise".
- 41 17. Page 2, line 32, by striking the word

- 42 "health" and inserting the following: "physical  
43 exercise".  
44 18. Page 3, line 3, by striking the word "health"  
45 and inserting the following: "physical exercise".  
46 19. Page 3, line 4, by striking the word "health"  
47 and inserting the following: "physical exercise".  
48 20. Page 3, line 8, by striking the word "health"  
49 and inserting the following: "physical exercise".  
50 21. Page 3, line 12, by striking the word

**Page 2**

- 1 "health" and inserting the following: "physical  
2 exercise".  
3 22. Page 3, line 14, by striking the word  
4 "health" and inserting the following: "physical  
5 exercise".  
6 23. Page 3, line 26, by striking the word  
7 "thirty" and inserting the following: "forty-five".  
8 24. Page 3, line 29, by striking the word  
9 "health" and inserting the following: "physical  
10 exercise".  
11 25. Page 4, line 10, by striking the word  
12 "HEALTH" and inserting the following: "PHYSICAL  
13 EXERCISE".  
14 26. Page 4, line 12, by striking the word  
15 "health" and inserting the following: "physical  
16 exercise".  
17 27. Page 4, line 13, by striking the word  
18 "health" and inserting the following: "physical  
19 exercise".  
20 28. Page 4, line 15, by striking the word  
21 "Health" and inserting the following: "Physical  
22 exercise".  
23 29. Page 4, line 18, by striking the word  
24 "health" and inserting the following: "physical  
25 exercise".  
26 30. Page 4, line 19, by striking the word  
27 "health" and inserting the following: "physical  
28 exercise".  
29 31. Page 4, line 22, by striking the word  
30 "thirty" and inserting the following: "forty-five".  
31 32. Page 4, by striking line 23, and inserting  
32 the following: "physical exercise club of the buyer's  
33 cancellation notice. If the physical exercise".  
34 33. Page 4, line 25, by striking the word  
35 "thirty" and inserting the following: "forty-five".  
36 34. Page 4, line 26, by striking the word  
37 "health" and inserting the following: "physical  
38 exercise".  
39 35. Page 4, line 29, by striking the word  
40 "health" and inserting the following: "physical

- 41 exercise".  
42 36. Page 4, line 30, by striking the word  
43 "health" and inserting the following: "physical  
44 exercise".  
45 37. Page 4, line 32, by striking the word  
46 "health" and inserting the following: "physical  
47 exercise".  
48 38. Page 5, line 1, by striking the word "health"  
49 and inserting the following: "physical exercise".  
50 39. Page 5, line 2, by striking the word "health"

**Page 3**

- 1 and inserting the following: "physical exercise".  
2 40. Page 5, lines 3 and 4, by striking the words  
3 "or oral".  
4 41. Page 5, by striking line 14, and inserting  
5 the following:  
6 "1. A physical exercise club contract is not  
7 assignable by the physical exercise".  
8 42. Page 5, line 22, by striking the word  
9 "health" and inserting the following: "physical  
10 exercise".  
11 43. Page 5, line 26, by striking the word  
12 "health" and inserting the following: "physical  
13 exercise".  
14 44. Page 5, line 30, by striking the word  
15 "health" and inserting the following: "physical  
16 exercise".  
17 45. Page 5, line 33, by striking the word  
18 "health" and inserting the following: "physical  
19 exercise".  
20 46. Page 5, line 33, by inserting after the word  
21 "club" the following: ", which accepts prepayments as  
22 defined in section 552.1, subsection 5,".  
23 47. Page 6, line 2, by striking the word "health"  
24 and inserting the following: "physical exercise".  
25 48. Page 6, line 5, by striking the word "health"  
26 and inserting the following: "physical exercise".  
27 49. Page 6, line 10, by striking the word  
28 "health" and inserting the following: "physical  
29 exercise".  
30 50. Page 6, line 11, by striking the word  
31 "health" and inserting the following: "physical  
32 exercise".  
33 51. Page 6, line 12, by striking the word  
34 "health" and inserting the following: "physical  
35 exercise".  
36 52. Page 6, line 13, by striking the word  
37 "health" and inserting the following: "physical  
38 exercise".  
39 53. Page 6, line 15, by striking the word "shall"

- 40 and inserting the following: "may".  
41 54. Page 6, line 20, by striking the words ", the  
42 uniform commercial code".  
43 55. Page 6, line 23, by striking the word  
44 "health" and inserting the following: "physical  
45 exercise".  
46 56. Page 6, line 25, by striking the word  
47 "health" and inserting the following: "physical  
48 exercise".  
49 57. Page 6, line 34, by striking the word  
50 "health" and inserting the following: "physical

**Page 4**

- 1 exercise".  
2 58. Page 7, line 4, by striking the word "health"  
3 and inserting the following: "physical exercise".  
4 59. Page 7, line 9, by striking the word "health"  
5 and inserting the following: "physical exercise".  
6 60. Page 7, line 13, by striking the word  
7 "health" and inserting the following: "physical  
8 exercise".  
9 61. Page 7, line 16, by striking the word  
10 "health" and inserting the following: "physical  
11 exercise".  
12 62. Page 7, line 18, by striking the word  
13 "health" and inserting the following: "physical  
14 exercise".  
15 63. Page 7, line 20, by striking the word  
16 "health" and inserting the following: "physical  
17 exercise".  
18 64. Page 7, by striking lines 22 and 23.  
19 65. Page 7, line 24, by striking the word  
20 "health" and inserting the following: "physical  
21 exercise".  
22 66. Page 7, line 25, by striking the word  
23 "health" and inserting the following: "physical  
24 exercise".  
25 67. Page 7, line 26, by striking the word  
26 "health" and inserting the following: "physical  
27 exercise".  
28 68. Page 7, line 27, by striking the word  
29 "health" and inserting the following: "physical  
30 exercise".  
31 69. Page 7, line 30, by striking the word  
32 "health" and inserting the following: "physical  
33 exercise".  
34 70. Page 7, line 31, by striking the word  
35 "health" and inserting the following: "physical  
36 exercise".  
37 71. Page 7, line 32, by striking the word  
38 "health" and inserting the following: "physical

39 exercise".

40 72. Page 8, line 3, by striking the word "health"  
41 and inserting the following: "physical exercise".

42 73. Page 8, line 10, by striking the word  
43 "health" and inserting the following: "physical  
44 exercise".

45 74. Page 8, line 13, by striking the word  
46 "health" and inserting the following: "physical  
47 exercise".

48 75. Page 8, line 15, by striking the word  
49 "health" and inserting the following: "physical  
50 exercise".

**Page 5**

1 76. Page 8, line 21, by striking the word  
2 "health" and inserting the following: "physical  
3 exercise".

4 77. Page 8, line 22, by striking the word  
5 "health" and inserting the following: "physical  
6 exercise".

7 78. Page 8, line 24, by striking the word  
8 "health" and inserting the following: "physical  
9 exercise".

10 79. Page 8, line 30, by striking the word  
11 "health" and inserting the following: "physical  
12 exercise".

13 80. Page 8, line 33, by striking the word  
14 "health" and inserting the following: "physical  
15 exercise".

16 81. Page 9, line 2, by striking the word "health"  
17 and inserting the following: "physical exercise".

18 82. Page 9, line 8, by striking the word "health"  
19 and inserting the following: "physical exercise".

20 83. Page 9, line 9, by striking the word "health"  
21 and inserting the following: "physical exercise".

22 84. Page 9, line 13, by striking the word  
23 "health" and inserting the following: "physical  
24 exercise".

25 85. Page 9, line 15, by striking the word  
26 "health" and inserting the following: "physical  
27 exercise".

28 86. Page 9, line 21, by striking the word  
29 "health" and inserting the following: "physical  
30 exercise".

31 87. Page 9, line 25, by striking the word  
32 "health" and inserting the following: "physical  
33 exercise".

34 88. Page 9, line 32, by striking the word  
35 "health" and inserting the following: "physical  
36 exercise".

37 89. Page 10, line 29, by striking the word

- 38 "health" and inserting the following: "physical  
 39 exercise".  
 40 90. Page 10, line 30, by striking the figure  
 41 "1987" and inserting the following: "1988".  
 42 91. Page 10, line 30, by striking the word  
 43 "health" and inserting the following: "physical  
 44 exercise".  
 45 92. Page 10, line 33, by striking the figure  
 46 "1987" and inserting the following: "1988".  
 47 93. Page 10, line 34, by striking the word  
 48 "health" and inserting the following: "physical  
 49 exercise".  
 50 94. Title page, line 1, by striking the word

**Page 6**

- 1 "health" and inserting the following: "physical  
 2 exercise".

The committee amendment H—5781 was adopted.

Chapman of Linn offered the following amendment H—5803 filed by her and moved its adoption:

**H—5803**

- 1 Amend Senate File 464, as amended, passed and  
 2 reprinted by the Senate as follows:  
 3 1. Title page, lines 1 and 2, by striking the  
 4 words "and providing penalties" and inserting the  
 5 following: ", providing penalties and providing  
 6 effective dates".

Amendment H—5803 was adopted.

Chapman of Linn moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 464)

The ayes were, 73:

Adams	Arnould	Avenson	Beaman
Beatty	Bisignano	Black	Blanshan
Brammer	Buhr	Carpenter	Chapman
Cphoon	Connolly	Cooper	Daggett
Diemer	Doderer	Dvorsky	Fey
Fogarty	Fuller	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	Kremer
Lageschulte	May	McKinney	Metcalf

Miller	Muhlbauer	Neuhauser	Norrgard
Ollie	Osterberg	Pavich	Peterson, M. K.
Plasier	Poncy	Renaud	Rosenberg
Royer	Running	Schrader	Sherzan
Shoning	Shoultz	Siegrist	Spear
Svoboda	Swartz	Swearingen	Tabor
Teaford	Tyrrell	Van Camp	Wise
Mr. Speaker (Connors)			

The nays were, 21:

Bennett	Branstad	Clark	Corbett
Corey	De Groot	Garman	Hummel
Lundby	Maulsby	McKean	Mullins
Paulin	Pellett	Petersen, D. F.	Platt
Renken	Schneklloth	Stromer	Stueland
Van Maanen			

Absent or not voting, 6:

Eddie	Hatch	Hermann	Parker
Peters	Skow		

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

The House stood at ease at 3:10 p.m., until the fall of the gavel.

The House resumed session at 4:50 p.m., Speaker Avenson in the chair.

### MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 28, 1988, amended and passed the following bill in which the concurrence of the House is asked:

House File 2443, a bill for an act relating to and making appropriations to the justice system and providing an effective date.

JOHN F. DWYER, Secretary

### RULES SUSPENDED

Arnould of Scott asked and received unanimous consent to suspend the rules and take up out of order Senate Files 450, 2274, 2011, 2174 and 2236.

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Kremer of Buchanan, for the remainder of the day, on request of Tyrrell of Iowa.

## CONSIDERATION OF BILLS

### Regular Calendar

**Senate File 450**, a bill for an act relating to the regulation of the operation of trains and to the safety of transportation of railroad company workers and equipment and providing a penalty and effective date, with report of committee recommending passage was taken up for consideration.

Koenigs of Mitchell moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 450)

The ayes were, 86:

Adams	Arnould	Beaman	Beatty
Bisignano	Black	Blanshan	Brammer
Branstad	Buhr	Carpenter	Chapman
Cohoon	Connolly	Connors	Cooper
Corbett	Daggett	De Groot	Diemer
Doderer	Dvorsky	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
Maulsby	May	McKean	McKinney
Metcalf	Miller	Muhlbauer	Mullins
Neuhauser	Norrgard	Ollie	Osterberg
Paulin	Pavich	Peters	Petersen, D. F.
Peterson, M. K.	Platt	Poncy	Renaud
Rosenberg	Royer	Running	Schrader
Sherzan	Shoning	Shoultz	Siegrist
Skow	Spear	Stromer	Stueland
Svoboda	Swartz	Swearingen	Tabor
Teaford	Tyrrell	Van Camp	Van Maanen
Wise	Mr. Speaker		

The nays were, 10:

Bennett	Clark	Corey	Garman
Hummel	Lundby	Pellett	Plasier
Renken	Schnekloth		

Absent or not voting, 4:

Eddie	Hatch	Kremer	Parker
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.



**Senate File 2274**, a bill for an act to allow the board of dental examiners to revoke or suspend a license of a licensee where the licensee has been disciplined in another state, territory, or country, with report of committee recommending amendment and passage was taken up for consideration.

Beatty of Warren offered the following amendment H—5815 filed by the committee on state government and moved its adoption:

H—5815

- 1 Amend Senate File 2274, as passed by the Senate, as
- 2 follows:
- 3 1. Page 1, by inserting before line 1 the
- 4 following:
- 5 "Section 1. Section 153.34, subsections 2 and 3,
- 6 Code 1987, are amended by striking the subsections.
- 7 Sec. 2. Section 153.34, subsection 9, Code 1987,
- 8 is amended to read as follows:
- 9 9. For being guilty of gross immorality or
- 10 dishonorable or unprofessional conduct in the practice
- 11 of dentistry or dental hygiene.
- 12 Sec. 3. Section 153.34, subsection 12, Code 1987,
- 13 is amended to read as follows:
- 14 12. For a violation of any provision of this
- 15 chapter, or for being a party to or assisting in any
- 16 violation of any provision of this chapter."
- 17 2. Page 1, by striking line 16 and inserting the
- 18 following: "relates to the practice of dentistry or
- 19 dental hygiene. A certified copy of the final order
- 20 or judgment of conviction or plea of guilty in this
- 21 state or in another state constitutes conclusive
- 22 evidence of the conviction."
- 23 3. Page 1, by striking line 32 and inserting the
- 24 following: "illness, drunkenness, or habitual or
- 25 excessive use of drugs, intoxicants, narcotics,".
- 26 4. By striking page 1, line 34 through page 2,
- 27 line 7, and inserting the following: "mental or
- 28 physical condition. At reasonable intervals following
- 29 suspension or revocation under this subsection, a
- 30 dentist".
- 31 5. Title page, line 3, by inserting after the
- 32 word "country" the following: ", and revising other
- 33 provisions relating to the suspension and revocation
- 34 of licenses by the board."
- 35 6. By renumbering as necessary.

The committee amendment H—5815 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. 2274)

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	Haverland	Hermann
Hester	Holveck	Hummel	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
Renken	Rosenberg	Royer	Running
Schnekloth	Schrader	Sherzan	Shoning
Shultz	Siegrist	Skow	Spear
Stromer	Stueland	Svoboda	Swartz
Swearingen	Tabor	Tyrrell	Van Camp
Van Maanen	Wise	Mr. Speaker	

The nays were, none.

Absent or not voting, 5:

Eddie	Hatch	Kremer	Maulsby
Teaford			

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

**Senate File 2011**, a bill for an act relating to meat and poultry regulation and inspection, providing penalties, and providing for injunctive relief, with report of committee recommending passage was taken up for consideration.

Gruhn of Dickinson moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

## On the question "Shall the bill pass?" (S.F. 2011)

The ayes were, 96:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Black	Blanshan

Brammer	Branstad	Buhr	Carpenter
Chapman	Clark	Cohoon	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	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
Schnekloth	Schrader	Sherzan	Shoning
Shoultz	Siegrist	Skow	Spear
Stromer	Stueland	Svoboda	Swartz
Swearingen	Tabor	Teaford	Tyrrell
Van Camp	Van Maanen	Wise	Mr. Speaker

The nays were, none.

Absent or not voting, 4:

Connolly	Eddie	Hatch	Kremer
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**Senate File 2174**, a bill for an act making changes in the state's labor laws relating to occupational safety and health, safety inspection of amusement rides, and elevator safety, and providing injunctive relief under certain of those laws, with report of committee recommending passage was taken up for consideration.

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. 2174)

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	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	Siegrist
Skow	Spear	Stromer	Stueland
Svoboda	Swartz	Swearingen	Tabor
Teaford	Tyrrell	Van Camp	Van Maanen
Wise	Mr. Speaker		

The nays were, none.

Absent or not voting, 6:

Eddie	Hatch	Haverland	Kremer
Plasier	Shoultz		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**Senate File 2236**, a bill for an act relating to the qualification for office by elected school board members and school officers, with report of committee recommending passage was taken up for consideration.

Spear of Lee moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2236)

The ayes were, 93:

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
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	Muhlbauer	Mullins	Neuhauser
Norrgard	Ollie	Osterberg	Parker
Paulin	Pavich	Pellett	Petersen, D. F.
Peterson, M. K.	Plasier	Platt	Poncy
Renaud	Renken	Rosenberg	Royer
Running	Schnekloth	Schrader	Sherzan
Shoning	Shoultz	Siegrist	Skow
Spear	Stromer	Stueland	Svoboda
Swartz	Swearingen	Tabor	Teaford
Tyrrell	Van Camp	Van Maanen	Wise
Mr. Speaker			

The nays were, none.

Absent or not voting, 7:

Blanshan	Eddie	Hatch	Haverland
Kremer	Miller	Peters	

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

### MOTION TO RECONSIDER (Senate File 2070)

I move to reconsider the vote by which Senate File 2070 passed the House on March 28, 1988.

SKOW of Guthrie

### CONFERENCE COMMITTEE REPORT FILED

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the conference committee report on the following bill has been received and is on file in the office of the Chief Clerk.

JOSEPH O'HERN  
Chief Clerk of the House

House File 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.

### EXPLANATIONS OF VOTE

I was necessarily absent from the House chamber on March 28, 1988. Had I been present I would have voted "aye" on Senate Files 2070 and 2164.

RENKEN of Grundy

I inadvertently pushed the wrong button when the vote was taken on Senate File 299. I meant to vote "nay."

TYRRELL of Iowa

## COMMUNICATIONS RECEIVED

The following communications were received and are on file in the office of the Chief Clerk:

### DEPARTMENT OF HUMAN SERVICES

Out-of-state Placement Final Report, pursuant to Chapter 234.203 (9)(f)(g)(i), Acts of the Seventy-second General Assembly, 1987 Session.

### DEPARTMENT OF NATURAL RESOURCES

The findings and conclusions resulting from a one-time testing of public drinking water supplies of this state, pursuant to Chapter 1181.1, Acts of the Seventy-first General Assembly, 1986 Session.

## PRESENTATION OF VISITORS

The Speaker announced that the following visitors were present in the House chamber:

Eight Boy Scouts of Troop 501 from Walker, accompanied by Larry Schmidt, Glenn Mills and Phil Smitkey. By Hummel of Benton and Hanson of Delaware.

Twenty-five senior students from Wilton High School, Wilton, accompanied by Brenda Grunder. By Petersen of Muscatine.

Thirty-five senior students from Ft. Madison and Newton High Schools, Ft. Madison and Newton, accompanied by Sue Vogel. By Spear of Lee and Black of Jasper.

Fifty-two fifth grade students from Webster School, Oskaloosa, accompanied by Marilee De Cook and Dick Hamilton. By Van Maanen of Mahaska.

## HOUSE STUDY BILL COMMITTEE ASSIGNMENT

### H.S.B. 831 Ways and Means

Relating to the licensing of dogs, subjecting violators to a penalty, and providing an effective date.

## CERTIFICATES OF RECOGNITION

MR. SPEAKER: The Chief Clerk of the House respectfully reports that certificates of recognition have been issued as follows.

JOSEPH O'HERN

Chief Clerk of the House

- 1988-30 Boys Basketball Team of Palmer High School — Capturing a third consecutive Class A Boys State Basketball Championship.
- 1988-31 Nishna Valley Boys Basketball Team — Winning third place in the 1988 Class A Boys State Basketball Tournament.
- 1988-32 Girls Basketball Team of Treynor — Participation in the 1988 Girls State Basketball Tournament.
- 1988-33 Government Class of West Delaware High School, Dave Schultz, Instructor — Achieving second place in the National Bicentennial State Competition.
- 1988-34 Girls Basketball Team of Moravia — Advancing to the Girls State Basketball Tournament for the third consecutive time.
- 1988-35 Susanne Smith, Moravia High School — Being selected to the Six-Player All-Tournament Team at the 1988 Girls State Basketball Tournament.
- 1988-36 Future Farmers of America Chapter, Sibley-Ocheyedan School — Being active fifty years as a Chapter.
- 1988-37 Kristi Anderson, Abraham Lincoln High School — Being selected to the first team in the INA Five-Player All-State Basketball Team.
- 1988-38 St. Albert Boys Basketball Team, Council Bluffs — Becoming the Class 2-A State Runner-up in the 1988 Boys State Basketball Tournament.
- 1988-39 Indianola High School Boys Basketball Team, Bert Hanson, Coach — Winning the State Boys Class 3-A Basketball Tournament's consolation title.
- 1988-40 Government Class of Parkersburg High School, Rex Kozak, Instructor — Achieving first place in the National Bicentennial State Competition.

### COMMITTEE RECOMMENDATIONS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

JOSEPH O'HERN  
Chief Clerk of the House

### COMMITTEE ON ECONOMIC DEVELOPMENT

Senate File 2092, a bill for an act establishing a community and rural development loan program and a sewage treatment works financing program to assist communities in financing sewage treatment projects and in financing traditional and new infrastructure and housing for needy and elderly, authorizing the Iowa finance authority to issue bonds and notes for the program, and providing an appropriation from a revolving fund to be used for each program.

Fiscal Note is required.

**Reconsidered and Recommended Amend and Do Pass with amendment H—5921 March 25, 1988.**

**Pursuant to Rule 31.7, Senate File 2092 was referred to the committee on appropriations.**

**COMMITTEE ON ENERGY AND ENVIRONMENTAL PROTECTION**

**Senate File 2130**, a bill for an act repealing the prohibition against selling or offering for sale decorative gas lamps.

Fiscal Note is not required.

**Recommended Amend and Do Pass with amendment H—5987 March 25, 1988.**

**COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT**

**Senate Joint Resolution 2006**, a joint resolution to nullify an administrative rule of the department of human services relating to the correction or expungement of information in the possession of the department concerning a case of alleged child abuse.

Fiscal Note is not required.

**Recommended Do Pass March 25, 1988.**

**Senate File 156**, a bill for an act relating to the exemption from liability of care review committee members and the state concerning actions undertaken by care review committee members in the performance of their duties.

Fiscal Note is not required.

**Recommended Do Pass March 25, 1988.**

**Senate File 484**, a bill for an act relating to health care providers and patients and providing for the creation of an excess liability fund for health care providers, establishing a surcharge to be deposited in the fund, establishing a special surcharge, establishing qualifications for a health care provider or a patient to be protected by the fund, establishing a maximum limitation on the liability of the fund, creation of a compensation review board, authorization of the fund to procure reinsurance to protect the fund, authorization of the fund to provide primary insurance coverage to health care providers and providing for structured settlements.

Fiscal Note is required.

**Recommended Amend and Do Pass with amendment H—5985 March 25, 1988.**

**Senate File 2107**, a bill for an act relating to the creation of a foster home insurance fund.

Fiscal Note is not required.

**Recommended Do Pass March 25, 1988.**

**Senate File 2171**, a bill for an act making nonsubstantive, noncontroversial statutory corrections to comply with reorganization changes, improve clarity, remove conflicts and inconsistencies, correct references, and correct grammar and syntax.

Fiscal Note is not required.



**Recommended Do Pass March 24, 1988.**

**Senate File 2208**, a bill for an act relating to the possession of alcoholic beverages by persons under legal age.

Fiscal Note is not required.

**Recommended Amend and Do Pass with amendment H—5920 March 25, 1988.**

**Senate File 2209**, a bill for an act relating to the sale, lease, exchange, or other disposition of corporate property and assets.

Fiscal Note is not required.

**Recommended Amend and Do Pass with amendment H—5997 March 25, 1988.**

**Senate File 2238**, 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.

Fiscal Note is not required.

**Recommended Amend and Do Pass with amendment H—5919 March 25, 1988.**

**Senate File 2257**, a bill for an act relating to expenses and compensation for the state judicial nominating commission.

Fiscal Note is not required.

**Recommended Amend and Do Pass with amendment H—5949 March 24, 1988.**

**Senate File 2259**, a bill for an act relating to the disposal of abandoned mobile homes and abandoned personal property of the abandoned mobile home owner.

Fiscal Note is not required.

**Recommended Amend and Do Pass with amendment H—5918 March 25, 1988.**

#### COMMITTEE ON STATE GOVERNMENT

**Senate File 2169**, a bill for an act relating to physician assistants, establishing a board of physician assistant examiners, providing for the registration and licensure of physician assistants, making penalties applicable, providing properly related matters, and providing an effective date.

Fiscal Note is required.

**Recommended Amend and Do Pass with amendment H—5940 March 24, 1988.**

**Senate File 2203**, a bill for an act relating to the composition of the engineering and land surveying examining board and providing an effective date.

Fiscal Note is not required.

**Recommended Amend and Do Pass with amendment H—5938 March 24, 1988.**

**Senate File 2233**, a bill for an act relating to the registration of voters in state offices.

Fiscal Note is not required.

**Recommended Amend and Do Pass with amendment H—5935 March 24, 1988.**

**Senate File 2263**, a bill for an act relating to horse and dog racing by allowing the application of cold with ice, cold packs, or similar treatments to the limbs of a horse or a dog prior to the start of a race and by allowing the use of certain drugs on racing horses under rules adopted by the state racing commission, and providing an effective date.

Fiscal Note is not required.

**Recommended Amend and Do Pass with amendment H—5941 March 24, 1988.**

### AMENDMENTS FILED

H—5918	S.F.	2259	Committee on Judiciary and Law Enforcement
H—5919	S.F.	2238	Committee on Judiciary and Law Enforcement
H—5920	S.F.	2208	Committee on Judiciary and Law Enforcement
H—5921	S.F.	2092	Committee on Economic Development
H—5922	S.J.R.	2006	Rosenberg of Story
H—5923	S.F.	2046	Schnekloth of Scott
H—5924	S.F.	2046	Schnekloth of Scott
H—5926	S.C.R.	117	Muhlbauer of Crawford
H—5927	S.F.	2247	Lundby of Linn
H—5928	H.J.R.	13	Ollie of Clinton
H—5929	S.F.	2117	Chapman of Linn
H—5930	S.F.	2311	Harbor of Mills Van Maanen of Mahaska
H—5931	S.F.	2247	Lundby of Linn
H—5932	S.F.	2303	Groning of Cerro Gordo
H—5933	S.F.	2055	Lundby of Linn
H—5934	S.F.	2307	Rosenberg of Story
H—5935	S.F.	2233	Committee on State Government
H—5937	S.F.	2306	Jay of Appanoose
H—5938	S.F.	2203	Committee on State Government
H—5939	S.F.	2311	Schnekloth of Scott
H—5940	S.F.	2169	Committee on State Government
H—5941	S.F.	2263	Committee on State Government
H—5942	S.F.	2023	Black of Jasper
H—5943	S.F.	2023	Black of Jasper

H—5944	S.F.	2023	Black of Jasper
H—5945	S.F.	2023	Black of Jasper
H—5946	S.F.	2310	Hermann of Scott
Harbor of Mills			Halvorson of Clayton
Shoning of Woodbury			Hester of Pottawattamie
Mullins of Kossuth			Garman of Story
Beaman of Clarke			Branstad of Winnebago
H—5947	S.F.	2171	Jay of Appanoose
H—5949	S.F.	2257	Committee on Judiciary and Law Enforcement
H—5950	S.F.	2263	Black of Jasper
H—5951	S.F.	2023	Osterberg of Linn
			McKean of Jones
H—5953	S.F.	2309	Connolly of Dubuque
H—5954	S.F.	2246	Hanson of Delaware
H—5955	S.F.	2278	Swartz of Marshall
H—5956	S.F.	2278	Swartz of Marshall
H—5957	S.F.	2278	Swartz of Marshall
H—5958	S.F.	2278	Swartz of Marshall
H—5959	S.F.	2278	Swartz of Marshall
H—5960	S.F.	2278	Swartz of Marshall
H—5961	S.F.	2278	Swartz of Marshall
H—5962	S.F.	2278	Swartz of Marshall
H—5963	S.F.	2278	Swartz of Marshall
H—5964	S.F.	2278	Swartz of Marshall
H—5965	S.F.	2278	Swartz of Marshall
H—5966	S.F.	2278	Swartz of Marshall
H—5967	S.F.	2278	Swartz of Marshall
H—5968	S.F.	2278	Swartz of Marshall
H—5969	S.F.	2278	Swartz of Marshall
H—5970	S.F.	2278	Swartz of Marshall
H—5971	S.F.	2278	Swartz of Marshall
H—5972	S.F.	2278	Swartz of Marshall
H—5973	S.F.	2278	Swartz of Marshall
H—5974	S.F.	2278	Swartz of Marshall
H—5975	S.F.	2278	Swartz of Marshall
H—5976	S.F.	2278	Swartz of Marshall
H—5977	S.F.	2278	Swartz of Marshall
H—5978	S.F.	2311	Hammond of Story
H—5979	S.F.	2278	Swartz of Marshall
H—5980	S.F.	2278	Swartz of Marshall
H—5981	S.F.	2278	Swartz of Marshall
H—5982	S.F.	2278	Swartz of Marshall

H-5983	S.F.	2278	Swartz of Marshall
H-5984	S.F.	2278	Swartz of Marshall
H-5985	S.F.	484	Committee on Judiciary and Law Enforcement
H-5986	S.F.	2278	Swartz of Marshall
H-5987	S.F.	2130	Committee on Energy and Environmental Protection
H-5988	S.F.	2310	Hermann of Scott
H-5989	S.F.	2309	Corbett of Linn
H-5990	S.F.	2309	Lundby of Linn
H-5991	S.F.	2311	Van Maanen of Mahaska Harbor of Mills Halvorson of Clayton
H-5992	H.F.	2443	Senate Amendment
H-5993	S.F.	2310	Hammond of Story
H-5994	S.F.	2310	Hammond of Story
H-5995	S.F.	2310	Hammond of Story
H-5996	S.F.	2311	Harbor of Mills Van Maanen of Mahaska
H-5997	S.F.	2209	Committee on Judiciary and Law Enforcement
H-5998	S.F.	2284	Adams of Hamilton
H-5999	S.F.	2310	Van Maanen of Mahaska Royer of Page Halvorson of Clayton Renken of Grundy Pellett of Cass Maulsby of Calhoun Beaman of Clarke
H-6000	S.F.	2311	Harbor of Mills Halvorson of Clayton Van Maanen of Mahaska
H-6001	S.F.	2253	Wise of Lee
H-6002	S.F.	2090	Swartz of Marshall
H-6003	H.F.	2459	Metcalf of Polk Doderer of Johnson
H-6004	S.F.	2232	Buhr of Polk
H-6005	S.F.	2310	Hanson of Delaware Halvorson of Webster
H-6006	S.F.	2310	Hammond of Story
H-6007	S.F.	2318	Van Camp of Scott

On motion by Arnould of Scott, the House adjourned at 5:15 p.m., until 9:00 a.m., Tuesday, March 29, 1988.

# JOURNAL OF THE HOUSE

Seventy-ninth Calendar Day — Fifty-third Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Tuesday, March 29, 1988

The House met pursuant to adjournment, Speaker Avenson in the chair.

Prayer was offered by the Honorable Brent Siegrist, state representative from Pottawattamie County.

The Journal of Monday, March 28, 1988 was approved.

## PETITIONS FILED

The following petitions were received and placed on file:

By Hester of Pottawattamie, from fifty-six constituents favoring House File 2241, relating to medical malpractice insurance.

By Renken of Grundy, from ninety-seven constituents opposing any increase in beer, wine, or liquor taxes.

By Siegrist of Pottawattamie from fifty-six constituents favoring House File 2241, relating to medical malpractice insurance.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Sherzan of Polk, until his arrival, on request of Tabor of Jackson.

## MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 28, 1988, amended and passed the following bill in which the concurrence of the House is asked:

House File 2440, a bill for an act relating to and making appropriations to the department of agriculture and land stewardship and the department of natural resources.

Also: That the Senate has on March 28, 1988, amended and passed the following bill in which the concurrence of the House is asked:

House File 2444, a bill for an act relating to regulatory bodies of state government by making appropriations to agencies, boards, commissions, departments, and programs of state government including the auditor of state, campaign finance, employment services, labor services, industrial services, job services, inspections and appeals,

commerce, professional licensing and regulation, insurance, alcoholic beverages, banking, credit union, savings and loan, and utilities, by mandating certain studies, policies, and other actions by certain regulatory bodies, by increasing certain fees, by allocating certain expenses between state agencies, and by exempting certain regulatory personnel from the merit pay system and providing an effective date.

JOHN F. DWYER, Secretary

## CONSIDERATION OF BILLS Regular Calendar

**Senate File 2117**, a bill for an act relating to certain speeding violations of ten miles per hour or less over the legal speed limit and providing an effective date, with report of committee recommending amendment and passage was taken up for consideration.

Fogarty of Palo Alto offered the following amendment H—5164 filed by the committee on transportation:

H—5164

1 Amend Senate File 2117 as passed by the Senate, as  
2 follows:

3 1. Page 1, line 4, by striking the words  
4 "~~violations convictions~~" and inserting the following:  
5 "violations".

6 2. Page 1, line 10, by striking the word  
7 "~~convictions~~" and inserting the following:  
8 "violations".

9 3. Page 1, line 20, by striking the word  
10 "~~convictions~~" and inserting the following:  
11 "violations".

12 4. Page 1, line 24, by striking the word  
13 "~~convictions~~" and inserting the following:  
14 "violations".

15 5. Page 1, by inserting after line 15, the  
16 following:

17 "Sec. \_\_\_\_\_. Section 321J.13, subsection 4, Code  
18 Supplement 1987, is amended to read as follows:

19 4. A person whose motor vehicle license or  
20 operating privilege has been or is being revoked under  
21 section 321J.9 or 321J.12 may reopen a department  
22 hearing on the revocation if the person submits a  
23 petition stating that new evidence has been discovered  
24 which provides grounds for rescission of the  
25 revocation, or prevail at the hearing to rescind the  
26 revocation, if the person submits a petition stating  
27 that a criminal action on a charge of a violation of  
28 section 321J.2 filed as a result of the same

29 circumstances which resulted in the revocation has  
30 resulted in a decision in which the court has held  
31 that the peace officer did not have reasonable grounds  
32 to believe that a violation of section 321J.2 had  
33 occurred to support a request for or to administer a  
34 chemical test or which has held the chemical test to  
35 be otherwise inadmissible or invalid. Such a decision  
36 by the court is binding on the department and the  
37 department shall rescind the revocation."  
38 6. Title page, by striking lines 1 and 2 and  
39 inserting the following: "An Act relating to certain  
40 motor vehicle violations and providing an".

The committee amendment H—5164 was adopted.

De Groot of Lyon offered the following amendment H—5428 filed by him:

H—5428

1 Amend Senate File 2117 as passed by the Senate as  
2 follows:  
3 1. Page 1, by inserting before line 1 the  
4 following:  
5 "Sec. 777. Section 321.215, subsection 1, Code  
6 1987, is amended to read as follows:  
7 1. Upon Notwithstanding sections 321.218 and  
8 321.560, upon conviction and the suspension or  
9 revocation of a person's motor vehicle license under  
10 section 321.209, subsections 5 and 6, 321.210,  
11 321.218, or 321.555, subsection 2, and upon the denial  
12 by the director of an application for a temporary  
13 restricted license, a person may apply to the district  
14 court having jurisdiction for the residence of the  
15 person for a temporary restricted permit to operate a  
16 motor vehicle to and from work and to and from school.  
17 The application may be granted only if all the  
18 following criteria is satisfied:  
19 a. The restricted temporary permit is requested  
20 only for a case of extreme hardship where alternative  
21 means of transportation does not exist.  
22 b. The permit applicant has not made an  
23 application for such a permit in any other district  
24 court in the state which was denied or revoked.  
25 c. The permit is restricted for travel to and from  
26 work and to and from school at times specified in the  
27 permit.  
28 d. Proof of financial responsibility is  
29 established as defined in chapter 321A, however, such  
30 proof is not required if the license was suspended,  
31 under section 321.513."  
32 2. Page 1, by inserting after line 35 the

33 following:

34 "Sec. \_\_\_\_\_. PROSPECTIVE AND RETROACTIVE APPLI-  
35 CATION. Section 777, being deemed of immediate  
36 importance, takes effect upon its enactment. The  
37 section applies prospectively. The section also  
38 applies retroactively for persons who have had their  
39 licenses suspended or revoked under section 321.218,  
40 and notwithstanding any other provision of the Code  
41 may make application for a temporary restricted permit  
42 under section 321.215 and in such instances section  
43 321.215, subsection 1, paragraph "b" does not apply."

44 3. Title page, by striking lines 1 and 2 and  
45 inserting the following: "An Act relating to certain  
46 motor vehicle violations and providing an".

De Groot of Lyon offered the following amendment H—5760, to amendment H—5428, filed by him and moved its adoption:

H—5760

- 1 Amend the amendment H—5428 to Senate File 2117 as
- 2 passed by the Senate as follows:
- 3 1. Page 1, line 11, by striking the word and
- 4 figure "subsection 2," and inserting the following:
- 5 "subsection 2;".

Amendment H—5760 was adopted.

Fogarty of Palo Alto rose on a point of order that amendment H—5428, as amended, was not germane.

The Speaker ruled the point well taken and amendment H—5428, as amended, not germane.

Corbett of Linn offered the following amendment H—5542 filed by him:

H—5542

- 1 Amend Senate File 2117 as passed by the Senate as
- 2 follows:
- 3 1. Page 1, by inserting before line 1 the
- 4 following:
- 5 "Section 1. Section 321.275, Code 1987, is amended
- 6 by adding the following new subsection:
- 7 **NEW SUBSECTION. 9. MOTORIZED BICYCLE OPERATION**
- 8 **PROHIBITED ON CERTAIN STREETS.** A person shall not
- 9 operate a motorized bicycle upon the paved portion of
- 10 the roadway on city streets which have speed limits in
- 11 excess of thirty-five miles per hour, except for the
- 12 purpose of crossing the street. As used in this
- 13 subsection, "paved portion of the roadway" includes an
- 14 asphalt surfaced portion of a roadway."



- 15 2. Title page, lines 1 and 2, by striking the  
16 words "speeding violations of ten miles per hour or  
17 less over the legal speed limit" and inserting the  
18 following: "violations relating to speed limits".  
19 3. Renumber as necessary.

Fogarty of Palo Alto rose on a point of order that amendment H—5542 was not germane.

The Speaker ruled the point well taken and amendment H—5542 not germane.

Jay of Appanoose offered the following amendment H—5759 filed by him and Carpenter of Polk:

H—5759

- 1 Amend Senate File 2117 as passed by the Senate as  
2 follows:  
3 1. Page 1, by inserting before line 1 the fol-  
4 lowing:  
5 "Section 1. Section 321.12, Code 1987, is amended  
6 to read as follows:  
7 321.12 OBSOLETE RECORDS DESTROYED.  
8 The director ~~may~~ shall destroy any records of the  
9 department which have been maintained on file for  
10 three years ~~which the director may deem obsolete and~~  
11 ~~of no further service in carrying out the powers and~~  
12 ~~duties of the department except as otherwise provided.~~  
13 The director shall destroy any records of the  
14 department relating to a violation of sections  
15 321.194, 321.201, 321.209, 321.210, 321.555, 321J.2,  
16 321J.9, and 321J.12, and sections 321.183, 321.281,  
17 321B.7, 321B.13, and 321B.16 as they existed prior to  
18 July 1, 1986, which have been maintained on file for  
19 six and one-half years. The director shall destroy  
20 any records of the department required under sections  
21 321.198, 321A.5, 321A.6, 321A.7, 321A.13, and 321A.16  
22 which the director deems obsolete and of no further  
23 service in carrying out the powers and duties of the  
24 department."  
25 2. By renumbering as required.

Jay of Appanoose offered the following amendment H—5798, to amendment H—5759, filed by him and moved its adoption:

H—5798

- 1 Amend the amendment, H—5759, to Senate File 2117 as  
2 follows:  
3 1. Page 1, line 16, by striking the figures  
4 "321.183, 321.281" and inserting the following:  
5 "321.281, 321.283".

6 2. Page 1, line 19, by inserting after the word  
7 "years," the following: "However, records of  
8 violations of sections 321J.2, 321J.9, and 321J.12,  
9 and sections 321.281, 321.283, 321B.7, 321B.13, and  
10 321B.16 as they existed prior to July 1, 1986, which  
11 were committed by persons operating a motor vehicle as  
12 a chauffeur shall not be destroyed unless the director  
13 deems the records obsolete and of no further service  
14 in carrying out the powers and duties of the  
15 department."

Amendment H—5798 was adopted.

Chapman of Linn offered the following amendment H—5929, to amendment H—5759, filed by her and moved its adoption:

H—5929

1 Amend the amendment, H—5759, to Senate File 2117 as  
2 passed by the Senate as follows:  
3 1. Page 1, by striking lines 3 through 24 and  
4 inserting the following:  
5 "\_\_\_\_\_. Page 1, by inserting after line 33 the  
6 following:  
7 "Sec. \_\_\_\_\_. The state department of transportation  
8 shall provide a report to the Seventy-third General  
9 Assembly on or before January 31, 1989, which shall  
10 describe the various operating records maintained by  
11 the department. The report shall include the director  
12 of transportation's recommendations concerning the  
13 appropriate length of time such records should be  
14 maintained by the department." "

Amendment H—5929 was adopted, placing out of order amendment H—5798 (previously adopted).

On motion by Jay of Appanoose, amendment H—5759, as amended, 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?" (S.F. 2117)

The ayes were, 95:

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	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	Renken	Rosenberg
Royer	Running	Schneklath	Schrader
Sherzan	Shoning	Siegrist	Spear
Stromer	Stueland	Svoboda	Swearingen
Tabor	Teaford	Tyrrell	Van Camp
Van Maanen	Wise	Mr. Speaker	

The nays were, none.

Absent or not voting, 5:

Eddie	Renaud	Shoultz	Skow
Swartz			

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 and take up out of order Senate File 2253.

**Senate File 2253**, a bill for an act to require that students in grades nine through twelve take history and government classes, with report of committee recommending passage was taken up for consideration.

Wise of Lee offered the following amendment H—6001 filed by him and moved its adoption:

H—6001

- 1 Amend Senate File 2253 as passed by the Senate as
- 2 follows:
- 3 1. Page 1, line 5, by striking the word "take"
- 4 and inserting the following: "complete,".
- 5 2. Page 1, by striking line 6 and inserting the
- 6 following: "as a condition of graduation, instruction
- 7 in American history and the".

Amendment H—6001 was adopted.

Wise of Lee moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2253)

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	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	Schneklloth	Schrader
Shoning	Siegrist	Spear	Stromer
Stueland	Svoboda	Swartz	Swearingen
Tabor	Teaford	Tyrrell	Van Camp
Van Maanen	Wise	Mr. Speaker	

The nays were, none.

Absent or not voting, 5:

Eddie	Hatch	Sherzan	Shoultz
Skow			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

### RULES SUSPENDED

Arnould of Scott asked and received unanimous consent to suspend the rules and take up out of order Senate Files 2284, 2157, 356 and 2273.

**Senate File 2284**, a bill for an act relating to the disclosure of mental health information, with report of committee recommending amendment and passage was taken up for consideration.

Adams of Hamilton offered the following amendment H—5877 filed by the committee on human resources:

H—5877

1 Amend Senate File 2284 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. NEW SECTION. 228.7 DISCLOSURES FOR  
6 CLAIMS ADMINISTRATION AND PEER REVIEW — SAFEGUARDS —  
7 PENALTY.

8 1. Mental health information may be disclosed, in  
9 accordance with the prior written consent of the  
10 patient or the patient's legal representative, by a  
11 mental health professional, data collector, or  
12 employee or agent of a mental health professional, a  
13 data collector, or a mental health facility to a  
14 third-party payor or to a peer review organization if  
15 the third-party payor or the peer review organization  
16 has filed a written statement with the commissioner of  
17 insurance in which the filer agrees to:

18 a. Instruct its employees and agents to maintain  
19 the confidentiality of mental health information and  
20 of the penalty for unauthorized disclosure.

21 b. Comply with the limitations on use and  
22 disclosure of the information specified in subsection  
23 2 of this section.

24 c. Destroy the information when it is no longer  
25 needed for the purposes specified in subsection 2 of  
26 this section.

27 2. An employee or agent of a third-party payor or  
28 of a peer review organization shall not use mental  
29 health information or disclose mental health  
30 information to any person, except to the extent  
31 necessary to administer claims submitted or to be  
32 submitted for payment to the third-party payor, to  
33 conduct a utilization and quality control review of  
34 mental health care services provided or proposed to be  
35 provided, or as otherwise authorized by law or by  
36 court order.

37 3. An employee or agent of a third-party payor or  
38 a peer review organization who willfully uses or  
39 discloses mental health information in violation of  
40 subsection 2 of this section is guilty of a serious  
41 misdemeanor, and, notwithstanding section 903.1, the  
42 sentence for a person convicted under this subsection  
43 is a fine not to exceed five hundred dollars in the  
44 case of a first offense, and not to exceed five  
45 thousand dollars in the case of each subsequent  
46 offense."

47 2. Page 1, by inserting after line 11 the

48 following:

49 "Sec. \_\_\_\_\_. Section 228.1, Code 1987, is amended by

50 adding the following new subsection:

**Page 2**

1 **NEW SUBSECTION. 9. "Peer review organization"**

2 means a utilization and quality control peer review  
3 organization that has a contract with the federal  
4 secretary of health and human services pursuant to  
5 Title XI, part B, of the federal Social Security Act  
6 to review health care services paid for in whole or in  
7 part under the Medicare program established by Title  
8 XVIII of the federal Social Security Act."

9 3. Page 1, by striking lines 12 through 25 and  
10 inserting the following:

11 "Sec. \_\_\_\_\_. Section 228.2, Code 1987, is amended to  
12 read as follows:

13 **228.2 MENTAL HEALTH INFORMATION DISCLOSURE**  
14 **PROHIBITED — EXCEPTIONS — RECORD OF DISCLOSURE.**

15 1. Except as specifically authorized in section  
16 228.3, 228.5, or 228.6, or 228.7, a mental health  
17 professional, data collector, or employee or agent of  
18 a mental health professional, of a data collector, or  
19 of or for a mental health facility shall not disclose  
20 or permit the disclosure of mental health information.

21 2. Upon disclosure of mental health information  
22 pursuant to section 228.3, 228.5, or 228.6, or 228.7,  
23 the person disclosing the mental health information  
24 shall enter a notation on and maintain the notation  
25 with the individual's record of mental health  
26 information, stating the date of the disclosure and  
27 the name of the recipient of mental health  
28 information. The notation shall include all of the  
29 following:

30 a. The date of the disclosure.

31 b. The name of the recipient of the mental health  
32 information.

33 c. A description of the contents of the  
34 disclosure.

35 The person disclosing the mental health information  
36 shall give the recipient of the information a  
37 statement which informs the recipient that disclosures  
38 may only be made pursuant to the written authorization  
39 of an individual or an individual's legal  
40 representative, or as otherwise provided in this  
41 chapter, that the unauthorized disclosure of mental  
42 health information is unlawful, and that civil damages  
43 and criminal penalties may be applicable to the  
44 unauthorized disclosure of mental health information.

45 3. A recipient of mental health information shall  
46 not disclose the information received, except as

47 specifically authorized for initial disclosure in  
48 section 228.3, 228.5, or 228.6, or 228.7."  
49 4. By striking page 2, line 17 through page 3,  
50 line 14.

**Page 3**

1 5. Page 4, by inserting after line 3 the  
2 following:  
3 "Sec. \_\_\_\_\_. Section 228.3, subsection 3, Code 1987,  
4 is amended by striking the subsection."

Adams of Hamilton offered amendment H—5998, to the committee amendment H—5877, filed by her and requested division as follows:

**H—5998**

1 Amend the amendment, H—5877, to Senate File 2284 as  
2 amended, passed, and reprinted by the Senate as  
3 follows:

**H—5998A**

4 1. Page 1, line 14, by inserting after the word  
5 "organization" the following: ", or to employees or  
6 agents of a third-party payor or a peer review  
7 organization,".

**H—5998B**

8 2. Page 1, by striking lines 35 and 36 and  
9 inserting the following: "provided, to conduct an  
10 audit of claims paid, or as otherwise authorized by  
11 law."  
12 3. Page 2, line 8, by inserting after the word  
13 "Act" the following: ", or another organization of  
14 licensed health care professionals performing  
15 utilization and quality control review functions".

Adams of Hamilton asked and received unanimous consent to withdraw amendment H—5998A.

On motion by Adams of Hamilton, amendment H—5998B was adopted.

Adams of Hamilton offered the following amendment H—5886, to the committee amendment H—5877, filed by her and moved its adoption:

**H—5886**

1 Amend the House amendment H—5877 to Senate File  
2 2284 as amended, passed, and reprinted by the Senate,  
3 as follows:

- 4 1. Page 3, by inserting after line 4, the  
 5 following:  
 6 "\_\_\_\_\_. Title page, line 1, by inserting after the  
 7 word "information" the following: "and providing a  
 8 penalty"."

Amendment H—5886 was adopted.

On motion by Adams of Hamilton, the committee amendment H—5877, as amended, was adopted.

Adams of Hamilton moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2284)

The ayes were, 94:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Black	Blanshan
Brammer	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	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	Shoning
Siegrist	Spear	Stromer	Stueland
Svoboda	Swartz	Swearingen	Tabor
Teaford	Tyrrell	Van Camp	Van Maanen
Wise	Mr. Speaker		

The nays were, none.

Absent or not voting, 6:

Branstad	Eddie	Johnson	Sherzan
Shoultz	Skow		

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.



**Senate File 2157**, a bill for an act relating to a comprehensive acquired immune deficiency syndrome (AIDS) prevention and intervention plan, with report of committee recommending amendment and passage was taken up for consideration.

Hammond of Story offered the following amendment H—5869 filed by the committee on human resources:

H—5869

1 Amend Senate File 2157 as amended, passed, and  
2 reprinted by the Senate as follows:

3 1. Page 1, by striking lines 1 through 23 and  
4 inserting the following:

5 "Section 1. ACQUIRED IMMUNE DEFICIENCY SYNDROME-  
6 RELATED CONDITIONS — FINDINGS.

7 The general assembly finds and declares that  
8 acquired immune deficiency syndrome (AIDS)-related  
9 conditions present a significant challenge to the  
10 nation and to this state. The nation and this state  
11 are presented with the challenge of compensating  
12 society for the loss of many young, productive  
13 citizens. The state is also challenged with  
14 protecting the public health while maintaining  
15 individual liberties.

16 Iowans will experience the impact of AIDS-related  
17 conditions for some time and expect the establishment  
18 of a proactive, effective policy based upon reason and  
19 medical evidence, not a reactive, ineffective policy  
20 based upon fear and prejudice.

21 An effective, comprehensive policy includes many  
22 elements. The general assembly finds and declares  
23 that the state comprehensive plan for the prevention  
24 of and intervention in AIDS-related conditions  
25 includes the following elements: public and  
26 professional health education; testing and counseling,  
27 including contact counseling; and the increased  
28 availability of public information. Other elements,  
29 including protection of individual rights,  
30 confidentiality, and provision of care, are parts of a  
31 comprehensive approach to prevention of and  
32 intervention in AIDS-related conditions."

33 2. Page 1, line 24, by striking the figure  
34 "135H.2" and inserting the following: "135H.1".

35 3. Page 1, by striking line 27 and inserting the  
36 following: "state comprehensive acquired immune  
37 deficiency syndrome (AIDS)-related conditions  
38 prevention and intervention plan. As used in this  
39 chapter, "acquired immune deficiency syndrome-related  
40 conditions" or "AIDS-related conditions" means human  
41 immunodeficiency virus, acquired immune deficiency

- 42 syndrome, acquired immune deficiency syndrome-related  
43 complex, or any other condition resulting from the  
44 human immunodeficiency virus infection.”  
45 4. Page 1, by striking lines 28 through 30 and  
46 inserting the following:  
47 “Sec. \_\_\_\_\_. NEW SECTION. 135H.2 COMPREHENSIVE  
48 ACQUIRED IMMUNE DEFICIENCY SYNDROME (AIDS)-RELATED  
49 CONDITIONS PREVENTION AND INTERVENTION PLAN.”  
50 5. Page 2, line 9, by striking the figure

**Page 2**

- 1 “135H.4” and inserting the following: “135H.3”.  
2 6. Page 2, by striking lines 15 through 21 and  
3 inserting the following: “AIDS-related education.”  
4 7. Page 2, line 22, by striking the word “AIDS”  
5 and inserting the following: “AIDS-related”.  
6 8. Page 2, line 23, by striking the words “all  
7 of”.  
8 9. By striking page 2, line 24 through page 3,  
9 line 23, and inserting the following:  
10 “a. Pertinent AIDS-related conditions information  
11 directed toward individuals who are at risk for an  
12 AIDS-related condition.  
13 b. Pertinent AIDS-related conditions information  
14 directed toward all providers of health care.  
15 c. Pertinent AIDS-related conditions information  
16 directed toward the general public.”  
17 10. Page 3, line 24, by striking the figure  
18 “135H.5” and inserting the following: “135H.4”.  
19 11. Page 4, line 3, by striking the figure  
20 “135H.6” and inserting the following: “135H.5”.  
21 12. Page 4, by striking lines 12 through 14 and  
22 inserting the following:  
23 “1. The conducting of informational campaigns  
24 designed to increase the understanding of AIDS-related  
25 conditions in all segments of the population to  
26 alleviate unfounded fear and anxiety.”  
27 13. Page 4, line 19, by striking the word and  
28 figure “135H.7 PILOT” and inserting the following:  
29 “135H.6”.  
30 14. Page 4, line 23, by striking the word  
31 “project” and inserting the following: “program”.  
32 15. Page 4, by striking lines 28 through 33 and  
33 inserting the following: “sexually transmitted  
34 disease clinics.”  
35 16. Page 4, line 34, by striking the words “pilot  
36 project” and inserting the following: “program”.  
37 17. Page 5, line 30, by striking the word and  
38 figure “135H.8 CERTIFICATION” and inserting the  
39 following: “135H.7 ACCREDITATION”.  
40 18. Page 6, line 17, by striking the word

41 "certification" and inserting the following:  
42 "accreditation".

43 19. Page 6, line 21, by inserting after the word  
44 "testing." the following: "The rules shall provide  
45 for acceptance of accreditation programs which are in  
46 conformance with the standards established by the  
47 rules."

48 20. Page 7, by striking lines 4 through 33 and  
49 inserting the following:

50 "Sec. \_\_\_\_\_. NEW SECTION. 135H.8 ACQUIRED IMMUNE

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1 DEFICIENCY SYNDROME (AIDS)-RELATED CONDITIONS –  
2 SCREENING, TESTING, AND REPORTING.

3 1. Prior to withdrawing blood for the purpose of  
4 performing a human immunodeficiency virus-related  
5 test, the physician or other practitioner shall inform  
6 the subject of the test that the test is voluntary and  
7 may be performed anonymously if requested. Within  
8 seven days after the testing of a person with a test  
9 result indicating human immunodeficiency virus  
10 infection which has been confirmed as positive  
11 according to prevailing medical technology, the  
12 physician or other practitioner at whose request the  
13 test was performed shall make a report to the Iowa  
14 department of public health on a form provided by the  
15 department. Prior to making the required report, the  
16 physician or other practitioner shall provide written  
17 information regarding the partner notification program  
18 and shall inquire if the person wishes to initiate  
19 participation in the program by agreeing to have  
20 identifying information reported to the department on  
21 a confidential basis.

22 2. Within seven days of diagnosing a person as  
23 having an AIDS-related condition, the diagnosing  
24 physician shall make a report to the Iowa department  
25 of public health on a form provided by the department.

26 3. Within seven days of the death of a person  
27 resulting from an AIDS-related condition, the  
28 attending physician shall make a report to the Iowa  
29 department of public health on a form provided by the  
30 department."

31 21. Page 7, line 34, by striking the words  
32 "Immediately after" and inserting the following:  
33 "Within seven days of".

34 22. Page 8, line 5, by striking the words  
35 "Immediately after" and inserting the following:  
36 "Within seven days of".

37 23. Page 8, line 30, by striking the figure  
38 "135H.10" and inserting the following: "135H.9".

39 24. Page 10, line 31, by striking the word

40 "subsection" and inserting the following:  
41 "subsections".  
42 25. Page 11, by striking lines 1 through 4 and  
43 inserting the following: "services and receives funds  
44 to complete a minimum of two hours of training  
45 concerning acquired immune deficiency syndrome-related  
46 conditions through a program approved by the  
47 department. The rules shall require that new  
48 employees complete the training within six months of  
49 initial employment.  
50 NEW SUBSECTION. 23. Adopt rules which require all

**Page 4**

1 emergency medical services personnel, firefighters,  
2 and law enforcement personnel to complete a minimum of  
3 two hours of training concerning acquired immune  
4 deficiency syndrome-related conditions and the  
5 prevention of human immunodeficiency virus infection."

Hammond of Story offered the following amendment H—5903, to the committee amendment H—5869, filed by her and Peters of Woodbury and moved its adoption:

**H—5903**

1 Amend the amendment, H—5869, to Senate File 2157 as  
2 amended, passed, and reprinted by the Senate as  
3 follows:  
4 1. Page 3, line 49, by inserting after the word  
5 "employment" the following: "and existing employees  
6 complete the training on or before January 1, 1989".

Amendment H—5903 was adopted.

On motion by Hammond of Story, the committee amendment H—5869, as amended, was adopted.

Hammond of Story moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2157)

The ayes were, 93:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Black	Blanshan
Brammer	Branstad	Buhr	Carpenter
Chapman	Clark	Cohoon	Connors
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	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	Spear	Stromer	Stueland
Swartz	Swearingen	Tabor	Teaford
Tyrrell	Van Camp	Van Maanen	Wise
Mr. Speaker			

The nays were, none.

Absent or not voting, 7:

Connolly	Cooper	Eddie	Norrsgard
Shultz	Skow	Svoboda	

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

On motion by Arnould of Scott, the House was recessed at 11:05 a.m., until 1:00 p.m.

## AFTERNOON SESSION

The House reconvened, Speaker Avenson in the chair.

## CONSIDERATION OF BILLS

### Regular Calendar

**Senate File 356**, a bill for an act relating to the exemptions from regulation of a home used to prepare food for a cafe, with report of committee recommending amendment and passage was taken up for consideration.

Norrsgard of Des Moines offered the following amendment H—5843 filed by the committee on agriculture:

H—5843

- 1 Amend Senate File 356, as passed by the Senate, as
- 2 follows:
- 3 1. By striking everything after the enacting
- 4 clause and inserting the following:
- 5 "Section 1. Section 170.1, subsection 2, Code
- 6 1987, is amended to read as follows:

7 2. "Food establishment" ~~shall mean any means a~~  
8 place used as a bakery, confectionery, cannery,  
9 packinghouse, slaughterhouse where animals or poultry  
10 are killed or dressed for food, retail grocery, meat  
11 market, or other place in which food is kept,  
12 produced, prepared, or distributed for commercial  
13 purposes for off the premise off-the-premises  
14 consumption, except those premises covered by a  
15 current class "A" beer permit as provided in chapter  
16 123. for the following:

17 a. Premises covered by a current class "A" beer  
18 permit as provided in chapter 123.

19 b. Premises which are licensed as a home food  
20 establishment as defined in section 170C.1.

21 c. Premises which operate as a farmers market.

22 d. Premises of a residence in which nonhazardous  
23 food is sold for consumption off-the-premises, if the  
24 food is labeled to identify the name and address of  
25 the person preparing the food and the common name of  
26 the food. As used in this paragraph, nonhazardous  
27 food means only the following:

28 (1) Baked goods except the following: soft pies,  
29 bakery products with custard or cream fillings, or any  
30 other potentially hazardous goods.

31 (2) Wholesome, fresh eggs that are kept at a  
32 temperature of sixty degrees Fahrenheit or less.

33 (3) Honey which is labeled with additional  
34 information as provided by departmental rule.

35 Sec. 2. Section 170.1, Code 1987, is amended by  
36 adding the following new subsection:

37 NEW SUBSECTION. 6. "Farmers market" means a  
38 marketplace which seasonally operates principally as a  
39 common market for fresh fruits and vegetables on a  
40 retail basis for off-the-premises consumption.

41 Sec. 3. NEW SECTION. 170.6 FARMERS MARKET.

42 A vendor who offers a product for sale at a farmers  
43 market shall have the sole responsibility to obtain  
44 and maintain any license required to sell or  
45 distribute such product.

46 Sec. 4. NEW SECTION. 170.56 ADOPTION BY RULE.

47 The director shall adopt the retail food store  
48 sanitation code by rule as part of the Iowa retail  
49 food store sanitation code with the following  
50 exception:

## Page 2

1 1.2-101 shall be amended to allow food licensed  
2 under chapter 170C or food specified under section  
3 170.1, subsection 2, paragraph "d", to be used or  
4 offered for sale.

5 Sec. 5. Section 170A.3, Code 1987, is amended by

6 adding the following new subsection:

7 NEW SUBSECTION. 6. 2-101 shall be amended to  
8 allow food licensed under chapter 170C and food  
9 specified under section 170.1, subsection 2, paragraph  
10 "d", to be used or offered for sale.

11 Sec. 6. NEW SECTION. 170C.1 DEFINITIONS.

12 As used in this chapter unless the context  
13 otherwise requires:

14 1. "Food" means any raw, cooked, or processed  
15 edible substance, ice, beverage, or ingredient used or  
16 intended for use or sale in whole or in part for human  
17 consumption.

18 2. "Department" means the department of  
19 inspections and appeals.

20 3. "Home food establishment" means a business on  
21 the premises of a residence in which prepared food is  
22 created for sale or resale, for consumption off-the-  
23 premises, if the business has gross annual sales of  
24 prepared food of less than twenty thousand dollars.

25 4. "Prepared food" means any food other than  
26 nonhazardous food. As used in this subsection,  
27 nonhazardous food means only the following:

28 a. Fresh fruits and vegetables.

29 b. Baked goods except the following: soft pies,  
30 bakery products with a custard or cream filling, or  
31 any other potentially hazardous baked good.

32 c. Wholesome, fresh eggs that are kept at a  
33 temperature of sixty degrees Fahrenheit or less.

34 d. Honey which is labeled with additional  
35 information as provided by departmental rule.

36 Sec. 7. NEW SECTION. 170C.2 REGULATION -  
37 LICENSURE AND INSPECTION.

38 1. A person shall not open or operate a home food  
39 establishment until a license has been obtained from  
40 the department of inspections and appeals. The  
41 department shall collect a fee of twenty-five dollars  
42 for a license. After collection, the fees shall be  
43 deposited in the general fund of the state. A license  
44 shall expire one year from date of issue. A license  
45 is renewable.

46 2. A person shall not sell or distribute from a  
47 home food establishment if the home food establishment  
48 is unlicensed, the license of the home food  
49 establishment is suspended, or the food fails to meet  
50 standards adopted for such food by the department.

Page 3

1 3. An application for a license under this chapter  
2 shall be made upon a form furnished by the department  
3 and shall contain the items required by it according  
4 to rules adopted by the department.

5 4. The department shall regulate, license, and  
6 inspect home food establishments according to  
7 standards adopted by rule.

8 5. The department shall provide for the periodic  
9 inspection of a home food establishment. The  
10 inspector may enter the home food establishment at any  
11 reasonable hour to make the inspection. The  
12 department shall inspect only those areas related to  
13 preparing food for sale.

14 6. The department shall regulate and inspect food  
15 prepared at a home food establishment according to  
16 standards adopted by rule. The inspection may occur  
17 at any place where the prepared food is created,  
18 transported, or stored for sale or resale.

19 Sec. 8. NEW SECTION. 170C.3 PENALTY.

20 A person who violates a provision of this chapter,  
21 including a standard adopted by departmental rule,  
22 relating to home food establishments or prepared foods  
23 created in a home food establishment, is guilty of a  
24 simple misdemeanor. Each day that the violation  
25 continues constitutes a separate offense.

26 Sec. 9. NEW SECTION. 170C.4 INJUNCTIVE RELIEF.

27 A person operating a home food establishment or  
28 selling prepared foods created at a home food  
29 establishment in violation of a provision of this  
30 chapter may be restrained by injunction from further  
31 operating that home food establishment. If an  
32 imminent health hazard exists, the home food  
33 establishment must cease operation. Operation shall  
34 not be resumed until authorized by the department.

35 Sec. 10. NEW SECTION. 170C.5 DUTY OF COUNTY  
36 ATTORNEY.

37 The county attorney in each county shall assist in  
38 the enforcement of this chapter.

39 Sec. 11. NEW SECTION. 170C.6 CONFLICTING  
40 STATUTES.

41 Provisions of this chapter, including standards for  
42 home food establishments adopted by the department, in  
43 conflict with the state building code shall not apply  
44 where the state building code has been adopted or when  
45 the state building code applies throughout the state."

46 2. Title page, by striking lines 1 and 2 and  
47 inserting the following: "An Act relating to the  
48 regulation of home prepared foods and foods sold at  
49 farmers markets, and providing for penalties."

Arnould of Scott asked and received unanimous consent that Senate File 356 be deferred and that the bill be placed on the unfinished business calendar.

(The committee amendment H—5843 pending.)



## SENATE FILE 2273 DEFERRED

Arnould of Scott asked and received unanimous consent that Senate File 2273 be deferred and that the bill retain its place on the calendar.

## RULES SUSPENDED

Arnould of Scott asked and received unanimous consent to suspend the rules and take up out of order Senate File 2310.

CONSIDERATION OF BILLS  
Appropriations Calendar

**Senate File 2310**, a bill for an act relating to and making appropriations to the Iowa state civil rights commission, the department of human rights, the department for the blind, the department of elder affairs, and the department of public health, transferring the criminal and juvenile justice planning agency to the department of human rights, and establishing a division on the status of blacks, with report of committee recommending amendment and passage was taken up for consideration.

Hammond of Story offered the following amendment H—5867 filed by the committee on appropriations:

H—5867

- 1 Amend Senate File 2310 as amended, passed, and
- 2 reprinted by the Senate as follows:
- 3 1. Page 1, line 28, by striking the figure
- 4 "57,414.50" and inserting the following: "60,000".
- 5 2. Page 2, line 3, by striking the figure
- 6 "107,171" and inserting the following: "110,000".
- 7 3. Page 2, line 5, by striking the word "two" and
- 8 inserting the following: "five and five-tenths".
- 9 4. Page 2, line 8, by striking the figure
- 10 "79,000" and inserting the following: "134,000".
- 11 5. Page 2, line 12, by inserting after the word
- 12 "juvenile" the following: "and victim".
- 13 6. Page 2, line 28, by striking the figure
- 14 "57,414.50" and inserting the following: "52,000".
- 15 7. Page 2, by striking lines 33 and 34 and
- 16 inserting the following: "the sum of one hundred
- 17 ninety-five thousand nine hundred forty (195,940)
- 18 dollars, or so much thereof as is necessary, and as".
- 19 8. Page 3, by striking lines 6 through 9 and
- 20 inserting the following: "planning agency, and the".
- 21 9. Page 3, line 12, by striking the words "eight
- 22 point".
- 23 10. Page 4, line 30, by striking the figure

24 "1,356,000" and inserting the following: "1,316,000".  
25 11. Page 5, line 25, by striking the words and  
26 figure "one hundred thousand (100,000)" and inserting  
27 the following: "sixty thousand (60,000)".  
28 12. Page 6, by striking lines 16 through 19.  
29 13. Page 11, line 32, by striking the figure  
30 "7,787,000" and inserting the following: "7,707,000".  
31 14. Page 16, line 4, by striking the figure  
32 "494,000" and inserting the following: "474,000".  
33 15. Page 16, line 10, by inserting after the word  
34 "any" the following: "unencumbered".  
35 16. Page 16, line 18, by inserting after the  
36 words "between the" the following: "unencumbered".  
37 17. Page 16, line 23, by inserting after the  
38 words "between the" the following: "unencumbered".  
39 18. Page 17, line 14, by striking the words  
40 "equal to" and inserting the following: "the  
41 difference between fifty thousand dollars and".  
42 19. Page 17, line 15, by inserting after the word  
43 "appropriated" the following: "from the general fund  
44 of the state".  
45 20. Page 19, by inserting after line 33 the  
46 following:  
47 "DIVISION ON THE STATUS OF BLACKS  
48 Sec. \_\_\_\_\_. NEW SECTION. 601K.131 DEFINITIONS.  
49 For purposes of this subchapter, unless the context  
50 otherwise requires:

## Page 2

1 1. "Commission" means the commission on the status  
2 of blacks.  
3 2. "Division" means the division on the status of  
4 blacks of the department of human rights.  
5 3. "Administrator" means the administrator of the  
6 division on the status of blacks of the department of  
7 human rights.  
8 Sec. \_\_\_\_\_. NEW SECTION. 601K.132 ESTABLISHMENT.  
9 There is established a commission on the status of  
10 blacks to consist of nine members, appointed by the  
11 governor, and confirmed by the senate, to staggered  
12 four-year terms. At least five members shall be  
13 individuals who are black. Members shall be appointed  
14 representing every geographical area of the state. No  
15 more than a simple majority of the commission shall be  
16 of the same political party. The members of the  
17 commission shall appoint from its membership a  
18 commission chairperson and a vice chairperson and  
19 other officers as the commission deems necessary.  
20 Vacancies on the commission shall be filled for the  
21 remainder of term of the original appointment.  
22 Sec. \_\_\_\_\_. NEW SECTION. 601K.133 MEETINGS OF THE

## 23 COMMISSION.

24 The commission shall meet every other month and may  
25 hold special meetings on the call of the chairperson.

26 The commission may adopt rules pursuant to chapter 17A  
27 as it deems necessary for the conduct of its business.

28 The members of the commission shall be reimbursed for  
29 actual expenses while engaged in their official  
30 duties. Members may also be eligible to receive  
31 compensation as provided in section 7E.6.

32 Sec. \_\_\_\_\_. NEW SECTION. 601K.134 OBJECTIVES OF  
33 COMMISSION.

34 The commission shall study the changing needs and  
35 problems of blacks in this state, and recommend new  
36 programs, policies, and constructive action to the  
37 governor and the general assembly including, but not  
38 limited to, the following areas:

39 1. Public and private employment policies and  
40 practices.

41 2. Iowa labor laws.

42 3. Legal treatment relating to political and civil  
43 rights.

44 4. Black children, youth, and families.

45 5. Expanded programs to assist blacks as  
46 consumers.

47 6. The employment of blacks and the initiation and  
48 sustaining of black businesses and black  
49 entrepreneurship.

50 7. Blacks as members of private and public boards,

**Page 3**

1 committees, and organizations.

2 8. Education, health, housing, social welfare,  
3 human rights, and recreation.

4 9. The legal system, including law enforcement,  
5 both criminal and civil.

6 10. Social service programs.

7 Sec. \_\_\_\_\_. NEW SECTION. 601K.135 EMPLOYEES AND  
8 RESPONSIBILITY.

9 The administrator shall be the administrative  
10 officer of the division and shall be responsible for  
11 implementing policies and programs. The administrator  
12 may employ, in accordance with chapter 19A, other  
13 persons necessary to carry out the programs of the  
14 division.

15 Sec. \_\_\_\_\_. NEW SECTION. 601K.136 DUTIES.

16 The commission shall do all of the following:

17 1. Serve as an information clearinghouse on  
18 programs and agencies operating to assist blacks.  
19 Clearinghouse duties shall include, but are not  
20 limited to:

21 a. Service as a referral agency to assist blacks

- 22 in securing access to state agencies and programs.
- 23 b. Service as a liaison with federal, state, and
- 24 local governmental units and private organizations on
- 25 matters relating to blacks.
- 26 c. Service as a communications conduit to state
- 27 government for black organizations in the state.
- 28 d. Stimulation of public awareness of the problems
- 29 of blacks.
- 30 2. Conduct conferences and training programs for
- 31 blacks, public and private agencies and organizations,
- 32 and the general public.
- 33 3. Coordinate, assist, and cooperate with public
- 34 and private agencies in efforts to expand equal rights
- 35 and opportunities for blacks in the areas of:
- 36 employment, economic development, education, health,
- 37 housing, recreation, social welfare, social services,
- 38 and the legal system.
- 39 4. Serve as the central permanent agency for the
- 40 advocacy of services for blacks.
- 41 5. Provide assistance to and cooperate with
- 42 individuals and public and private agencies and
- 43 organizations in joint efforts to study and resolve
- 44 problems relating to the improvement of the status of
- 45 blacks.
- 46 6. Publish and disseminate information relating to
- 47 blacks, including publicizing their accomplishments
- 48 and contributions to this state.
- 49 7. Evaluate existing and proposed programs and
- 50 legislation for their impact on blacks.

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- 1 8. Coordinate or conduct training programs for
- 2 blacks to enable them to assume leadership positions.
- 3 9. Conduct surveys of blacks to ascertain their
- 4 needs.
- 5 10. Assist the department of personnel in the
- 6 elimination of underutilization of blacks in the
- 7 state's workforce.
- 8 11. Recommend legislation to the governor and the
- 9 general assembly designed to improve the educational
- 10 opportunities and the economic and social conditions
- 11 of blacks in this state.
- 12 Sec. \_\_\_\_\_. NEW SECTION. 601K.137 ADDITIONAL
- 13 AUTHORITY.
- 14 The commission may do any or all of the following:
- 15 1. Do all things necessary, proper, and expedient
- 16 in accomplishing the duties listed in section 601K.136
- 17 and this section.
- 18 2. Hold hearings.
- 19 3. Enter into contracts, within the limit of funds
- 20 made available, with individuals, organizations, and

21 institutions for services furthering the objectives of  
22 the commission as listed in section 601K.134.

23 4. Seek advice and counsel of informed individuals  
24 and organizations, in the accomplishment of the  
25 objectives of the commission.

26 5. Apply for and accept grants of money or  
27 property from the federal government or any other  
28 source, and upon its own order use this money,  
29 property, or other resources to accomplish the  
30 objectives of the commission.

31 Sec. \_\_\_\_\_. NEW SECTION. 601K.138 ACCESS TO  
32 INFORMATION.

33 For the purpose of research and study, the  
34 commission and the administrator shall have access to  
35 all nonconfidential records, data, information, and  
36 statistics of all departments, boards, commissions,  
37 agencies, and institutions of this state.

38 Sec. \_\_\_\_\_. NEW SECTION. 601K.139 ANNUAL REPORT.

39 Not later than August 1 of each year, the  
40 commission shall file a report with the governor and  
41 the general assembly of its activities for the  
42 previous fiscal year and its programmatic priorities  
43 for the current year beginning July 1. The commission  
44 may submit with the report any recommendations  
45 pertaining to its affairs and shall submit  
46 recommendations for legislative consideration and  
47 other action it deems necessary.

48 Sec. \_\_\_\_\_. INITIAL APPOINTMENTS. Four of the  
49 members appointed to the initial commission shall be  
50 designated by the governor to serve two-year terms,

#### Page 5

1 and five shall be designated by the governor to serve  
2 four-year terms."

3 21. Page 22, by inserting after line 30, the  
4 following:

5 "7. Division on the status of blacks."

6 22. By renumbering as necessary.

Hammond of Story offered the following amendment H—5994, to  
the committee amendment H—5867, filed by her and moved its  
adoption:

#### H—5994

1 Amend the amendment, H—5867, to Senate File 2310,  
2 as amended, passed, and reprinted by the Senate, as  
3 follows:

4 1. Page 1, by striking lines 16 through 18 and  
5 inserting the following: "inserting the following:  
6 "the sum of two hundred fifteen thousand three hundred  
7 ninety-two (215,392) dollars, or so much thereof as is  
8 necessary, and as"."

Amendment H—5994 was adopted.

Van Camp of Scott offered the following amendment H—6022, to the committee amendment H—5867, filed from the floor by him and Corbett of Linn and moved its adoption:

H—6022

- 1 Amend the amendment, H—5867, to Senate File 2310 as
- 2 amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 1, by inserting after line 22 the
- 5 following:
- 6 "\_\_\_\_\_. Page 3, line 31, by striking the figure
- 7 "319,000" and inserting the following: "432,000"."
- 8 2. By renumbering as necessary.

Roll call was requested by Van Camp of Scott and Jochum of Dubuque.

On the question "Shall amendment H—6022, to the committee amendment H—5867, be adopted?" (S.F. 2310)

The ayes were, 29:

Beaman	Bennett	Branstad	Carpenter
Clark	Corbett	Diemer	Garman
Halvorson, R. A.	Harbor	Hermann	Hester
Hummel	Lundby	Maulsby	McKean
Metcalf	Paulin	Pellett	Platt
Renken	Schnekloth	Shoning	Siegrist
Stueland	Swearingen	Tyrrell	Van Camp
Van Maanen			

The nays were, 56:

Adams	Arnould	Beatty	Black
Blanshan	Brammer	Buhr	Chapman
Cohoon	Connors	Cooper	Corey
Daggett	De Groot	Doderer	Dvorsky
Fey	Fogarty	Fuller	Groninga
Gruhn	Hammond	Hansen, S. D.	Harper
Haverland	Holveck	Jay	Jochum
Johnson	Knapp	Koenigs	Lageschulte
May	McKinney	Muhlbauer	Neuhauser
Norrgard	Ollie	Osterberg	Parker
Pavich	Peters	Peterson, M. K.	Poncy
Renaud	Rosenberg	Schrader	Sherzan
Skow	Spear	Svoboda	Swartz
Tabor	Teaford	Wise	Mr. Speaker

Absent or not voting, 15:

Bisignano	Connolly	Eddie	Halvorson, R. N.
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Hanson, D. R.  
Mullins  
Running

Hatch  
Petersen, D. F.  
Shoultz

Kremer  
Plasier  
Stromer

Miller  
Royer

Amendment H—6022 lost.

Van Camp of Scott offered amendment H—6017, to the committee amendment H—5867, filed by him from the floor and requested division as follows:

H—6017

- 1 Amend the House amendment, H—5867, to Senate File
- 2 2310, as amended, passed, and reprinted by the Senate,
- 3 as follows:

H—6017A

- 4 1. Page 1, line 24, by striking the figure
- 5 "1,316,000" and inserting the following: "1,633,000".

H—6017B

- 6 2. Page 1, line 30, by striking the figure
- 7 "7,707,000" and inserting the following: "8,787,000".

H—6017C

- 8 3. Page 1, line 32, by striking the figure
- 9 "474,000" and inserting the following: "594,000".

Ollie of Clinton in the chair at 2:45 p.m.

Van Camp of Scott moved the adoption of amendment H—6017A, to the committee amendment H—5867.

Roll call was requested by Van Camp of Scott and Stromer of Hancock.

On the question "Shall amendment H—6017A, to the committee amendment H—5867, be adopted?" (S.F. 2310)

The ayes were, 28:

Beaman  
Corbett  
Hanson, D. R.  
Hummel  
Metcalf  
Schneklloth  
Swearingen

Bennett  
Daggett  
Harbor  
Lundby  
Mullins  
Shoning  
Tyrrell

Carpenter  
Diemer  
Hermann  
Maulsby  
Paulin  
Stromer  
Van Camp

Clark  
Halvorson, R. A.  
Hester  
McKean  
Pellett  
Stueland  
Van Maanen

The nays were, 54:

Adams  
Blanshan

Avenson  
Brammer

Beatty  
Buhr

Bisignano  
Chapman

Cohoon	Connors	Cooper	Corey
De Groot	Doderer	Dvorsky	Fey
Fogarty	Fuller	Garman	Groninga
Gruhn	Hammond	Hansen, S. D.	Harper
Hatch	Haverland	Holveck	Jay
Jochum	Johnson	Knapp	Koenigs
Lageschulte	May	McKinney	Muhlbauer
Neuhauser	Norrgard	Osterberg	Pavich
Peterson, M. K.	Poncy	Rosenberg	Running
Schrader	Siegrist	Skow	Spear
Svoboda	Swartz	Tabor	Teaford
Wise	Mr. Speaker (Ollie)		

Absent or not voting, 18:

Arnould	Black	Branstad	Connolly
Eddie	Halvorson, R. N.	Kremer	Miller
Parker	Peters	Petersen, D. F.	Plasier
Platt	Renaud	Renken	Royer
Sherzan	Shoultz		

Amendment H—6017A lost.

Hammond of Story offered the following amendment H—6018, to the committee amendment H—5867, filed by her from the floor and moved its adoption:

H—6018

- 1 Amend the House amendment, H—5867, to Senate File
- 2 2310, as amended, passed, and reprinted by the Senate,
- 3 as follows:
- 4 1. Page 1, by inserting after line 27 the
- 5 following:
- 6 "\_\_\_\_\_. Page 6, line 7, by striking the word
- 7 "forty-five" and inserting the following: "forty-
- 8 seven".
- 9 2. By renumbering as necessary.

Amendment H—6018 was adopted.

The House resumed consideration of amendment H—6017B, to the committee amendment H—5867.

Van Camp of Scott moved the adoption of amendment H—6017B, to the committee amendment H—5867.

Roll call was requested by Hammond of Story and Miller of Cherokee.



On the question "Shall amendment H—6017B, to the committee amendment H—5867, be adopted?" (S.F. 2310)

The ayes were, 36:

Beaman	Bennett	Carpenter	Clark
Corbett	Corey	Daggett	Diemer
Fogarty	Fuller	Halvorson, R. A.	Hanson, D. R.
Harbor	Hermann	Hester	Hummel
Lundby	Maulsby	McKean	Metcalf
Miller	Mullins	Paulin	Pellett
Petersen, D. F.	Plasier	Platt	Renken
Running	Schneklath	Shoning	Stueland
Swearingen	Tyrrell	Van Camp	Van Maanen

The nays were, 54:

Adams	Arnould	Avenson	Beatty
Bisignano	Brammer	Buhr	Chapman
Cohoon	Connolly	Connors	Cooper
De Groot	Doderer	Dvorsky	Fey
Garman	Groninga	Gruhn	Hammond
Hansen, S. D.	Harper	Hatch	Haverland
Holveck	Jay	Jochum	Johnson
Knapp	Koenigs	Lageschulte	May
McKinney	Muhlbauer	Neuhauser	Norrgard
Osterberg	Parker	Pavich	Peters
Peterson, M. K.	Poncy	Renaud	Rosenberg
Schrader	Sherzan	Siegrist	Skow
Spear	Svoboda	Swartz	Tabor
Wise	Mr. Speaker (Ollie)		

Absent or not voting, 10:

Black	Blanshan	Branstad	Eddie
Halvorson, R. N.	Kremer	Royer	Shoultz
Stromer	Teaford		

Amendment H—6017B lost.

Van Maanen of Mahaska offered the following amendment H—5999, to the committee amendment H—5867, filed by Van Maanen et al., and moved its adoption:

H—5999

- 1 Amend the amendment, H—5867, to Senate File 2310,
- 2 as amended, passed and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 1, by striking lines 29 and 30.

Amendment H—5999 lost.

The House resumed consideration of amendment H—6017C, to the committee amendment H—5867.

Van Camp of Scott moved the adoption of amendment H—6017C, to the committee amendment H—5867.

Roll call was requested by Van Camp of Scott and Miller of Cherokee.

On the question "Shall amendment H—6017C, to the committee amendment H—5867, be adopted?" (S.F. 2310)

The ayes were, 32:

Beaman	Bennett	Carpenter	Clark
Corbett	Corey	Daggett	Diemer
Halvorson, R. A.	Hanson, D. R.	Harbor	Hermann
Hester	Hummel	Maulsby	McKean
Metcalf	Miller	Mullins	Paulin
Petersen, D. F.	Plasier	Renken	Royer
Schnekloth	Shoning	Stromer	Stueland
Swearingen	Tyrrell	Van Camp	Van Maanen

The nays were, 56:

Adams	Arnould	Avenson	Beatty
Bisignano	Blanshan	Brammer	Buhr
Chapman	Cohoon	Connors	Cooper
De Groot	Doderer	Fey	Fogarty
Fuller	Garman	Groninga	Gruhn
Halvorson, R. N.	Hammond	Hansen, S. D.	Harper
Hatch	Haverland	Holveck	Jay
Jochum	Johnson	Knapp	Koenigs
Lageschulte	Lundby	May	McKinney
Muhlbauer	Neuhauser	Norrsgard	Osterberg
Parker	Pavich	Peters	Peterson, M. K.
Poncy	Rosenberg	Schrader	Sherzan
Siegrist	Skow	Spear	Svoboda
Swartz	Teaford	Wise	Mr. Speaker (Ollie)

Absent or not voting, 12:

Black	Branstad	Connolly	Dvorsky
Eddie	Kremer	Pellett	Platt
Renaud	Running	Shoultz	Tabor

Amendment H—6017C lost.

Division of the committee amendment H—5867 was requested as follows:

H—5867A — lines 3 and 4

H—5867B — lines 5 and 6

H-5867C — lines 7 and 8  
 H-5867D — lines 9 and 10  
 H-5867E — lines 11 and 12  
 H-5867F — lines 13 and 14  
 H-5867G — lines 15 through 18  
 H-5867H — lines 19 and 20  
 H-5867I — lines 21 and 22  
 H-5867J — lines 23 and 24  
 H-5867K — lines 25 through 27  
 H-5867L — line 28  
 H-5867M — lines 29 and 30  
 H-5867N — lines 31 and 32  
 H-5867O — lines 33 through 38  
 H-5867P — lines 39 through 44  
 H-5867Q — lines 45 through 50, page 1; all of pages 2, 3, 4 and 5.

On motion by Hammond of Story, the committee amendment H-5867A was adopted.

On motion by Hammond of Story, the committee amendment H-5867B was adopted.

On motion by Hammond of Story, the committee amendment H-5867C was adopted.

Tyrrell of Iowa asked and received unanimous consent to withdraw the request for divisions E through Q making amendment H-5867D lines 9 through 50, page 1; all of pages 2, 3, 4 and 5.

On motion by Hammond of Story, the committee amendment H-5867D, as amended, was adopted.

Hanson of Delaware offered the following amendment H-6005 filed by him and Halvorson of Webster:

H-6005

- 1 Amend Senate File 2310 as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 2, by inserting after line 28 the
- 4 following:
- 5 "8. DIVISION FOR THE BLIND
- 6 For salaries and support of not more than one
- 7 hundred two and five-tenths full-time equivalent
- 8 positions annually, maintenance, and miscellaneous
- 9 purposes:
- 10 .....\$1,298,000".
- 11 2. Page 3, by striking lines 14 through 22.
- 12 3. By striking page 19, line 34 through page 22,

- 13 line 5.  
 14 4. By striking page 22, line 19, through page 23,  
 15 line 8.  
 16 5. Title page, lines 2 and 3, by striking the  
 17 words "the department for the blind,".

Hanson of Delaware offered the following amendment H—6027, to amendment H—6005, filed from the floor by him and Halvorson of Webster and moved its adoption:

H—6027

- 1 Amend amendment, H—6005, to Senate File 2310 as  
 2 amended, passed and reprinted by the Senate as  
 3 follows:  
 4 1. Page 1, by inserting before line 3 the  
 5 following:  
 6 "\_\_\_\_\_. Page 1, line 16, by striking the word  
 7 "five" and inserting the following: "six".  
 8 \_\_\_\_\_ Page 1, line 19, by striking the figure  
 9 "104,000" and inserting the following: "99,000".  
 10 2. Page 1, line 7, by striking the word "two" and  
 11 inserting the following: "one".  
 12 3. Page 1, line 10, by striking the figure  
 13 "1,298,000" and inserting the following: "1,  
 14 281,000".

Amendment H—6027 was adopted.

Hanson of Delaware moved the adoption of amendment H—6005, as amended.

Roll call was requested by Hammond of Story and Holveck of Polk.

On the question "Shall amendment H—6005, as amended, be adopted?" (S.F. 2310)

The ayes were, 28:

Bennett	Carpenter	Connolly	Diemer
Fey	Garman	Halvorson, R. N.	Hansen, S. D.
Hanson, D. R.	Hatch	Hermann	Hester
Jochum	Knapp	Koenigs	Kremer
Maulsby	Metcalf	Miller	Paulin
Petersen, D. F.	Plasier	Poncy	Renken
Royer	Schnekloth	Siegrist	Stromer

The nays were, 65:

Adams	Arnould	Avenson	Beaman
Beatty	Bisignano	Brammer	Branstad
Buhr	Clark	Cohoon	Connors
Corbett	Corey	Daggett	De Groot

Dvorsky	Fogarty	Fuller	Groninga
Gruhn	Halvorson, R. A.	Hammond	Harbor
Harper	Haverland	Holveck	Hummel
Jay	Johnson	Lageschulte	Lundby
May	McKean	McKinney	Muhlbauer
Mullins	Neuhauser	Norrgard	Osterberg
Parker	Pavich	Pellett	Peters
Peterson, M. K.	Platt	Renaud	Rosenberg
Running	Schrader	Sherzan	Shoning
Skow	Spear	Stueland	Svoboda
Swartz	Swearingen	Tabor	Teaford
Tyrrell	Van Camp	Van Maanen	Wise
Mr. Speaker			
(Ollie)			

Absent or not voting, 7:

Black	Blanshan	Chapman	Cooper
Doderer	Eddie	Shoultz	

Amendment H—6005, as amended, lost.

Hammond of Story offered the following amendment H—5995 filed by her and moved its adoption:

H—5995

- 1 Amend Senate File 2310, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 2, line 30, by striking the word "agency"
- 4 and inserting the following: "division".
- 5 2. Page 3, line 3, by striking the word "agency"
- 6 and inserting the following: "division".
- 7 3. Page 3, line 6, by striking the word "agency"
- 8 and inserting the following: "division".
- 9 4. Page 3, line 9, by striking the word "agency"
- 10 and inserting the following: "division".
- 11 5. Page 3, line 11, by striking the word "agency"
- 12 and inserting the following: "division".
- 13 6. Page 3, line 13, by striking the word "agency"
- 14 and inserting the following: "division".
- 15 7. Page 3, by inserting after line 13, the
- 16 following:
- 17 "The criminal and juvenile justice advisory council
- 18 of the division of criminal justice planning and the
- 19 juvenile justice advisory council of the division of
- 20 children, youth, and families shall coordinate their
- 21 efforts in carrying out their respective duties
- 22 relative to juvenile justice."

Amendment H—5995 was adopted.

Hammond of Story offered the following amendment H—6006 filed by her:

H-6006

1 Amend Senate File 2310 as amended, passed, and  
2 reprinted by the Senate, as follows:

3 1. Page 6, by inserting after line 33, the  
4 following:

5 "Notwithstanding chapter 135, division IV, it is  
6 the intent of the general assembly that, for the  
7 fiscal year beginning July 1, 1988, and ending June  
8 30, 1989, the following elements to be included in the  
9 certificate of need process, pursuant to sections  
10 135.61 through 135.83:

11 a. Notwithstanding section 135.61, subsection 19,  
12 paragraph "d", only notification to the department of  
13 public health shall be required for a permanent  
14 reduction in bed capacity.

15 b. Notwithstanding section 135.61, subsection 19,  
16 acquisition of an air transportation system for  
17 transportation of patients, as defined by the  
18 department of public health, shall be considered a new  
19 institutional health service, including but not  
20 limited to acquisition by lease, purchase, donation,  
21 or contract, by a hospital or subsidiary of a  
22 hospital. For the purposes of paragraph "d" of this  
23 subsection, an air transportation system is subject to  
24 the one-year approval prohibition.

25 c. Notwithstanding section 135.61, subsection 19,  
26 a life care community may have a ratio of one nursing  
27 bed to four total resident beds, without approval by  
28 the health facilities council. The life care  
29 community shall submit and receive approval of  
30 financial information as required by the division of  
31 insurance of the department of commerce prior to the  
32 nursing beds being initiated as part of a life care  
33 community or added to an existing life care community.

34 For the purposes of this paragraph, the following  
35 definitions apply:

36 (1) "Life care" means furnishing the combination  
37 of independent living accommodations and of nursing  
38 care or personal care services pursuant to an  
39 agreement to provide continuing care for the term of  
40 the contract, most frequently for the duration of a  
41 resident's life, whether the nursing care or personal  
42 care services are provided in the community or in  
43 another setting designated by the agreement, to an  
44 individual not related by consanguinity or affinity to  
45 the provider furnishing the living unit, for an  
46 entrance fee.

47 (2) "Entrance fee" means an initial or deferred  
48 transfer to a provider of a sum of money or other  
49 property made or promised to be made as full or  
50 partial made or promised to be made as full or partial

## Page 2

1 consideration for acceptance of a specified person as  
2 a resident in a community for the duration of the  
3 person's life or for a period which exceeds one year.  
4 An accommodation fee, admission fee, or other fee of  
5 similar form and application is considered to be an  
6 entrance fee.

7 (3) "Life care community" or "community" means a  
8 place which provides life care.

9 (4) "Living unit" means a room, apartment,  
10 cottage, or other area within a community set aside  
11 for the exclusive use or control of one or more  
12 specified persons.

13 (5) "Nursing care" means those services pertaining  
14 to the curative, restorative, and preventative aspects  
15 of nursing services that are performed by or under the  
16 supervision of a registered or licensed nurse.  
17 "Nursing care" does not include general health service  
18 such as nutritional counseling, exercise programs, or  
19 other preventive medicine techniques.

20 (6) "Personal care services" means assistance with  
21 meals, dressing, movement, bathing, or other personal  
22 needs of maintenance or other direct supervision and  
23 oversight of the physical and mental well-being of a  
24 person. "Personal care services" does not include  
25 general health services such as nutritional counseling  
26 exerciser programs, or other preventive medicine  
27 techniques.

28 (7) "Provider" means a person who owns or operates  
29 a life care community.

30 (8) "Resident" or "potential resident" means a  
31 person entitled to receive life care in a facility  
32 pursuant to an agreement and the payment of an  
33 entrance fee.

34 (9) "Disclosure of financial information" means  
35 information in the manner required by rule of the  
36 division of insurance of relative to the capability of  
37 a life care community to ensure the safety of funds  
38 and properties entrusted to the community for the  
39 purpose of assuring the provision of life care agreed  
40 to be the resident or potential resident and the  
41 provider.

42 d. Notwithstanding sections 135.65 and 135.69, the  
43 health facilities council shall not accept or approve  
44 or deny application for a new institutional health  
45 service or changed institutional health service as  
46 defined in section 135.61, subsection 19, or for an  
47 air transportation system for a hospital or subsidiary  
48 of a hospital until July 1, 1989. However, if a  
49 hospital or subsidiary of a hospital displays an  
50 urgent and compelling need as defined by the

## Page 3

1 department of public health to provide a new  
2 institutional health service or changed institutional  
3 health service through purchase or lease, the hospital  
4 or subsidiary of the hospital may request an exemption  
5 from the department of public health. The hospital or  
6 subsidiary of the hospital may be granted a formal  
7 review by the council to determine whether an  
8 exemption to the moratorium shall be approved or  
9 denied.

10 e. The legislative council shall establish a  
11 legislative interim study committee to develop new  
12 criteria for use by the health facilities council to  
13 use in the determination of approval for a health  
14 service project."

15 2. Page 22, line 17, by striking the word "and"  
16 and inserting the following: "a forty dollar per diem  
17 and".

18 3. Page 23, by inserting after line 6 the fol-  
19 lowing:

20 "Sec. \_\_\_\_\_. 1986 Iowa Acts, chapter 1150, sections  
21 2 and 3, are amended to read as follows:

22 SEC. 2. The state department of public health  
23 shall monitor the effects of this Act's exclusion of  
24 residential care facilities from the requirements of  
25 section 135.63 in terms of availability, cost, and  
26 quality of residential care. The department shall  
27 report its findings and recommendations regarding  
28 continued exclusion to the governor and the general  
29 assembly by January 11, ~~1988~~ 15, 1990.

30 SEC. 3. Section 1 of this Act is repealed, July 1,  
31 ~~1988~~ 1990."

32 4. Page 23, line 10, by inserting after the word  
33 "enactment." the following: "Section 6, subsection 2,  
34 paragraph "d" of this Act takes effect upon enactment.  
35 A certificate of need approved by the health  
36 facilities council for the University of Iowa  
37 hospitals and clinics on October 8, 1987, is  
38 rescinded. Pursuant to section 263A.2, the project  
39 shall be discontinued until the project receives  
40 legislative approval."

Neuhauser of Johnson asked and received unanimous consent to withdraw amendment H—6020, to amendment H—6006, filed by her from the floor.

Hammond of Story offered the following amendment H—6019, to amendment H—6006, filed by her from the floor and moved its adoption:

H—6019

1 Amend amendment H—6006 to Senate File 2310, as  
2 amended, passed, and reprinted by the Senate, as



3 follows:

- 4 1. Page 1, line 44, by striking the word
- 5 "consanquinity" and inserting the following:
- 6 "consanguinity".
- 7 2. Page 1, by striking line 50 and inserting the
- 8 following: "partial".
- 9 3. Page 2, line 26, by striking the word
- 10 "exerciser" and inserting the following: ",
- 11 exercise".
- 12 4. Page 2, line 36, by striking the words
- 13 "insurance of" and inserting the following:
- 14 "insurance".
- 15 5. Page 2, line 40, by striking the word "be" and
- 16 inserting the following: "by".
- 17 6. Page 3, line 30, by striking the word
- 18 "repealed," and inserting the following: "repealed".
- 19 7. Page 3, by inserting after line 40 the
- 20 following:
- 21 "\_\_\_\_\_. Title page, line 6, by inserting after the
- 22 word "blacks" the following: "and providing an
- 23 effective date".

Amendment H—6019 was adopted.

Poncy of Wapello rose on a point of order that amendment H—6006, as amended, was not germane.

The Speaker ruled the point well taken and amendment H—6006, as amended, not germane.

Hermann of Scott offered the following amendment H—5946 filed by Hermann, et al.:

H—5946

- 1 Amend Senate File 2310 as amended, passed and
- 2 reprinted by the Senate as follows:
- 3 1. Page 7, line 3, by striking the figure
- 4 "1,717,000" and inserting the following: "2,717,000".
- 5 2. Page 7, by inserting after line 3 the
- 6 following:
- 7 "The department shall allocate from the funds
- 8 appropriated under this paragraph, one million
- 9 (1,000,000) dollars, or so much thereof as is
- 10 necessary, for the fiscal year beginning July 1, 1988,
- 11 and ending June 30, 1989, to be used for the funding
- 12 of emergency medical services at the state, county,
- 13 and local levels. Any balance in the fund on June 30,
- 14 1989, or June 30 of a succeeding fiscal year exceeding
- 15 fifty thousand dollars shall revert to the general
- 16 fund of the state."

Swartz of Marshall offered the following amendment H—6028, to amendment H—5946, filed by him from the floor:

H—6028

- 1 Amend the amendment, H—5946, to Senate File 2310 as
- 2 amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 1, by striking lines 3 through 16 and
- 5 inserting the following:
- 6 " \_\_\_\_\_. Page 16, by inserting after line 31 the
- 7 following:
- 8 "Sec. \_\_\_\_\_. There is appropriated from the general
- 9 fund of the state to the disease prevention division
- 10 of the Iowa department of public health beginning July
- 11 1, 1988 an amount which is equal to the amount
- 12 deposited in the separate emergency medical services
- 13 account of the general fund under section 135.97 to be
- 14 used for the funding of emergency medical services at
- 15 the state, county, and local levels."
- 16 \_\_\_\_\_. Page 19, by inserting after line 22 the
- 17 following:
- 18 "Sec. \_\_\_\_\_. NEW SECTION. 135.97 EMERGENCY MEDICAL
- 19 SERVICES FUND.
- 20 An emergency medical services fund is created in
- 21 the state treasury. The director shall adopt rules
- 22 pursuant to chapter 17A to establish and collect a one
- 23 dollar surcharge for ambulance runs undertaken in the
- 24 state. The moneys collected, in addition to the
- 25 moneys collected pursuant to section 307.12,
- 26 subsection 14, shall be deposited in the emergency
- 27 medical services fund and shall be appropriated to the
- 28 disease prevention division of the Iowa department of
- 29 public health to be used for the funding of emergency
- 30 medical services at the state, county, and local
- 31 levels.
- 32 Sec. \_\_\_\_\_. Section 307.12, Code 1987, is amended by
- 33 adding the following new subsection:
- 34 NEW SUBSECTION. 14. Adopt rules to establish a
- 35 one dollar surcharge on each driver's license issued
- 36 in the state. The rules shall include provisions for
- 37 the collection of the moneys and for the deposit of
- 38 the moneys collected in the emergency medical services
- 39 fund created under section 135.97."

Speaker Avenson in the chair at 5:05 p.m.

Swartz of Marshall moved the adoption of amendment H—6028, to amendment H—5946.

A non-record roll call was requested.

The ayes were 47, nays 29.

Amendment H—6028 was adopted.

On motion by Hermann of Scott, amendment H—5946, as amended, was adopted.

Corbett of Linn asked and received unanimous consent to withdraw amendment H—5863 filed by Corbett, et al., on March 24, 1988.

Hermann of Scott offered the following amendment H—5737 filed by him and Van Camp of Scott:

H—5737

- 1 Amend Senate File 2310, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 8, by inserting after line 27, the
- 4 following:
- 5 "It is the intent of the general assembly that the
- 6 termination of pregnancy reports program established
- 7 pursuant to section 144.29A be funded through the
- 8 appropriation to this division."
- 9 2. Page 19, by inserting after line 22, the
- 10 following:
- 11 "Sec. \_\_\_\_\_. NEW SECTION. 144.29A TERMINATION OF
- 12 PREGNANCY REPORTING.
- 13 1. A health care provider who identifies a
- 14 spontaneous termination of pregnancy or who induces a
- 15 termination of pregnancy shall file with the
- 16 department a report for each termination within thirty
- 17 days of the occurrence. The report shall contain all
- 18 of the following information with respect to each
- 19 termination:
- 20 a. Health care provider.
- 21 b. Health facility.
- 22 c. Patient number.
- 23 d. The state and, if this state, the county of
- 24 residence of the patient.
- 25 e. Age of the patient.
- 26 f. Marital status of the patient.
- 27 g. Educational level of the patient.
- 28 h. Month and year in which the termination
- 29 occurred.
- 30 i. The number of weeks since the patient's last
- 31 menstrual period.
- 32 j. Complications, if any.
- 33 k. Cause of termination, if known.
- 34 2. The information shall be collected in a manner
- 35 which the department shall specify by rule, pursuant
- 36 to chapter 17A, and which ensures the anonymity of the
- 37 patient who experiences a termination of pregnancy,
- 38 the health care provider who identifies or induces a
- 39 termination of pregnancy, and the hospital, clinic, or

40 other health facility in which a termination of  
41 pregnancy is identified or induced. The department  
42 shall publish annually demographic summaries of the  
43 information obtained pursuant to this section, except  
44 that the department shall not disclose any information  
45 obtained pursuant to this section which reveals the  
46 identity of any patient, health care provider, or  
47 hospital, clinic, or other health facility, and shall  
48 ensure anonymity in the following ways:  
49 a. The department may use information concerning  
50 the patient number or concerning the identity of a

**Page 2**

1 specific reporting hospital, clinic, or other health  
2 facility only for purposes of information collection.  
3 The department shall not reproduce this information  
4 for any purpose, and shall not extrapolate this  
5 information for any purposes other than for use in  
6 annually publishing the demographic summary under this  
7 section.  
8 b. The department shall immediately destroy all  
9 reports submitted after information is extrapolated  
10 from the reports for use in annually publishing the  
11 demographic summary under this section."  
12 3. By renumbering as necessary.

Hansen of Woodbury in the chair at 5:25 p.m.

Hermann of Scott offered the following amendment H—5887, to  
amendment H—5737, filed by him and moved its adoption:

H—5887

1 Amend the House amendment, H—5737, to Senate File  
2 2310 as amended, passed, and reprinted by the Senate  
3 as follows:  
4 1. Page 1, by striking line 21 and inserting the  
5 following:  
6 "b. The name and address of the health facility."  
7 2. Page 1, by striking line 22.  
8 3. Page 1, line 23, by striking the words ", if  
9 this state,".  
10 4. Page 2, line 8, by striking the word  
11 "immediately" and inserting the following: ", after a  
12 period of twelve months,".  
13 5. Page 2, by inserting after line 11 the  
14 following:  
15 "3. A person who does not comply with the  
16 requirements of this section is guilty of a simple  
17 misdemeanor."  
18 6. Page 2, line 12, by inserting after the word  
19 "renumbering" the following: "and relettering".

- 20 7. Title page, by striking line 6 and inserting  
21 the following: "rights, establishing a division on  
22 the status of blacks, and providing a penalty."

Doderer of Johnson rose on a point of order that amendment H—5887 was not germane.

The Speaker ruled the point well taken and amendment H—5887, to amendment H—5737, not germane.

Speaker Avenson in the chair at 5:29 p.m.

Swartz of Marshall offered the following amendment H—5884, to amendment H—5737, filed by him:

H—5884

- 1 Amend the House amendment, H—5737, to Senate File  
2 2310 as amended, passed, and reprinted by the Senate,  
3 as follows:  
4 1. Page 1, line 46, by inserting after the word  
5 "of" the following: "the city or county of or the  
6 identity of".  
7 2. Page 2, line 7, by inserting after the word  
8 "section." the following: "The summary shall only  
9 include data on a statewide basis and shall not  
10 include data identifying activity in any specific  
11 city, county, or region of the state."  
12 3. Page 2, by inserting after line 11, the  
13 following:  
14 "3. A person in violation of any provision or  
15 requirement of this section is subject to a civil  
16 penalty of not more than one thousand dollars."  
17 4. Title page, by striking line 6 and inserting  
18 the following: "rights, establishing a division on  
19 the status of blacks, and providing a penalty."

Doderer of Johnson rose on a point of order that amendment H—5884 was not germane.

The Speaker ruled the point well taken and amendment H—5884, to amendment H—5737, not germane.

Hermann of Scott offered the following amendment H—5988, to amendment H—5737, filed by him and moved its adoption:

H—5988

- 1 Amend amendment, H—5737, to Senate File 2310 as  
2 amended, passed, and reprinted by the Senate, as  
3 follows:  
4 1. Page 1, line 50, by striking the words "the  
5 patient number or concerning".

Amendment H—5988 was adopted.

Doderer of Johnson rose on a point of order that amendment H—5737, as amended, was not germane.

The Speaker ruled the point well taken and amendment H—5737, as amended, not germane.

Hermann of Scott asked for unanimous consent to consider amendment H—5737.

Objection was raised.

Van Camp of Scott moved that the rules be suspended to consider amendment H—5737, as amended.

Roll call was requested by Van Camp of Scott and Hermann of Scott.

Rule 75 was invoked.

On the question "Shall the rules be suspended to consider amendment H—5737, as amended?" (S.F. 2310)

The ayes were, 41:

Beaman	Bennett	Branstad	Carpenter
Clark	Corbett	Corey	Daggett
De Groot	Diemer	Garman	Halvorson, R. A.
Hanson, D. R.	Harbor	Hermann	Hester
Knapp	Kremer	Lageschulte	Lundby
Maulsby	McKean	Miller	Mullins
Paulin	Pellett	Petersen, D. F.	Plasier
Platt	Renken	Royer	Running
Schnekloth	Shoning	Siegrist	Stromer
Stueland	Swearingen	Tyrrell	Van Camp
Van Maanen			

The nays were, 54:

Adams	Arnould	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	Koenigs	May
McKinney	Metcalf	Neuhauser	Norrsgard
Ollie	Osterberg	Pavich	Peters
Peterson, M. K.	Poncy	Renaud	Rosenberg
Sherzan	Shoultz	Skow	Spear
Svoboda	Swartz	Tabor	Teaford
Wise	Mr. Speaker		

Absent or not voting, 5:

Eddie  
Schrader

Hummel

Muhlbauer

Parker

The motion to suspend the rules lost.

Hammond of Story offered the following amendment H—5993 filed by her and moved its adoption:

H—5993

- 1 Amend Senate File 2310, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 22, line 17, by striking the word "~~and~~"
- 4 and inserting the following: "a forty dollar per diem
- 5 and".

Amendment H—5993 was adopted.

Hammond of Story moved to reconsider the vote by which amendment H—5995 (found on page 1164 of the House Journal) was adopted by the House on March 29, 1988, which motion prevailed and the House reconsidered amendment H—5995.

Division of amendment H—5995 was requested as follows:

H—5995A — lines 3 through 6 and lines 11 through 22.

H—5995B — lines 7 through 10.

On motion by Hammond of Story, amendment H—5995A was adopted.

Amendment H—5995B was ruled out of order with the adoption of the committee amendment H—5867D.

The following amendment H—6041 filed by Hammond of Story from the floor was adopted by unanimous consent:

H—6041

- 1 Amend Senate File 2310 as amended, passed and
- 2 reprinted by the Senate as follows:
- 3 1. Title page, by striking line 6 and inserting
- 4 the following: "rights, establishing a division on
- 5 the status of blacks, creating an emergency medical
- 6 services fund and establishing a surcharge on
- 7 driver's licenses."

Hammond of Story moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2310)

The ayes were, 83:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Black	Blanshan
Brammer	Buhr	Carpenter	Chapman
Clark	Cohoon	Connolly	Connors
Cooper	Corbett	Corey	Daggett
De Groot	Diemer	Doderer	Dvorsky
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
Lageschulte	Lundby	May	McKean
McKinney	Metcalf	Muhlbauer	Mullins
Neuhauser	Norrsgard	Ollie	Osterberg
Paulin	Pavich	Peters	Peterson, M. K.
Platt	Poncy	Renaud	Rosenberg
Schnekloth	Schrader	Sherzan	Shoning
Shoultz	Siegrist	Skow	Spear
Stromer	Stueland	Svoboda	Swartz
Swearingen	Tabor	Teaford	Tyrrell
Van Camp	Wise	Mr. Speaker	

The nays were, 13:

Branstad	Garman	Halvorson, R. N.	Kremer
Maulsby	Miller	Pellett	Petersen, D. F.
Plasier	Renken	Royer	Running
Van Maanen			

Absent or not voting, 4:

Eddie	Hummel	Koenigs	Parker
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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.

### RULE 34 SUSPENDED

Arnould of Scott asked and received unanimous consent to suspend Rule 34, relating to the debate calendar, to add an addendum to the addendum for the week of March 28, 1988.

### BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on March 29, 1988, he approved and transmitted to the Secretary of State the following bills:

Senate File 2061, 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 2094, an act relating to instructional requirements for human growth and development in grades kindergarten through twelve and providing an effective date.

Senate File 2196, an act relating to transportation funding by providing for a network of commercial and industrial highways, increasing the excise taxes on motor fuel and special fuel, increasing the standing appropriation for public transit assistance, authorizing the transfer of RISE funds to the primary road fund, providing for a study of highway financing, making appropriations from the road use tax fund, and providing effective dates.

Senate File 2267, an act relating to residential water treatment systems, incorporating a penalty, and providing effective dates.

### PRESENTATION OF VISITORS

The Speaker announced that the following visitors were present in the House chamber:

Eighteen sixth and fourteen twelfth grade students from Russell Community Schools, Russell, accompanied by Mike and Marla Harter. By Cooper of Lucas.

Sixty-six eighth grade students from Nora Sullivan School, Knoxville. By Schrader of Marion.

Six hundred Future Homemakers of America, by Cooper, Jay, Svoboda, Fuller, Norrgard, Gruhn, Branstad, Beaman, Schrader, Tyrrell, Petersen of Muscatine, Swearingen, Doderer, Tabor, McKean, Muhlbauer, Spear and Wise.

### HOUSE STUDY BILL COMMITTEE ASSIGNMENT

#### **H.S.B. 832 Ways and Means**

Establishing an excise tax on motor fuel used in aircraft, establishing an excise tax on special fuel used in aircraft, eliminating the sales tax exemption for casual sales of aircraft, adding a sales tax exemption for the sale of certain aircraft, requiring a person first registering an aircraft to show evidence that the sales tax or use tax has been paid, and providing an appropriation.

### SUBCOMMITTEE ASSIGNMENTS

#### **Senate File 2092**

Appropriations: Running, Chair; Hummel and Peterson of Carroll.

#### **Senate File 2301**

Appropriations: Schrader, Chair; Maulsby and Peterson of Carroll.

#### **Senate File 2321**

Appropriations: Jochum, Chair; Halvorson of Clayton and Peterson of Carroll.

**Senate File 2322**

Appropriations: Jochum, Chair; Halvorson of Clayton and Peterson of Carroll.

**Senate File 2323**

Appropriations: McKinney, Chair; Peterson of Carroll and Van Maanen.

**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 2314**, a bill for an act relating to and making appropriations to state agencies whose responsibilities relate to general services, public defense, public safety, transportation, and enforcement, and including allocation and use of moneys from the road use tax fund and abstract fee fund, providing an increase in the abstract fee, mandating reports of certain agency purchases, renaming the chief executive officer of the department of public safety, and providing effective dates.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H—6042** March 29, 1988.

**AMENDMENTS FILED**

H—6008	S.F.	2318	Van Camp of Scott
H—6009	S.F.	2311	Tyrrell of Iowa
H—6010	S.F.	2318	Van Camp of Scott
H—6011	S.F.	2135	Koenigs of Mitchell
H—6012	S.F.	2055	Lundby of Linn
H—6013	H.F.	2444	Senate Amendment
H—6014	H.F.	2440	Senate Amendment
H—6015	H.F.	2459	Metcalf of Polk
H—6016	S.F.	2247	Lundby of Linn
H—6021	S.F.	2193	Corey of Louisa
			Muhlbauer of Crawford
			Fogarty of Palo Alto
			De Groot of Lyon
H—6023	H.F.	649	Brammer of Linn
H—6024	S.F.	2246	Paulin of Plymouth
H—6025	S.F.	2169	Beatty of Warren
H—6026	S.F.	2203	Beatty of Warren
H—6029	S.F.	2304	Rosenberg of Story

H—6030	S.F.	2304	McKinney of Dallas Jay of Appanoose
H—6031	S.F.	2169	Beatty of Warren
H—6032	S.F.	2309	Running of Linn
H—6033	H.F.	2444	Renaud of Polk
H—6034	S.F.	2209	Jay of Appanoose
H—6035	H.F.	2453	Schrader of Marion
H—6036	S.F.	2314	Groninga of Cerro Gordo Pavich of Pottawattamie
H—6037	S.F.	2309	Running of Linn
H—6038	S.F.	2232	Van Camp of Scott
H—6039	S.F.	2193	Shoultz of Black Hawk Daggett of Adams
H—6040	S.F.	2193	Holveck of Polk Hammond of Story
H—6042	S.F.	2314	Committee on Appropriations
H—6043	S.F.	2309	Corbett of Linn
H—6044	S.F.	2135	Koenigs of Mitchell
H—6045	S.F.	2193	Shoultz of Black Hawk Daggett of Adams Neuhauser of Johnson Harper of Black Hawk
H—6046	S.F.	2309	Brammer of Linn
H—6047	S.F.	2092	Hanson of Delaware Clark of Cerro Gordo Stromer of Hancock Beaman of Clarke McKean of Jones Jay of Appanoose
H—6048	S.F.	2309	Neuhauser of Johnson Swartz of Marshall
H—6049	S.F.	2296	Ollie of Clinton

On motion by Arnould of Scott, the House adjourned at 5:52 p.m., until 9:00 a.m., Wednesday, March 30, 1988.

# JOURNAL OF THE HOUSE

Eightieth Calendar Day — Fifty-fourth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Wednesday, March 30, 1988

The House met pursuant to adjournment, Speaker Avenson in the chair.

Prayer was offered by the Honorable Mark Haverland, state representative from Polk County.

The Journal of Tuesday, March 29, 1988 was approved.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Skow of Guthrie, until his arrival, on request of Koenigs of Mitchell.

## CONSIDERATION OF BILLS Regular Calendar

**Senate File 2135**, a bill for an act relating to limiting the assets of the grain depositors and sellers indemnity fund, and providing for an early effective date, with report of committee recommending passage was taken up for consideration.

Koenigs of Mitchell offered the following amendment H—6011 filed by him and moved its adoption:

H—6011

1 Amend Senate File 2135, as passed by the Senate as  
2 follows:

3 1. Page 1, by inserting before line 1, the  
4 following:

5 "Section 1. Section 542A.2, Code 1987, is amended  
6 by adding the following new unnumbered paragraph:  
7 NEW UNNUMBERED PARAGRAPH. The department may deny  
8 an application for a permit to a person licensed as a  
9 grain dealer under chapter 542 if the grain dealer  
10 license is under suspension or has been revoked  
11 pursuant to section 542.10. If information or a  
12 complaint is filed with the department against the  
13 person as a grain dealer in accordance with section  
14 542.10, the department may delay approving the  
15 application for a permit until after a hearing is  
16 provided under that section.

17 Sec. 2. Section 542A.7, Code 1987, is amended by  
18 adding the following new unnumbered paragraph after

19 the second unnumbered paragraph:

20 NEW UNNUMBERED PARAGRAPH. The department, after a  
21 hearing, may suspend or revoke a bargaining agent's  
22 permit if the permittee is licensed as a grain dealer  
23 under chapter 542 and the permittee's grain dealer  
24 license is under suspension or has been revoked  
25 pursuant to section 542.10."

26 2. Title page, line 1, by inserting after the  
27 words "relating to" the following: "the issuance of  
28 grain bargaining permits and".

29 3. By renumbering as necessary.

Amendment H—6011 was adopted.

Koenigs of Mitchell offered the following amendment H—6044  
filed by him and moved its adoption:

H—6044

1 Amend Senate File 2135, as passed by the Senate, as  
2 follows:

3 1. Page 1, by inserting before line 1 the  
4 following:

5 "Sec. 100. Section 543A.3, subsection 2, Code  
6 Supplement 1987, is amended to read as follows:

7 2. The grain dealer or warehouse operator shall  
8 forward the per-bushel fee to the department in the  
9 manner and using the forms prescribed by the  
10 department. If the per-bushel fee has not been  
11 received by the department by the date required by the  
12 department, the grain dealer or warehouse operator is  
13 subject to a penalty, ~~of ten dollars~~ for each day the  
14 grain dealer or warehouse operator is delinquent. The  
15 total penalty for a delinquency shall be the greater  
16 of either up to one hundred percent of the amount of  
17 the per-bushel fee deficiency or ten percent interest  
18 charged on the amount of the per-bushel fee  
19 deficiency. If the per-bushel fee has not been  
20 received by the department within thirty days after  
21 the payment was due, the grain dealer's or warehouse  
22 operator's license shall be suspended. The per-bushel  
23 fee shall be collected only once on each bushel of  
24 grain."

25 2. Page 1, line 13, by inserting before the word  
26 "This" the following: "Section 100 of this Act shall  
27 be applied retroactive on and after July 1, 1987."

28 3. Title page, line 2, by inserting after the  
29 word "fund," the following: "providing for penalties  
30 for certain delinquent payments,".

31 4. Title page, line 3, by inserting after the  
32 word "date" the following: "and date of  
33 applicability".

Amendment H—6044 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. 2135)

The ayes were, 98:

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	Hatch
Haverland	Hermann	Hester	Holveck
Hummel	Jay	Jochum	Johnson
Knapp	Koenigs	Kremer	Lageschulte
Lundby	Maulsby	May	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	Running	Schnekloth
Schrader	Sherzan	Shoning	Shoultz
Siegrist	Spear	Stromer	Stueland
Svoboda	Swartz	Swearingen	Tabor
Teaford	Tyrrell	Van Camp	Van Maanen
Wise	Mr. Speaker		

The nays were, none.

Absent or not voting, 2:

McKean                      Skow

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 and take up out of order Senate Files 2205, 2239, 2269, 2285, 2202, 2129, 2142 and 2232.

**Senate File 2205**, a bill for an act relating to interstate natural gas pipelines by establishing a new chapter to define jurisdiction over

interstate natural gas pipelines, removing references to interstate natural gas pipelines from the current chapter relating to pipelines and natural gas storage, and adjusting fees, with report of committee recommending passage was taken up for consideration.

Dvorsky 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. 2205)

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	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	Holveck	Hummel
Jay	Jochum	Johnson	Knapp
Koenigs	Kremer	Lageschulte	Lundby
Maulsby	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	Renken	Rosenberg
Royer	Running	Schnekloth	Schrader
Sherzan	Shoning	Shoultz	Siegrist
Spear	Stromer	Stueland	Svoboda
Swartz	Swearingen	Tabor	Teaford
Tyrrell	Van Camp	Van Maanen	Wise
Mr. Speaker			

The nays were, none.

Absent or not voting, 3:

Hester	McKean	Skow
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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 2239**, a bill for an act relating to administrative agency and the Iowa employment security law by providing that administrative determinations are not binding in separate actions, with report of committee recommending amendment and passage was taken up for consideration.

Brammer of Linn offered the following amendment H—5833 filed by the committee on labor and industrial relations and moved its adoption:

H—5833

- 1 Amend Senate File 2239 as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, by striking lines 1 through 28.
- 4 2. Title page, line 1, by striking the words
- 5 "administrative agency and".
- 6 3. Title page, line 2, by inserting after the
- 7 word "determinations" the words "made by job service
- 8 hearing officers".
- 9 4. By renumbering as necessary.

The committee amendment H—5833 was adopted.

Brammer of Linn moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2239)

The ayes were, 88:

Adams	Arnould	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	Groninga	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hanson, D. R.	Harbor
Harper	Hatch	Haverland	Hermann
Hester	Holveck	Jay	Jochum
Johnson	Knapp	Koenigs	Lageschulte
Lundby	Maulsby	May	McKinney
Metcalf	Miller	Muhlbauer	Mullins
Neuhauser	Norrgard	Ollie	Parker
Paulin	Pavich	Pellet	Peters
Peterson, M. K.	Poncy	Renaud	Rosenberg
Royer	Running	Schnekloth	Schrader
Sherzan	Shoning	Shoultz	Siegrist
Spear	Stromer	Stueland	Svoboda
Swartz	Swearingen	Tabor	Teaford
Tyrrell	Van Camp	Wise	Mr. Speaker

The nays were, 7:

De Groot	Hummel	Petersen, D. F.	Plasier
Platt	Renken	Van Maanen	



Absent or not voting, 5:

Hansen, S. D.	Kremer	McKean	Osterberg
Skow			

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

**Senate File 2269**, a bill for an act relating to the establishment of a drainage subdistrict, with report of committee recommending passage was taken up for consideration.

Fuller of Hardin moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2269)

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	McKinney	Metcalf
Miller	Muhlbauer	Mullins	Neuhauser
Ollie	Osterberg	Parker	Pavich
Pellett	Peters	Petersen, D. F.	Peterson, M. K.
Plasier	Platt	Poncy	Renaud
Renken	Rosenberg	Royer	Running
Schnekloth	Schrader	Sherzan	Shoning
Shoultz	Siegrist	Spear	Stromer
Stueland	Svoboda	Swartz	Swearingen
Tabor	Teaford	Tyrrell	Van Camp
Van Maanen	Wise	Mr. Speaker	

The nays were, none.

Absent or not voting, 5:

Garman	McKean	Norrgard	Paulin
Skow			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

### RULE 74.a SUSPENDED

Tabor of Jackson asked and received unanimous consent to suspend Rule 74.a, which allows members to vote within ten minutes after the vote has been announced, so that during debate votes will not be recorded after the announcement of votes.

**Senate File 2285**, a bill for an act relating to the enforcement of laws concerning motor vehicle fraud, salvage, and theft, certificates of title, and transfer of ownership of foreign, wrecked, and salvage vehicles and making penalties applicable and providing effective dates, with report of committee recommending passage was taken up for consideration.

Cooper of Lucas moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2285)

The ayes were, 94:

Adams	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
Lageschulte	Lundby	Maulsby	May
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	Running
Schnekloth	Schrader	Sherzan	Shoning
Siegrist	Spear	Stromer	Stueland
Svoboda	Swartz	Swearingen	Tabor
Teaford	Tyrrell	Van Camp	Van Maanen
Wise	Mr. Speaker		

The nays were, none.

Absent or not voting, 6:

Arnould	Beaman	Kremer	McKean
Shoultz	Skow		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**Senate File 2202**, a bill for an act relating to the licensing of private investigators and private security officers, providing for the issuance of temporary permits to certain persons pursuant to reciprocal agreement, making penalties applicable, and providing other properly related matters, with report of committee recommending passage was taken up for consideration.

Peterson of Carroll moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2202)

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
Hummel	Jay	Jochum	Johnson
Knapp	Koenigs	Lageschulte	Lundby
Maulsby	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	Renken	Rosenberg
Royer	Running	Schnekloth	Schrader
Shoning	Shoultz	Siegrist	Spear
Stueland	Svoboda	Swartz	Swearingen
Tabor	Teaford	Tyrrell	Van Camp
Van Maanen	Wise	Mr. Speaker	

The nays were, none.

Absent or not voting, 5:

Kremer	McKean	Sherzan	Skow
Stromer			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**Senate File 2129**, a bill for an act relating to the issuance of warrants for drainage improvements, with report of committee recommending passage was taken up for consideration.

Renken of Grundy moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2129)

The ayes were, 94:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Black	Blanshan
Brammer	Branstad	Buhr	Carpenter
Chapman	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.	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	Parker
Paulin	Pavich	Pellett	Peters
Petersen, D. F.	Peterson, M. K.	Platt	Poncy
Renaud	Renken	Rosenberg	Royer
Running	Schnekloth	Shoning	Shultz
Siegrist	Spear	Stromer	Stueland
Svoboda	Swartz	Swearingen	Tabor
Teaford	Tyrrell	Van Camp	Van Maanen
Wise	Mr. Speaker		

The nays were, none.

Absent or not voting, 6:

Clark	McKean	Plasier	Schrader
Sherzan	Skow		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**Senate File 2142**, a bill for an act relating to recording, without fee, an acknowledgment of a mortgage foreclosure decree, with report of committee recommending passage was taken up for consideration.

Peterson of Carroll moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

## On the question "Shall the bill pass?" (S.F. 2142)

The ayes were, 96:

Adams	Arnould	Beaman	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	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	Pellett	Peters
Petersen, D. F.	Peterson, M. K.	Platt	Poncy
Renaud	Renken	Rosenberg	Royer
Running	Schneklath	Schrader	Sherzan
Shoning	Shoultz	Siegrist	Spear
Stromer	Stueland	Svoboda	Swartz
Swearingen	Tabor	Teaford	Tyrrell
Van Camp	Van Maanen	Wise	Mr. Speaker

The nays were, none.

Absent or not voting, 4:

Beatty	McKean	Plasier	Skow
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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 2232**, a bill for an act relating to elections and election procedures and providing an effective date, with report of committee recommending passage was taken up for consideration.

Buhr of Polk offered the following amendment H—6004 filed by her and moved its adoption:

H—6004

- 1 Amend Senate File 2232, 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 39.22, subsection 1, Code
- 6 Supplement 1987, is amended to read as follows:
- 7 1. By appointment. The county board of
- 8 supervisors may pass a resolution in favor of filling

9 the offices of trustee and clerk within a township by  
10 appointment by the board, and may direct the county  
11 commissioner of elections to submit the question to  
12 the eligible voters qualified electors of the township  
13 at the next general election. In a township which  
14 does not include a city, eligible voters shall consist  
15 of the voters of the entire township are eligible to  
16 vote on the question. In a township which includes a  
17 city, eligible voters are only those voters who reside  
18 outside the corporate limits of a city are eligible to  
19 vote on the question. The resolution shall apply to  
20 all townships which have not approved a proposition to  
21 fill township offices by appointment. If the  
22 proposition to fill the township offices by  
23 appointment is approved by a majority of the eligible  
24 voters those voting on the question, the board shall  
25 fill the offices by appointment as the terms of office  
26 of the incumbent township officers expire. The  
27 election of the trustees and clerk of a township may  
28 be restored after approval of the appointment process  
29 under this subsection by a resolution of the board of  
30 supervisors submitting the question to the eligible  
31 voters qualified electors who are eligible to vote for  
32 township officers of the township at the next general  
33 election. If the proposition to restore the election  
34 process is approved by a majority of the eligible  
35 voters those voting on the question, the election of  
36 the township officers shall commence with the next  
37 primary and general elections. A resolution  
38 submitting the question of restoring the election of  
39 township officers at the next general election shall  
40 be adopted by the board of supervisors upon petition  
41 of at least ten percent of the eligible voters  
42 qualified electors of a township. The initial terms  
43 of the trustees shall be determined by lot, one for  
44 two years, ~~one for three years~~, and ~~one two for four~~  
45 years. However, if a proposition to change the method  
46 of selecting township officers is adopted by the  
47 electorate, a resolution to change the method shall  
48 not be submitted to the electorate for four years.  
49 2. By renumbering as necessary.

Amendment H—6004 was adopted.

Van Camp of Scott offered the following amendment H—6038 filed by him and moved its adoption:

H—6038

- 1 Amend Senate File 2232, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 4, by inserting after line 19 the

4 following:

5 "Sec. \_\_\_\_\_. Section 45.1, subsection 4, paragraph

6 a, Code 1987, is amended to read as follows:

7 a. In Except as otherwise provided in subsection

8 5, in cities having a population of three thousand

9 five hundred or greater according to the most recent

10 federal decennial census, nominations may be made by

11 nomination papers signed by not less than twenty-five

12 eligible electors who are residents of the city or

13 ward.

14 Sec. \_\_\_\_\_. Section 45.1, Code 1987, is amended by

15 adding the following new subsection:

16 NEW SUBSECTION. 5. Nominations for candidates

17 other than partisan candidates for elective offices in

18 special charter cities subject to section 43.112 may

19 be submitted as follows:

20 a. For the office of mayor and alderman at large,

21 nominations may be made by nomination papers signed by

22 eligible electors residing in the city equal in number

23 to at least two percent of the total vote received by

24 all candidates for mayor at the last preceding city

25 election.

26 b. For the office of ward alderman, nominations

27 may be made by nomination papers signed by eligible

28 electors residing in the ward equal in number to at

29 least two percent of the total vote received by all

30 candidates for ward alderman in that ward at the last

31 preceding city election."

32 2. By renumbering as necessary.

Amendment H—6038 was adopted.

Buhr of Polk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2232)

The ayes were, 85:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Black	Blanshan
Brammer	Branstad	Buhr	Carpenter
Chapman	Clark	Cohoon	Connolly
Connors	Corbett	Corey	Daggett
Diemer	Doderer	Dvorsky	Eddie
Fey	Fogarty	Fuller	Garman
Groninga	Halvorson, R. A.	Halvorson, R. N.	Hammond
Hansen, S. D.	Hanson, D. R.	Harbor	Harper
Hatch	Haverland	Hermann	Holveck
Jay	Jochum	Johnson	Knapp
Koenigs	Kremer	Lageschulte	Lundby

May	Metcalf	Miller	Mullins
Neuhauser	Norrgard	Ollie	Osterberg
Parker	Paulin	Pavich	Peters
Petersen, D. F.	Peterson, M. K.	Plasier	Poncy
Renaud	Renken	Rosenberg	Royer
Running	Schrader	Sherzan	Shoning
Shoultz	Skow	Spear	Stromer
Stueland	Swartz	Swearingen	Tabor
Teaford	Tyrrell	Van Camp	Wise
Mr. Speaker			

The nays were, 9:

De Groot	Gruhn	Hester	Hummel
Maulsby	Pellett	Schnekloth	Siegrist
Van Maanen			

Absent or not voting, 6:

Cooper	McKean	McKinney	Muhlbauer
Platt	Svoboda		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

### RULES SUSPENDED

Arnould of Scott asked and received unanimous consent to suspend the rules and take up out of order Senate Files 2280, 149, 2303, 2304, 2281, 2306, 2051, 2291, 2170, 2203, 2146 and 2075.

**Senate File 2280**, a bill for an act relating to the time of filing a nonprofit corporation's annual report, 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. 2280)

The ayes were, 92:

Adams	Arnould	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	Hummel	Jay	Jochum



Johnson	Knapp	Koenigs	Kremer
Lageschulte	Lundby	Maulsby	May
McKinney	Metcalf	Miller	Muhlbauer
Mullins	Neuhauser	Norrsgard	Ollie
Osterberg	Parker	Paulin	Pavich
Pellett	Peters	Petersen, D. F.	Peterson, M. K.
Poncy	Renaud	Renken	Rosenberg
Running	Schneklath	Schrader	Sherzan
Shoning	Siegrist	Skow	Spear
Stromer	Stueland	Svoboda	Swartz
Swearingen	Tabor	Teaford	Tyrrell
Van Camp	Van Maanen	Wise	Mr. Speaker

The nays were, none.

Absent or not voting, 8:

Beaman	Corbett	Hermann	McKean
Plasier	Platt	Royer	Shoultz

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**Senate File 149**, a bill for an act relating to insurance by defining provider discrimination against persons licensed to practice dentistry as an unfair trade practice, if coverage is denied for a service rendered by a dentist within the lawful scope of the dentist's license, which would be a covered service if rendered by a person licensed to practice medicine and surgery, with report of committee recommending amendment and passage was taken up for consideration.

Groninga of Cerro Gordo offered the following amendment H—5436 filed by the committee on small business and commerce and moved its adoption:

H—5436

- 1 Amend Senate File 149, as amended, passed, and re-
- 2 printed by the Senate, as follows:
- 3 1. Page 1, by striking lines 1 through 10 and in-
- 4 serting the following:
- 5 "Section 1. **NEW SECTION. 514C.3 DENTIST'S**
- 6 **SERVICES UNDER ACCIDENT AND SICKNESS INSURANCE**
- 7 **POLICIES.**
- 8 A policy of accident and sickness insurance issued
- 9 in this state which provides payment or reimbursement
- 10 for any service which is within the lawful scope of
- 11 practice of a licensed dentist shall provide benefits
- 12 for the service whether the service is performed by a
- 13 licensed physician or a licensed dentist. As used in
- 14 this section, "licensed physician" includes persons
- 15 licensed under chapter 148, 150, or 150A and "policy

- 16 of accident and sickness insurance" includes  
 17 individual or group policies as defined in section  
 18 509B.1, subsections 3 and 4."  
 19 2. Title page, by striking lines 1 through 6 and  
 20 inserting the following: "An Act relating to  
 21 dentist's services under accident and sickness  
 22 insurance policies."

The committee amendment H—5436 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. 149)

The ayes were, 82:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Black	Blanshan
Brammer	Branstad	Buhr	Carpenter
Chapman	Clark	Cphoon	Connolly
Connors	Cooper	Corbett	Doderer
Dvorsky	Fey	Fogarty	Fuller
Garman	Groninga	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. R.
Harbor	Harper	Hatch	Haverland
Hester	Holveck	Jay	Jochum
Johnson	Knapp	Koenigs	Kremer
Lageschulte	Lundby	May	McKinney
Metcalf	Muhlbauer	Mullins	Neuhauser
Norrgard	Ollie	Osterberg	Parker
Paulin	Pavich	Peters	Peterson, M. K.
Renaud	Renken	Rosenberg	Royer
Running	Schneklath	Schrader	Sherzan
Shoning	Shoultz	Siegrist	Skow
Spear	Stromer	Svoboda	Swartz
Swearingen	Tabor	Teaford	Van Camp
Wise	Mr. Speaker		

The nays were, 15:

Corey	Daggett	De Groot	Diemer
Eddie	Hermann	Hummel	Maulsby
Miller	Pellett	Petersen, D. F.	Platt
Stueland	Tyrell	Van Maanen	

Absent or not voting, 3:

McKean	Plasier	Poney
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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 File 2303**, a bill for an act relating to the Iowa small business new jobs training Act by providing for repayments to the permanent school fund, establishing a revolving loan account, and providing for departmental approval of certain projects by rule, with report of committee recommending amendment and passage was taken up for consideration.

Groninga of Cerro Gordo offered the following amendment H—5889 filed by the committee on economic development and moved its adoption:

H—5889

- 1 Amend Senate File 2303, as passed by the Senate, as
- 2 follows:
- 3 1. Page 3, by striking line 34 and inserting the
- 4 following:
- 5 "Notwithstanding sections 8.6, ~~292.1~~, and 302.1 and
- 6 ~~302.13~~,".

The committee amendment H—5889 was adopted.

Groninga of Cerro Gordo offered the following amendment H—5932 filed by him and moved its adoption:

H—5932

- 1 Amend Senate File 2303 as passed by the Senate as
- 2 follows:
- 3 1. Page 4, by inserting after line 33 the
- 4 following:
- 5 "Sec. \_\_\_\_\_. Moneys in the old advance account of
- 6 the area school job training fund on the effective
- 7 date of this Act shall be transferred to the new
- 8 revolving loan account of the area school job training
- 9 fund. Moneys in the old repayment account of the area
- 10 school job training fund on the effective date of this
- 11 Act shall be transferred to the new permanent school
- 12 fund repayment account of the area school job training
- 13 fund.
- 14 Sec. \_\_\_\_\_. This Act, being deemed of immediate
- 15 importance, takes effect upon enactment."
- 16 2. Title page, line 4, by inserting after the
- 17 word "rule" the following: ", and providing an
- 18 effective date".

Amendment H—5932 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. 2303)

The ayes were, 96:

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	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	Parker
Paulin	Pavich	Pellett	Peters
Petersen, D. F.	Peterson, M. K.	Platt	Poncy
Renaud	Renken	Rosenberg	Royer
Running	Schnekloth	Schrader	Shoning
Shoultz	Siegrist	Skow	Spear
Stromer	Stueland	Svoboda	Swartz
Swearingen	Tabor	Teaford	Tyrrell
Van Camp	Van Maanen	Wise	Mr. Speaker

The nays were, none.

Absent or not voting, 4:

Connors	McKean	Plasier	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 File 2304**, a bill for an act relating to the administration of legal representation of indigent persons in criminal cases by local public defenders, and the state public defender's office, and providing an effective date, with report of committee recommending passage was taken up for consideration.

Arnould of Scott asked and received unanimous consent that Senate File 2304 be deferred and placed on the calendar under unfinished business.

**Senate File 2281**, a bill for an act relating to service of notice on a judgment debtor in garnishment proceedings, with report of committee recommending passage was taken up for consideration.

Chapman of Linn moved that the bill be read a last time now and

placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2281)

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.	Harper	Hatch	Haverland
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	Running
Schnekloth	Schrader	Sherzan	Shoning
Shoultz	Siegrist	Skow	Spear
Stromer	Stueland	Svoboda	Swartz
Swearingen	Tabor	Teaford	Tyrrell
Van Camp	Van Maanen	Wise	Mr. Speaker

The nays were, none.

Absent or not voting, 4:

Harbor	Hermann	Norrgard	Royer
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**Senate File 2306**, a bill for an act repealing a right to review by a juvenile court judge of a juvenile court referee's decision, with report of committee recommending amendment and passage was taken up for consideration.

Jay of Appanoose offered the following amendment H—5897 filed by the committee on judiciary and law enforcement and moved its adoption:

H—5897

- 1 Amend Senate File 2306 as passed by the Senate as
- 2 follows:
- 3 1. Page 1, by striking line 2 and inserting the
- 4 following: "amended to read as follows:
- 5 3. The parties to a proceeding heard by the
- 6 referee are entitled to a review by the judge of the
- 7 juvenile court of the referee's order, finding, or
- 8 decision, if the review is requested within ten days
- 9 after the entry of the referee's order, finding, or
- 10 decision. A request for review does not automatically
- 11 stay the referee's order, finding, or decision. The
- 12 review is on the record only, unless the judge, upon
- 13 request or upon the judge's own motion, orders
- 14 otherwise. In the interests of justice, the judge may
- 15 allow a rehearing at any time."

The committee amendment H—5897 was adopted.

Jay of Appanoose offered the following amendment H—5937 filed by him and moved its adoption:

H—5937

- 1 Amend Senate File 2306 as passed by the Senate as
- 2 follows:
- 3 1. Title page, line 1, by striking the words
- 4 "repealing a right to" and inserting the following:
- 5 "relating to the".
- 6 2. Title page, line 2, by inserting after the
- 7 word "decision" the following: "by providing that
- 8 review is on the record only and striking language
- 9 providing that the juvenile judge may allow a
- 10 rehearing at any time".

Amendment H—5937 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. 2306)

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	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.	Platt	Poncy	Renaud
Renken	Rosenberg	Royer	Running
Schnekloth	Schrader	Shoning	Shoultz
Siegrist	Skow	Spear	Stromer
Stueland	Svoboda	Swartz	Swearingen
Tabor	Teaford	Tyrrell	Van Camp
Van Maanen	Wise	Mr. Speaker	

The nays were, none.

Absent or not voting, 5:

Hatch	Haverland	Knapp	Plasier
Sherzan			

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

**Senate File 2051**, a bill for an act relating to the development of soil and water resource conservation plans by soil and water conservation districts and the division of soil conservation of the department of agriculture and land stewardship, with report of committee recommending passage was taken up for consideration.

Johnson of Winneshiek moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2051)

The ayes were, 90:

Adams	Arnould	Beaman	Beatty
Bisignano	Black	Blanshan	Brammer
Branstad	Buhr	Carpenter	Chapman
Clark	Cohoon	Connolly	Connors
Cooper	Corbett	Daggett	De Groot
Diemer	Doderer	Dvorsky	Eddie
Fey	Fogarty	Fuller	Garman
Groninga	Gruhn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. R.	Harbor
Harper	Hatch	Haverland	Hermann
Hester	Jay	Jochum	Johnson
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
Schrader	Sherzan	Shoning	Shoultz
Siegrist	Skow	Spear	Stromer
Stueland	Svoboda	Swartz	Swearingen
Tabor	Teaford	Tyrrell	Van Camp
Wise	Mr. Speaker		

The nays were, 7:

Bennett	Corey	Hummel	Maulsby
Renken	Schnekloth	Van Maanen	

Absent or not voting, 3:

Holveck	Knapp	Ollie
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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 2291**, a bill for an act to provide that certain appropriations for retirement allowances be paid from the Iowa public employees' retirement fund rather than from the general fund of the state retroactive to July 1, 1987, with report of committee recommending amendment and passage was taken up for consideration.

Blanshan of Greene offered the following amendment H—5908 filed by the committee on state government and moved its adoption:

H—5908

- 1 Amend Senate File 2291, as passed by the Senate, as
- 2 follows:
- 3 1. Page 3, line 8, by striking the word
- 4 "section." and inserting the following: "section."
- 5 2. Title page, line 4, by inserting after the
- 6 word and figures "July 1, 1987" the following: ", and
- 7 providing an effective date".

The committee amendment H—5908 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. 2291)

The ayes were, 90:

Adams	Arnould	Beaman	Beatty
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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.	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	Peterson, M. K.
Plasier	Platt	Poncy	Renaud
Rosenberg	Running	Schrader	Sherzan
Shoning	Siegrist	Skow	Spear
Stromer	Stueland	Svoboda	Swartz
Swearingen	Tabor	Tyrrell	Van Camp
Wise	Mr. Speaker		

The nays were, 6:

Bennett	Halvorson, R. N.	Petersen, D. F.	Renken
Schnekloth	Van Maanen		

Absent or not voting, 4:

Blanshan	Royer	Shoultz	Teaford
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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 File 2170**, a bill for an act relating to the membership of the commission on the status of women, with report of committee recommending amendment and passage was taken up for consideration.

Doderer of Johnson offered the following amendment H—5816 filed by the committee on state government and moved its adoption:

H—5816

- 1 Amend Senate File 2170, as passed by the Senate, as
- 2 follows:
- 3 1. Page 1, by inserting before line 1 the fol-
- 4 lowing:
- 5 "Section 1. Section 69.16A, Code Supplement 1987,
- 6 is amended to read as follows:
- 7 69.16A GENDER BALANCE.
- 8 All appointive boards, commissions, committees and

9 councils of the state established by the Code if not  
 10 otherwise provided by law shall be gender balanced.  
 11 No person shall be appointed or reappointed to any  
 12 board, commission, committee, or council established  
 13 by the Code if that appointment or reappointment would  
 14 cause the number of members of the board, commission,  
 15 committee, or council of one gender to be greater than  
 16 one-half the membership of the board, commission,  
 17 committee, or council plus one if the board,  
 18 commission, committee, or council is composed of an  
 19 odd number of members. If the board, commission,  
 20 committee, or council is composed of an even number of  
 21 members, not more than one-half of the membership  
 22 shall be of one gender. If there are multiple  
 23 appointing authorities for a board, commission,  
 24 committee, or council, they shall consult each other  
 25 to avoid a violation of this section. This section  
 26 shall not prohibit an individual from completing a  
 27 term being served on June 30, 1987."

28 2. Title page, line 2, by inserting after the  
 29 word "women" the following: "and other boards,  
 30 commissions, committees, and councils".

The committee amendment H—5816 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. 2170)

The ayes were, 95:

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	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.	Plasier
Platt	Poncy	Renaud	Renken
Rosenberg	Royer	Running	Schneklath

Schrader	Sherzan	Shoning	Shoultz
Siegrist	Skow	Spear	Stromer
Stueland	Svoboda	Swartz	Swearingen
Tabor	Teaford	Tyrrell	Van Camp
Van Maanen	Wise	Mr. Speaker	

The nays were, none.

Absent or not voting, 5:

Bisignano	Haverland	Hermann	Kremer
Peterson, M. K.			

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

**Senate File 2203**, a bill for an act relating to the composition of the engineering and land surveying examining board and providing an effective date, with report of committee recommending amendment and passage was taken up for consideration.

Beatty of Warren offered the following amendment H—5938 filed by the committee on state government:

H—5938

- 1 Amend Senate File 2203, as passed by the Senate, as
- 2 follows:
- 3 1. Page 1, by striking lines 9 and 10 and
- 4 inserting the following: "~~one member who is a~~
- 5 ~~registered land surveyor or a professional engineer~~
- 6 ~~who is also a registered land surveyor, and two~~".

Beatty of Warren offered the following amendment H—6026, to the committee amendment H—5938, filed by her and moved its adoption:

H—6026

- 1 Amend the Committee amendment, H—5938, to Senate
- 2 File 2203, as passed by the Senate, as follows:
- 3 1. Page 1, by striking lines 3 through 6 and
- 4 inserting the following:
- 5 "\_\_\_\_\_. Page 1, line 8, by striking the words ~~four~~
- 6 ~~five~~" and inserting the following: "four".
- 7 \_\_\_\_\_ Page 1, line 10, by striking the words "~~two~~
- 8 ~~three~~" and inserting the following: "two".

Amendment H—6026 was adopted.

On motion by Beatty of Warren, the committee amendment H—5938, as amended, 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. 2203)

The ayes were, 94:

Adams	Arnould	Beatty	Bennett
Bisignano	Blanshan	Brammer	Branstad
Buhr	Carpenter	Chapman	Clark
Cohoon	Connolly	Connors	Cooper
Corbett	Corey	De Groot	Diemer
Doderer	Dvorsky	Eddie	Fey
Fogarty	Garman	Groning	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
Norrsgard	Ollie	Osterberg	Parker
Paulin	Pavich	Pellett	Peters
Petersen, D. F.	Peterson, M. K.	Plasier	Platt
Poncy	Renaud	Renken	Rosenberg
Royer	Running	Schneklloth	Schrader
Sherzan	Shonitz	Shoultz	Siegrist
Skow	Spear	Stromer	Stueland
Svoboda	Swartz	Swearingen	Tabor
Teaford	Tyrrell	Van Camp	Van Maanen
Wise	Mr. Speaker		

The nays were, none.

Absent or not voting, 6:

Beaman	Black	Daggett	Fuller
Hatch	Hummel		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**Senate File 2146**, a bill for an act relating to entering private land for highway construction purposes, with report of committee recommending amendment and passage was taken up for consideration.

Koenigs of Mitchell offered the following amendment H—5834 filed by the committee on transportation:

H—5834

1 Amend Senate File 2146, as passed by the Senate, as  
2 follows:

3 1. Page 1, line 6, by striking the word "thirty"  
4 and inserting the following: "thirty sixty".

5 2. Page 1, line 7, by striking the word  
6 "restricted" and inserting the following:  
7 "restricted".

8 3. Page 1, line 7, by striking the word  
9 "addressed" and inserting the following: "addressed".

10 4. Page 1, by striking lines 24 through 27 and  
11 inserting the following: "in condemnation of land for  
12 highway purposes. No such soundings or drillings  
13 shall be done within twenty rods seventy-five feet of  
14 the dwelling house or buildings on said the land  
15 without the written consent of the owner.

16 Sec. \_\_\_\_\_. NEW SECTION. 471.4A RIGHT OF ENTRY.

17 When the state or a political subdivision of the  
18 state is granted the right to take private property  
19 for a public use, the state or the political  
20 subdivision or any authorized person employed by the  
21 state or political subdivision, after sixty days'  
22 written notice by restricted certified mail addressed  
23 to the owner and the occupant, may enter upon the  
24 private property. The only purpose for which the  
25 state or a political subdivision of the state may  
26 enter upon the private property is to conduct surveys,  
27 soundings, drillings, appraisals, or examinations  
28 deemed necessary to determine the advisability or  
29 practicability of acquiring the property for the  
30 public use for which it is intended to be acquired.

31 Any damage caused by the entry, surveys, soundings,  
32 drillings, appraisals, or examinations shall be  
33 determined by agreement or in the manner provided for  
34 the award of damages in condemnation of land. No  
35 soundings or drillings shall be conducted within  
36 seventy-five feet of the dwelling house or buildings  
37 on the property without the written consent of the  
38 owner.

39 The entry, after notice, shall not be deemed a  
40 trespass, and the state or a political subdivision of  
41 the state may be aided by injunction to ensure  
42 peaceful entry."

43 5. Title page, lines 1 and 2, by striking the  
44 words "for highway construction purposes".

Neuhauser of Johnson offered the following amendment H—5894, to the committee amendment H—5834, filed by her and moved its adoption:

H—5894

- 1 Amend the committee on transportation amendment, H—
- 2 5834, to Senate File 2146 as follows:
- 3 1. Page 1, by inserting after line 9 the
- 4 following:
- 5 “———. Page 1, line 23, by striking the word
- 6 “agreement” and inserting the following: “agreement,
- 7 in a civil proceeding for damages,”.”
- 8 2. Page 1, line 33, by striking the word
- 9 “agreement” and inserting the following: “agreement,
- 10 in a civil proceeding for damages,”.

Amendment H—5894 was adopted

Koenigs of Mitchell offered the following amendment H—5892, to the committee amendment H—5834, filed by him and moved its adoption:

H—5892

- 1 Amend the Committee on Transportation amendment, H—
- 2 5834, to Senate File 2146, as passed by the Senate, as
- 3 follows:
- 4 1. Page 1, line 14, by striking the words “or
- 5 buildings” and inserting the following: “~~or~~
- 6 buildings”.
- 7 2. Page 1, line 18, by striking the words “is
- 8 granted” and inserting the following: “seeks”.
- 9 3. Page 1, line 36, by striking the words “or
- 10 buildings”.

Amendment H—5892 was adopted.

On motion by Koenigs of Mitchell, the committee amendment H—5834, as amended, was adopted.

Arnould of Scott asked and received unanimous consent that Senate File 2146 be deferred and placed on the calendar under unfinished business.

**Senate File 2075**, a bill for an act relating to child abuse by providing for examination of a child, by providing for filing complaints of alleged child sexual abuse, by requiring departmental coordination in cases of child abuse, and by expanding the definition of indecent contact with a child, with report of committee recommending amendment and passage was taken up for consideration.

Rosenberg of Story offered the following amendment H—5898 filed by the committee on judiciary and law enforcement and moved its adoption:

H—5898

1 Amend Senate File 2075, as amended, passed, and  
2 reprinted, by the Senate, as follows:  
3 1. Page 1, by striking lines 3 through 14 and  
4 inserting the following:  
5 "NEW SUBSECTION. 16. The department may request  
6 criminal history data from the department of public  
7 safety on any person believed to be responsible for an  
8 injury to a child which, if confirmed, would  
9 constitute child abuse. The department shall  
10 establish procedures for determining when a criminal  
11 history records check under this subsection is  
12 necessary."

13 2. Page 2, by striking lines 7 through 11 and in-  
14 serting the following:

15 "Sec. \_\_\_\_\_. Section 692.2, subsection 1, paragraph  
16 c, Code Supplement 1987, is amended to read as  
17 follows:

18 c. The department of human services for the  
19 purposes of section 232.71, subsection 16, section  
20 237.8, subsection 2, and section 237A.5, and section  
21 600.8, subsections 1 and 2.

22 Sec. \_\_\_\_\_. Section 692.3, subsection 2, Code  
23 Supplement 1987, is amended to read as follows:

24 2. Notwithstanding subsection 1, paragraph "a",  
25 the department of human services ~~shall~~ may  
26 redisseminate criminal history data obtained pursuant  
27 to section 692.2, subsection 1, paragraph "c", to  
28 persons licensed, ~~or~~ registered, or certified under  
29 chapters 237, and 237A, for the purposes of section  
30 237.8, subsection 2 and section 237A.5 238 and 600.  
31 Licenses and registrants under either chapter 237 or  
32 chapter 237A Persons who receive information pursuant  
33 to this subsection shall not use the this information  
34 other than for purposes of section 237.8, subsection  
35 2, or section 237A.5, or section 600.8, subsections 1  
36 and 2. A licensee or registrant person who receives  
37 criminal history data pursuant to this subsection and  
38 who uses the information for other purposes any  
39 purpose other than those permitted by this subsection  
40 or who communicates the information to another person  
41 except for the purposes of section 237.8, subsection 2  
42 or section 237A.5 permitted by this subsection is  
43 guilty of an aggravated misdemeanor."

44 3. Page 2, by inserting after line 33 the  
45 following:

46 "Sec. \_\_\_\_\_. Notwithstanding section 7, subsection

47 4, paragraph "a", of Senate File 2314, the department  
 48 of public safety is authorized to use revenues  
 49 generated from the fee authorized in section 692.2,  
 50 subsection 6, to employ sufficient clerical personnel

## Page 2

1 to process criminal history checks for nonlaw  
 2 enforcement purposes."  
 3 4. Title page, line 4, by inserting after the  
 4 word "abuse," the following: "by providing for the  
 5 application of a penalty to persons who improperly use  
 6 criminal history information obtained in the course of  
 7 an investigation, by allowing the department of public  
 8 safety the use of certain revenues generated by  
 9 fees,".  
 10 5. By renumbering as necessary.

The committee amendment H—5898 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. 2075)

The ayes were, 95:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	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	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	Shoultz	Skow	Spear
Stromer	Stueland	Svoboda	Swartz
Swearingen	Tabor	Teaford	Tyrrell
Van Maanen	Wise	Mr. Speaker	

The nays were, none.



Absent or not voting, 5:

Black  
Van Camp

Blanshan

Groninga

Siegrist

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 and take up out of order Senate Files 2250, 2248, 2172, 2246, 2108, 2216, 2192, 2262, 2234, 2233 and 2295.

**Senate File 2250**, a bill for an act relating to environmental protection by correcting the reference to the membership of the advisory committee for the center for health effects of environmental contamination; by establishing requirements regarding sanitary disposal project inspections, the disposal of solid waste, and the solid waste tonnage fee; by making corrections relating to the collection and allocation of moneys within the solid waste account and the agriculture management account; by correcting a reference to the duties of the department of natural resources regarding household hazardous materials; and by specifying the content and liability for the content of statements submitted with a declaration of value regarding the existence and location of wells, disposal sites, underground storage tanks, and hazardous waste, with report of committee recommending amendment and passage was taken up for consideration.

Arnould of Scott asked and received unanimous consent that Senate File 2250 be deferred and placed on the calendar under unfinished business.

The House resumed consideration of **Senate File 2248**, a bill for an act relating to indemnification and the limitation of liability of directors and officers and to the liability of persons who serve rural water districts, volunteer as guardians or conservators, or who provide child foster care, deferred March 24, 1988.

Arnould of Scott asked and received unanimous consent that Senate File 2248 be deferred and placed on the calendar under unfinished business.

**Senate File 2172**, a bill for an act relating to an appeal regarding the purchase of Iowa state industry products, with report of committee recommending passage was taken up for consideration.

Knapp of Dubuque moved that the bill be read a last time now

and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2172)

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.	Harper	Hatch	Haverland
Hermann	Hester	Holveck	Hummel
Jay	Jochum	Johnson	Knapp
Koenigs	Kremer	Lageschulte	Maulsby
May	McKean	McKinney	Metcalf
Miller	Muhlbauer	Mullins	Neuhauser
Ollie	Osterberg	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
Stromer	Stueland	Svoboda	Swartz
Swearingen	Tabor	Teaford	Tyrrell
Van Camp	Van Maanen	Wise	Mr. Speaker

The nays were, none.

Absent or not voting, 4:

Harbor	Lundby	Norrgard	Parker
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**Senate File 2246**, an act relating to the penalties for water pollution and hazardous waste disposal, with report of committee recommending passage was taken up for consideration.

Hanson of Delaware asked and received unanimous consent to withdraw amendment H—5954 filed by him on March 28, 1988, placing out of order amendment H—6024, to amendment H—5954, filed by Paulin of Plymouth on March 29, 1988.

Adams of Hamilton moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

### On the question "Shall the bill pass?" (S.F. 2246)

The ayes were, 67:

Adams	Arnould	Beatty	Bisignano
Black	Blanshan	Brammer	Buhr
Carpenter	Chapman	Clark	Cohoon
Connolly	Connors	Cooper	Diemer
Doderer	Dvorsky	Fey	Fuller
Groninga	Gruhn	Halvorson, R. N.	Hammond
Hansen, S. D.	Hanson, D. R.	Harper	Hatch
Haverland	Hermann	Holveck	Jay
Jochum	Johnson	Knapp	Koenigs
Kremer	May	McKean	McKinney
Metcalf	Muhlbauer	Mullins	Neuhauser
Ollie	Osterberg	Parker	Pavich
Peters	Peterson, M. K.	Poncy	Renaud
Rosenberg	Running	Schrader	Shoning
Siegrist	Skow	Spear	Stueland
Svoboda	Swartz	Tabor	Teaford
Van Camp	Wise	Mr. Speaker	

The nays were, 30:

Beaman	Bennett	Branstad	Corbett
Corey	Daggett	De Groot	Eddie
Fogarty	Garman	Halvorson, R. A.	Harbor
Hester	Hummel	Lageschulte	Lundby
Maulsby	Miller	Paulin	Pellett
Petersen, D. F.	Plasier	Platt	Renken
Royer	Schnekloth	Stromer	Swearingen
Tyrrell	Van Maanen		

Absent or not voting, 3:

Norrgard	Sherzan	Shoultz
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**Senate File 2108**, a bill for an act relating to the acquisition of an interest in a bank located in Iowa or a bank holding company located in Iowa owning or controlling one or more banks in Iowa by an out-of-state regional bank holding company, and making penalties applicable, with report of committee recommending passage was taken up for consideration.

Arnould of Scott asked and received unanimous consent that Senate File 2108 be deferred and placed on the calendar under unfinished business.

**Senate File 2216**, a bill for an act providing that the state fair board may make an agreement with the department of public safety

to provide security during the annual fair and exposition and interim events, with report of committee recommending passage was taken up for consideration.

Fuller of Hardin moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2216)

The ayes were, 96:

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	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	Knapp	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	Running	Schnekloth	Schrader
Shoning	Shoultz	Siegrist	Skow
Spear	Stromer	Stueland	Svoboda
Swearingen	Tabor	Teaford	Tyrrell
Van Camp	Van Maanen	Wise	Mr. Speaker

The nays were, none.

Absent or not voting, 4:

Daggett	Groninga	Sherzan	Swartz
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**Senate File 2192**, a bill for an act to establish a child development coordinating council for the promotion of child development services to certain at-risk children and to prescribe its duties, with report of committee recommending amendment and passage was taken up for consideration.

Connolly of Dubuque offered the following amendment H—5916 filed by the committee on education and moved its adoption:

H—5916

- 1 Amend Senate File 2192, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 2, line 5, by striking the words "by the"
- 4 and inserting the following: "jointly by the
- 5 department of education and the".

The committee amendment H—5916 was adopted.

Connolly of Dubuque moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2192)

The ayes were, 79:

Adams	Arnould	Beaman	Beatty
Bisignano	Black	Blanshan	Brammer
Buhr	Chapman	Clark	Cohoon
Connolly	Connors	Cooper	Corbett
Daggett	Diemer	Doderer	Dvorsky
Fey	Fogarty	Fuller	Garman
Groninga	Gruhn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hansen, S. D.	Harbor	Harper
Hatch	Haverland	Hermann	Hester
Holveck	Jay	Jochum	Johnson
Knapp	Koenigs	Kremer	Lageschulte
May	McKean	McKinney	Muhlbauer
Mullins	Neuhauser	Norrgard	Ollie
Osterberg	Parker	Pavich	Peters
Peterson, M. K.	Platt	Poncy	Renaud
Rosenberg	Running	Sherzan	Shoning
Shoultz	Siegrist	Skow	Spear
Stromer	Stueland	Svoboda	Swartz
Swearingen	Tabor	Teaford	Tyrrell
Van Camp	Wise	Mr. Speaker	

The nays were, 19:

Bennett	Branstad	Carpenter	Corey
De Groot	Eddie	Hanson, D. R.	Hummel
Lundby	Maulsby	Metcalf	Miller
Paulin	Petersen, D. F.	Plasier	Renken
Royer	Schnekloth	Van Maanen	

Absent or not voting, 2:

Pellett	Schrader
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**Senate File 2262**, a bill for an act relating to organically produced food by providing for the establishment of standards, enforcement measures, penalties and an effective date, with report of committee recommending amendment and passage was taken up for consideration.

Arnould of Scott asked and received unanimous consent that Senate File 2262 be deferred and placed on the calendar under unfinished business.

**Senate File 2234**, a bill for an act relating to the starting date and the calendar for schools, with report of committee recommending amendment and passage was taken up for consideration.

Arnould of Scott asked and received unanimous consent that Senate File 2234 be deferred and placed on the calendar under unfinished business.

**Senate File 2233**, a bill for an act relating to the registration of voters in state offices, with report of committee recommending amendment and passage was taken up for consideration.

Buhr of Polk offered the following amendment H—5935 filed by the committee on state government and moved its adoption:

H—5935

- 1 Amend Senate File 2233, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, by striking lines 5 and 6 and
- 4 inserting the following: "available in the all
- 5 offices maintained by the state agencies listed in
- 6 this section. The officers and employees of those".
- 7 2. Page 1, by striking lines 13 through 22 and
- 8 inserting the following: "commissioner of
- 9 registration. This section applies to the Iowa civil
- 10 rights commission and the state departments of human
- 11 services, human rights, cultural affairs, employment
- 12 services, revenue and finance, personnel, agriculture
- 13 and land stewardship, and transportation, and the
- 14 offices of the clerks of court of the district courts.
- 15 This section does not prevent the officers or
- 16 employees of any other state agency from offering
- 17 voter registration forms to persons in those offices."
- 18 3. Page 1, line 25, by striking the word "office"
- 19 and inserting the following: "department".
- 20 4. Page 1, line 27, by striking the word
- 21 "monthly" and inserting the following: "quarterly".

The committee amendment H—5935 was adopted.

Buhr of Polk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2233)

The ayes were, 57:

Adams	Arnould	Beatty	Bisignano
Black	Blanshan	Brammer	Buhr
Carpenter	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	McKean	McKinney
Muhlbauer	Ollie	Osterberg	Parker
Pavich	Peterson, M. K.	Poncy	Renaud
Rosenberg	Running	Schrader	Sherzan
Shoning	Skow	Svoboda	Swartz
Tabor	Teaford	Van Camp	Wise
Mr. Speaker			

The nays were, 38:

Beaman	Bennett	Branstad	Clark
Corbett	Corey	Daggett	De Groot
Diemer	Eddie	Garman	Halvorson, R. A.
Hanson, D. R.	Harbor	Hermann	Hester
Hummel	Lageschulte	Lundby	Maulsby
Metcalf	Miller	Mullins	Paulin
Pellett	Petersen, D. F.	Plasier	Platt
Renken	Royer	Schnekloth	Siegrist
Spear	Stromer	Stueland	Swearingen
Tyrrell	Van Maanen		

Absent or not voting, 5:

Kremer	Neuhauser	Norrgard	Peters
Shoultz			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**Senate File 2295**, a bill for an act relating to the development of programs for the identification, educational methods, and staff qualifications for at-risk children, with report of committee recommending amendment and passage was taken up for consideration.

Haverland of Polk offered the following amendment H—5913 filed by the committee on education and moved its adoption:

H—5913

- 1 Amend Senate File 2295, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 2, by striking line 29 and inserting the
- 4 following:
- 5 "7. An early childhood development specialist from
- 6 an area education agency."
- 7 2. Page 2, by inserting after line 30, the
- 8 following:
- 9 "9. The department of education.
- 10 10. The child development coordinating council."

The committee amendment H—5913 was adopted.

Haverland of Polk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2295)

The ayes were, 89:

Adams	Arnould	Beatty	Bisignano
Black	Blanshan	Brammer	Branstad
Buhr	Carpenter	Chapman	Clark
Cohoon	Connolly	Cooper	Corbett
Corey	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	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	Rosenberg	Running	Schrader
Sherzan	Shoning	Shoultz	Siegrist
Skow	Spear	Stromer	Stueland
Svoboda	Swartz	Swearingen	Tabor
Teaford	Tyrrell	Van Camp	Wise
Mr. Speaker			

The nays were, 8:

Beaman	Bennett	Daggett	De Groot
Maulsby	Renken	Schneklloth	Van Maanen



Absent or not voting, 3:

Connors

Hermann

Royer

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

### RULES SUSPENDED

Arnould of Scott asked and received unanimous consent to suspend the rules and take up out of order Senate File 2090.

**Senate File 2090**, a bill for an act authorizing the provision of law enforcement administrative services by agreement between a county and a city and providing an effective date, with report of committee recommending passage was taken up for consideration.

Renaud of Polk in the chair at 10:55 a.m.

Speaker Avenson in the chair at 10:58 a.m.

Swartz of Marshall offered the following amendment H—6002 filed by him:

H—6002

- 1 Amend Senate File 2090, as passed by the Senate, as
- 2 follows:
- 3 1. Page 1, by inserting after line 17 the
- 4 following:
- 5 "A county and a city within the county may enter
- 6 into an agreement to provide administrative services
- 7 through the office of chief of police to the county
- 8 for its office of county sheriff. The agreement is
- 9 subject to a petition and a referendum of the county
- 10 electorate favoring abolition of the office of county
- 11 sheriff. The requirements and procedures for the
- 12 petition and the election shall be substantially the
- 13 same as provided in section 331.323, subsection 1. In
- 14 addition to other provisions required by the chapter,
- 15 the agreement shall specify the administrative
- 16 services to be provided by the chief of police and the
- 17 administrative or supervisory relationship between the
- 18 chief of police and the board of supervisors. The
- 19 chief of police shall be responsible for carrying out
- 20 all of the duties of the office of sheriff. Any
- 21 additional compensation to the office of chief of
- 22 police shall be determined by the agreement in lieu of
- 23 the provisions of section 331.907. The office of
- 24 county sheriff may be restored by the same petition
- 25 and election requirements and procedures as provided
- 26 in this paragraph for abolition of the office."

Eddie of Buena Vista rose on a point of order that amendment H—6002 was not germane.

The Speaker ruled the point well taken and amendment H—6002 not germane.

Eddie of Buena Vista moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2090)

The ayes were, 89:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Black	Blanshan
Branstad	Buhr	Clark	Cphoon
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	Kremer	Lageschulte	Lundby
Maulsby	May	McKean	McKinney
Metcalf	Miller	Muhlbauer	Mullins
Norrgard	Ollie	Osterberg	Parker
Paulin	Pavich	Pellet	Peters
Petersen, D. F.	Peterson, M. K.	Platt	Poncy
Renaud	Renken	Rosenberg	Royer
Running	Schnekloth	Schrader	Shoning
Siegrist	Skow	Spear	Stromer
Stueland	Swearingen	Tabor	Teaford
Tyrrell	Van Camp	Van Maanen	Wise
Mr. Speaker			

The nays were, 9:

Brammer	Carpenter	Chapman	Doderer
Koenigs	Neuhauser	Plasier	Svoboda
Swartz			

Absent or not voting, 2:

Sherzan	Shoultz
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**MOTIONS TO RECONSIDER WITHDRAWN**  
(Senate File 2070)

Skow of Guthrie asked and received unanimous consent to withdraw the motion to reconsider Senate File 2070, a bill for an act relating to the application of certain transportation safety regulations, filed by him on March 28, 1988.

(Senate File 2182)

Osterberg of Linn asked and received unanimous consent to withdraw the motion to reconsider Senate File 2182, a bill for an act to provide for the payment of costs of improvements in drainage districts by special assessment, filed by him on March 25, 1988.

**MESSAGES FROM THE SENATE**

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 28, 1988, amended and passed the following bill in which the concurrence of the House is asked:

House File 105, a bill for an act relating to the appointment of assessors.

Also: That the Senate has on March 29, 1988, amended and passed the following bill in which the concurrence of the House is asked:

House File 185, a bill for an act to prohibit the instruction in and demonstration of the use of dangerous weapons, offensive weapons, and explosives for use in or in furtherance of a civil disorder and providing a penalty.

Also: That the Senate has on March 30, 1988, appointed the second conference committee 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 second conference committee on the part of the Senate are: The Senator from Tama, Senator Husak, Chair; the Senator from Cerro Gordo, Senator Scott; the Senator from Cerro Gordo, Senator A. Miller; the Senator from Pottawattamie, Senator Hester; and the Senator from Sioux, Senator Rensink.

Also: That the Senate has on March 29, 1988, amended and passed the following bill in which the concurrence of the House is asked:

House File 429, a bill for an act providing that under certain circumstances the owner of a vehicle which is violating the warning lamps or stop arm of a school bus shall be deemed to be the driver and making penalties applicable.

Also: That the Senate has on March 29, 1988, amended and passed the following bill in which the concurrence of the House is asked:

House File 498, a bill for an act to restrict the possession of ballistic knives and providing for the application of a penalty.

Also: That the Senate has on March 29, 1988, amended and passed the following bill in which the concurrence of the House is asked:

House File 578, a bill for an act providing for the use of vintage Iowa registration plates.

Also: That the Senate has on March 29, 1988, amended and passed the following bill in which the concurrence of the House is asked:

House File 653, a bill for an act relating to issuance of collision damage waivers in motor vehicle rental agreements, making penalties applicable, and providing an effective date.

Also: That the Senate has on March 29, 1988, amended and passed the following bill in which the concurrence of the House is asked:

House File 2016, a bill for an act relating to county conservation boards by providing for the creation of a county conservation board in certain counties and by specifying the law enforcement authority of the director and other designated employees of a county conservation board, and by providing effective dates.

Also: That the Senate has on March 28, 1988, passed the following bill in which the concurrence of the Senate was asked:

House File 2061, a bill for an act to require members of examining boards and board of review to be residents of the assessor jurisdiction.

Also: That the Senate has on March 28, 1988, amended and passed the following bill in which the concurrence of the House is asked:

House File 2102, a bill for an act to prohibit the taking of a white deer and protected game, and providing penalties.

Also: That the Senate has on March 29, 1988, amended and passed the following bill in which the concurrence of the House is asked:

House File 2117, a bill for an act allowing certain name changes in divorce and annulment decrees.

Also: That the Senate has on March 28, 1988, passed the following bill in which the concurrence of the Senate was asked:

House File 2129, a bill for an act relating to brake requirements for certain trucks and truck tractors.

Also: That the Senate has on March 29, 1988, passed the following bill in which the concurrence of the Senate was asked:

House File 2153, a bill for an act expanding the time in which the utilities board may grant or refuse an application for rehearing in a contested case.

Also: That the Senate has on March 28, 1988, passed the following bill in which the concurrence of the Senate was asked:

House File 2156, a bill for an act relating to the registration of aircraft, and making penalties applicable.

Also: That the Senate has on March 28, 1988, passed the following bill in which the concurrence of the Senate was asked:

House File 2166, a bill for an act relating to a disclaimer of interest by a beneficiary also acting as a fiduciary.

Also: That the Senate has on March 28, 1988, passed the following bill in which the concurrence of the Senate was asked:

House File 2168, a bill for an act relating to the recording of instruments by a county recorder.

Also: That the Senate has on March 29, 1988, amended and passed the following bill in which the concurrence of the House is asked:

House File 2233, a bill for an act relating to work programs for inmates of state correctional institutions.

Also: That the Senate has on March 28, 1988, passed the following bill in which the concurrence of the Senate was asked:

House File 2259, a bill for an act to permit persons who rebuild motor vehicles into emergency vehicles to be licensed as wholesalers.

Also: That the Senate has on March 29, 1988, amended and passed the following bill in which the concurrence of the House is asked:

House File 2262, a bill for an act relating to the deduction and disbursement of certain moneys from an allowance paid to an inmate.

Also: That the Senate has on March 28, 1988, passed the following bill in which the concurrence of the Senate was asked:

House File 2265, a bill for an act relating to reports to be submitted by superintendents of correctional institutions to the director of the department of corrections.

Also: That the Senate has on March 29, 1988, amended and passed the following bill in which the concurrence of the House is asked:

House File 2277, a bill for an act relating to the payment of moneys to teachers under the educational excellence program, including the frequency and manner of payments, eligibility for payments, deadlines for submission of plans and reports, and the issuance of supplemental contracts.

Also: That the Senate has on March 28, 1988, passed the following bill in which the concurrence of the Senate was asked:

House File 2287, a bill for an act relating to the filing date of the elderly or disabled property tax credit, providing for the recovery of erroneous payments, and providing an effective date.

Also: That the Senate has on March 29, 1988, amended and passed the following bill in which the concurrence of the House is asked:

House File 2316, a bill for an act requiring gas and electric public utilities to provide annual gas or electric energy costs for certain properties to certain persons when requested in writing and making civil penalties applicable.

Also: That the Senate has on March 29, 1988, amended and passed the following bill in which the concurrence of the House is asked:

House File 2326, a bill for an act relating to savings and loan associations.

Also: That the Senate has on March 29, 1988, amended and passed the following bill in which the concurrence of the House is asked:

House File 2327, a bill for an act relating to the use of certain revenues obtained from the transfer of property or taxes imposed in urban renewal areas for economic development purposes and providing an effective date.

Also: That the Senate has on March 29, 1988, amended and passed the following bill in which the concurrence of the House is asked:

House File 2336, a bill for an act relating to the confidentiality of certain records of a library.

Also: That the Senate has on March 29, 1988, amended and passed the following bill in which the concurrence of the House is asked:

House File 2367, a bill for an act relating to training for mandatory reporters of dependent adult abuse and child abuse.

Also: That the Senate has on March 29, 1988, amended and passed the following bill in which the concurrence of the House is asked:

House File 2387, a bill for an act relating to the construction of cable systems and telegraph and telephone lines in the state.

Also: That the Senate has on March 29, 1988, amended and passed the following bill in which the concurrence of the House is asked:

House File 2395, a bill for an act permitting certain water utilities to become cooperatives and expanding allowable purposes under Chapter 499.

Also: That the Senate has on March 29, 1988, amended and passed the following bill in which the concurrence of the House is asked:

House File 2412, a bill for an act relating to judicial sentencing options.

Also: That the Senate has on March 29, 1988, amended and passed the following bill in which the concurrence of the House is asked:

House File 2414, a bill for an act relating to funding for the education costs of certain shelter care homes and juvenile detention homes and providing an effective date.

Also: That the Senate has on March 29, 1988, amended and passed the following bill in which the concurrence of the House is asked:

House File 2415, a bill for an act relating to incentives to encourage certain state government employees to retire from employment by providing for monetary or insurance payment incentives, and providing an effective date.

Also: That the Senate has on March 29, 1988, amended and passed the following bill in which the concurrence of the House is asked:

House File 2437, a bill for an act relating to utilization of energy resources in the state including the implementation of energy conservation measures.

JOHN F. DWYER, Secretary

On motion by Arnould of Scott, the House was recessed at 11:19 a.m., until 1:00 p.m.

## AFTERNOON SESSION

The House reconvened, Speaker Avenson in the chair.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Swearingen of Keokuk, for the remainder of the day, March 31, April 4 and 5, and Harbor of Mills, until his return, on request of Stromer of Hancock.

## RULES SUSPENDED

Arnould of Scott asked and received unanimous consent to suspend the rules and take up out of order Senate File 2193.

## CONSIDERATION OF BILLS

### Regular Calendar

**Senate File 2193**, a bill for an act relating to requirements for approved teacher education programs, with report of committee recommending amendment and passage was taken up for consideration.

## RULE 74.a REINSTATED

Arnould of Scott asked and received unanimous consent to reinstate Rule 74.a, to allow members to vote within ten minutes after the vote has been announced.

Shultz of Black Hawk offered the following amendment H—5915 filed by the committee on education:

H—5915

- 1 Amend Senate File 2193, 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 256.7, subsection 3, Code
- 6 Supplement 1987, is amended by adding the following
- 7 new unnumbered paragraph:
- 8 **NEW UNNUMBERED PARAGRAPH.** By January 1, 1989, the
- 9 state board shall adopt rules under chapter 17A that
- 10 prescribe a process for the appointment and operation
- 11 of evaluation panels for evaluating the performance of
- 12 teachers to determine whether the teachers meet
- 13 certification requirements adopted by the board.
- 14 Sec. \_\_\_\_\_. **NEW SECTION. 256.31 CERTIFICATION**
- 15 **ADVISORY COMMITTEE.**
- 16 1. A certification advisory committee is
- 17 established to advise the board of educational
- 18 examiners concerning the requirements for

19 certification of elementary and secondary school  
20 personnel and standards for the preparation and  
21 certification of school personnel. The advisory  
22 committee shall consist of the following members  
23 appointed by the board of educational examiners:  
24 a. Eight members who are certificated classroom  
25 teachers, three of whom are currently employed as  
26 classroom teachers in school districts in this state,  
27 and one of whom is currently employed as a classroom  
28 teacher in an approved nonpublic school in this state.  
29 b. One member who is employed as a certificated  
30 principal in this state.  
31 c. One member who is employed as a certificated  
32 superintendent in this state.  
33 d. Two members of the teacher education faculty  
34 from institutions of higher education in this state  
35 which are approved for teacher education. One member  
36 shall be from an institution of higher education under  
37 the control of the state board of regents and one  
38 member shall be from a private college or university  
39 in this state.  
40 e. One member who is a certificated employee of an  
41 area education agency in this state assigned to  
42 instructional programs or staff development  
43 responsibilities.  
44 2. Committee members shall be appointed to  
45 staggered four-year terms. They shall be reimbursed  
46 for actual and necessary expenses incurred in the  
47 performance of their duties from funds appropriated to  
48 the department of education.  
49 3. The committee shall meet at least quarterly.  
50 Staff assistance shall be provided by the department

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1 of education.  
2 4. A vacancy on the advisory committee shall be  
3 filled for the unexpired portion of the term in the  
4 same manner as the original appointment."  
5 2. Page 4, by inserting after line 2 the  
6 following:  
7 "Sec. \_\_\_\_\_. Notwithstanding section 256.31, for the  
8 initial membership, two teachers and the area  
9 education agency representative shall serve one-year  
10 terms; two teachers, the principal, and a teacher  
11 education faculty member shall serve two-year terms;  
12 two teachers and the superintendent shall serve three-  
13 year terms; and two teachers and the other teacher  
14 education faculty member shall serve four-year terms."  
15 3. Title page, line 2, by inserting after the  
16 word "programs" the following: "and the establishment  
17 of a teacher certification advisory committee".  
18 4. By numbering and renumbering sections as  
19 necessary.



Shoultz of Black Hawk offered the following amendment H—6039, to the committee amendment H—5915, filed by him and Daggett of Adams and moved its adoption:

H—6039

- 1 Amend the amendment H—5915 to Senate File 2193, as
- 2 amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 1, by striking lines 12 and 13 and
- 5 inserting the following: "teachers possessing initial
- 6 certification to determine whether the teachers meet
- 7 the requirements adopted by the board for progressing
- 8 to the next certification level."

Amendment H—6039 was adopted.

Holveck of Polk offered the following amendment H—6040, to the committee amendment H—5915, filed by him and Hammond of Story and moved its adoption:

H—6040

- 1 Amend the amendment H—5915 to Senate File 2193, as
- 2 amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 1, by inserting after line 28 the
- 5 following:
- 6 "\_\_\_\_\_. Six members who are employed as school
- 7 service personnel including one member from each of
- 8 the following professions: Speech pathology,
- 9 audiology, school psychology, school social work,
- 10 physical therapy, and occupational therapy."
- 11 2. Page 2, line 8, by inserting after the word
- 12 "teachers" the following: ", two school service
- 13 persons,".
- 14 3. Page 2, line 10, by inserting after the word
- 15 "teachers," the following: "one school service
- 16 person,".
- 17 4. Page 2, line 12, by inserting after the word
- 18 "teachers" the following: ", one school service per-
- 19 son,".
- 20 5. Page 2, line 13, by inserting after the word
- 21 "teachers" the following: ", two school service per-
- 22 sons,".

Amendment H—6040 lost.

On motion by Shoultz of Black Hawk, the committee amendment H—5915, as amended, was adopted.

Shoultz of Black Hawk offered the following amendment H—6045 filed by Shoultz, et al., and moved its adoption:

H—6045

1 Amend Senate File 2193, as amended, passed, and  
2 reprinted by the Senate, as follows:

3 1. Page 1, line 2, by striking the word "The" and  
4 inserting the following: "Not later than January 1,  
5 1990, the".

6 2. Page 1, line 6, by striking the word and  
7 figures "after July 1, 1989".

8 3. Page 1, by striking lines 9 through 14 and  
9 inserting the following: "settings. These field  
10 experiences shall comprise a total of at least fifty  
11 hours' duration at least forty hours of which shall  
12 occur after a student's admission to an approved  
13 teacher education program. The student teaching  
14 experience shall be a minimum of twelve weeks in  
15 duration during the student's final year of the  
16 teacher education program."

17 4. Page 1, by striking lines 17 through 20 and  
18 inserting the following: "elementary, middle, or  
19 secondary schools."

20 5. Page 1, line 28, by inserting after the word  
21 "state." the following: "The requirement shall be  
22 based upon recommendations of the department of  
23 education after consultation with teacher education  
24 faculty members in colleges and universities."

25 6. Page 1, line 32, by inserting after the word  
26 "teacher" the following: "based upon recommendations  
27 of the department of education after consultation with  
28 teacher education faculty members in colleges and  
29 universities".

30 7. Page 2, by inserting after line 21 the fol-  
31 lowing:

32 "\_\_\_\_\_. A requirement that an approved teacher  
33 education program submit evidence that the evaluation  
34 of the performance of a student teacher is a  
35 cooperative process that involves both the faculty  
36 member supervising the student teacher and the  
37 cooperating teacher."

38 8. By striking page 2, line 22 through page 3,  
39 line 23 and inserting the following:

40 "Sec. \_\_\_\_\_. DEPARTMENT OF EDUCATION STUDIES.

41 1. The department of education is directed to  
42 develop recommendations concerning incentives that  
43 might be used to encourage experienced teachers in  
44 elementary and secondary schools to serve as  
45 cooperating teachers for student teachers enrolled in  
46 approved teacher education programs.

47 The recommendations shall be submitted to the

48 general assembly not later than February 1, 1989.  
49 2. The department of education is directed to  
50 develop recommendations for the establishment of

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1 programs that provide for interaction between faculty  
2 members in colleges and departments of education at  
3 approved teacher education institutions and teachers  
4 and students at the elementary and secondary schools.  
5 The recommendations shall be submitted to the  
6 general assembly not later than February 1, 1989."  
7 9. By striking page 3, line 24, through page 4,  
8 line 2, and inserting the following:  
9 "Sec. \_\_\_\_\_. Section 294A.2, subsection 5, Code  
10 Supplement 1987, is amended by adding the following  
11 new unnumbered paragraph:  
12 NEW UNNUMBERED PARAGRAPH. Effective July 1, 1988,  
13 "teacher" includes an individual employed on less than  
14 a full-time basis by a school district through a  
15 contract between the school district and an  
16 institution of higher education with an approved  
17 teacher education program in which the teacher is  
18 enrolled in a graduate teacher education program.  
19 Sec. \_\_\_\_\_. Section 294A.14, unnumbered paragraph 9,  
20 Code Supplement 1987, is amended to read as follows:  
21 For school districts, additional instructional work  
22 assignments may include but are not limited to general  
23 curriculum planning and development, vertical  
24 articulation of curriculum, horizontal curriculum  
25 coordination, development of educational measurement  
26 practices for the school district, attendance at  
27 workshops and other programs for service as  
28 cooperating teachers for student teachers, development  
29 of plans for assisting beginning teachers during their  
30 first year of teaching, attendance at summer staff  
31 development programs, development of staff development  
32 programs for other teachers to be presented during the  
33 school year, and other plans locally determined in the  
34 manner specified in section 294A.15 and approved by  
35 the department of education under section 294A.16 that  
36 are of equal importance or more appropriately meet the  
37 educational needs of the school district."  
38 10. By renumbering as necessary.

Amendment H—6045 was adopted.

Skow of Guthrie in the chair at 2:03 p.m.

Corey of Louisa offered the following amendment H—6021 filed  
by Corey, et al., and moved its adoption:

H-6021

- 1 Amend Senate File 2193, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 2, by inserting after line 21, the
- 4 following:
- 5 "9. A requirement that each approved teacher
- 6 education institution providing a program in
- 7 vocational education shall cooperate with the
- 8 department of education in selecting and establishing
- 9 the qualifications of the cooperating teachers."

Amendment H-6021 lost.

Shoultz of Black Hawk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2193)

The ayes were, 83:

Adams	Arnould	Avenson	Beaman
Beatty	Bisignano	Black	Blanshan
Brammer	Branstad	Buhr	Carpenter
Chapman	Clark	Cohoon	Connors
Cooper	Corbett	Corey	Daggett
De Groot	Diemer	Doderer	Eddie
Fogarty	Fuller	Garman	Groninga
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	Metcalfe	Miller
Muhlbauer	Mullins	Neuhauser	Norrgard
Ollie	Osterberg	Paulin	Pavich
Pellett	Peters	Peterson, M. K.	Plasier
Platt	Poncy	Renaud	Rosenberg
Running	Schrader	Sherzan	Shoning
Shoultz	Siegrist	Spear	Stueland
Svoboda	Swartz	Tabor	Teaford
Van Camp	Wise	Mr. Speaker	
		(Skow)	

The nays were, 9:

Bennett	Kremer	Maulsby	Petersen, D. F.
Renken	Royer	Schneklath	Tyrrell
Van Maanen			

Absent or not voting, 8:

Connolly	Dvorsky	Fey	Harbor
Haverland	Parker	Stromer	Swearingen

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 and take up out of order Senate File 2318.

**Senate File 2318**, a bill for an act relating to the registration of construction contractors; providing for administration and enforcement of a system of registration by the labor commissioner; providing for administrative penalties; providing an effective date; and providing other properly related matters, with report of committee recommending passage was taken up for consideration.

Van Camp of Scott offered the following amendment H—6008 filed by him and moved its adoption:

H—6008

- 1 Amend Senate File 2318, as passed by the Senate, as
- 2 follows:
- 3 1. Page 2, by striking lines 22 and 23 and
- 4 inserting the following:
- 5 "The labor commissioner shall prescribe and collect
- 6 an initial registration fee, which fee shall not
- 7 exceed twenty-five dollars, and shall also prescribe
- 8 and collect an annual fee to be paid by each
- 9 registered contractor, which fee shall not exceed
- 10 twenty-five dollars per year."

Amendment H—6008 was adopted.

Van Camp of Scott offered the following amendment H—6010 filed by him and moved its adoption:

H—6010

- 1 Amend Senate File 2318, as passed by the Senate, as
- 2 follows:
- 3 1. Page 2, by inserting after line 35 the
- 4 following:
- 5 "The contractor shall display the public
- 6 registration number at each place of business, on each
- 7 vehicle and major item of equipment as defined by rule
- 8 of the labor commissioner, and in all public
- 9 advertising. The labor commissioner may provide by
- 10 rule for the issuance of registration certificates,
- 11 cards, stickers, or stencils as appropriate for the
- 12 display of the contractor's public registration
- 13 number."
- 14 2. Page 3, by inserting after line 25 the

15 following:

16 "c. The requirement that the contractor's public  
17 registration number be displayed at each place of  
18 business, on each vehicle or major item of equipment,  
19 and in all public advertising. However, failure to  
20 include the public registration number in public  
21 advertising in a classified directory is not an  
22 enforceable violation until January 1, 1990."

Roll call was requested by Van Camp of Scott and Miller of Cherokee.

Rule 75 was invoked.

On the question "Shall amendment H—6010 be adopted?"  
(S.F. 2318)

The ayes were, 37:

Beaman	Bennett	Black	Branstad
Carpenter	Clark	Corbett	Daggett
De Groot	Diemer	Eddie	Garman
Halvorson, R. A.	Hanson, D. R.	Hermann	Hester
Hummel	Koenigs	Kremer	Lageschulte
Lundby	Maulsby	McKean	Metcalf
Miller	Paulin	Pellet	Petersen, D. F.
Platt	Renken	Royer	Schnekloth
Shoning	Siegrist	Stueland	Van Camp
Van Maanen			

The nays were, 58:

Adams	Arnould	Avenson	Beatty
Bisignano	Blanshan	Brammer	Buhr
Chapman	Cohoon	Connors	Cooper
Corey	Doderer	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
Peters	Peterson, M. K.	Plasier	Poney
Renaud	Rosenberg	Running	Schrader
Sherzan	Shoultz	Spear	Svoboda
Swartz	Tabor	Teaford	Tyrrell
Wise	Mr. Speaker		
	(Skow)		

Absent or not voting, 5:

Connolly	Dvorsky	Harbor	Stromer
Swearingen			

Amendment H—6010 lost.

Van Camp of Scott asked and received unanimous consent to withdraw amendment H—6007 filed by him on March 28, 1988.

Tyrrell of Iowa rose on a point of order and invoked Rule 32 to refer Senate File 2318 to the committee on ways and means.

The Speaker ruled the point well taken and Rule 32 in order.

Arnould of Scott asked for unanimous consent to suspend Rule 32.

Objection was raised.

Arnould of Scott moved to suspend Rule 32 on Senate File 2318.

A non-record roll call was requested.

The ayes were 51, nays 40.

The motion prevailed and Rule 32 was suspended on Senate File 2318.

Sherzan of Polk asked for unanimous consent to reconsider amendment H—6008.

Objection was raised.

Sherzan of Polk moved to reconsider the vote by which amendment H—6008 (found on page 1228 of the House Journal) was adopted by the House on March 30, 1988.

A non-record roll call was requested.

The ayes were 48, nays 37.

The motion prevailed and the House reconsidered amendment H—6008.

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Fogarty of Palo Alto, for the remainder of the day, on request of Koenigs of Mitchell.

Speaker Avenson in the chair at 3:21 p.m.

Van Camp of Scott asked for unanimous consent to defer action on Senate File 2318 for the preparation of an amendment.

Objection was raised.

Van Camp of Scott moved the adoption of amendment H—6008.

Roll call was requested by Swartz of Marshall and Sherzan of Polk.

On the question "Shall amendment H—6008 be adopted?"  
(S.F. 2318)

The ayes were, 24:

Beaman	Bennett	Chapman	Corey
Daggett	Diemer	Eddie	Halvorson, R. A.
Hanson, D. R.	Harbor	Hummel	Lageschulte
Maulsby	Metcalf	Miller	Pellett
Petersen, D. F.	Platt	Royer	Schnekloth
Shoning	Siegrist	Stromer	Van Camp

The nays were, 65:

Adams	Arnould	Beatty	Bisignano
Black	Branstad	Buhr	Carpenter
Clark	Cohoon	Connolly	Connors
Cooper	Corbett	De Groot	Dvorsky
Fuller	Garman	Groninga	Halvorson, R. N.
Hammond	Hansen, S. D.	Harper	Hatch
Hester	Holveck	Jay	Jochum
Johnson	Knapp	Koenigs	Lundby
May	McKean	McKinney	Muhlbauer
Mullins	Neuhauser	Norrsgard	Ollie
Osterberg	Parker	Paulin	Pavich
Peters	Peterson, M. K.	Plasier	Poncy
Renaud	Rosenberg	Running	Schrader
Sherzan	Shoultz	Skow	Spear
Stueland	Svoboda	Swartz	Tabor
Teaford	Tyrrell	Van Maanen	Wise
Mr. Speaker			

Absent or not voting, 11:

Blanshan	Brammer	Doderer	Fey
Fogarty	Gruhn	Haverland	Hermann
Kremer	Renken	Swearingen	

Amendment H—6008 lost.

The House stood at ease at 3:36 p.m., until the fall of the gavel.

The House resumed session and consideration of Senate File 2318 at 5:35 p.m., Speaker Avenson in the chair.

Arnould of Scott asked and received unanimous consent that Senate File 2318 be deferred and placed on the calendar under unfinished business.



## RULES SUSPENDED

Arnould of Scott asked and received unanimous consent to suspend the rules and take up out of order Senate File 2309.

## Appropriations Calendar

**Senate File 2309**, a bill for an act relating to and making appropriations to the department of economic development, with report of committee recommending amendment and passage was taken up for consideration.

Running of Linn offered the following amendment H—5842 filed by the committee on appropriations:

H—5842

- 1 Amend Senate File 2309 as amended, passed and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, by inserting after line 18, the
- 4 following:
- 5 "Of the funds appropriated in this subsection
- 6 thirty thousand (30,000) dollars shall be used for the
- 7 promotion of state-owned historic attractions and
- 8 thirty thousand (30,000) dollars shall be used for the
- 9 promotion of other cultural attractions as determined
- 10 by the department of cultural affairs."
- 11 2. Page 1, by striking lines 25 through 27 and
- 12 inserting the following: "advertising contracts."
- 13 3. Page 2, by striking lines 14 through 16 and
- 14 inserting the following: "marketing contracts."
- 15 4. Page 4, by inserting after line 5, the
- 16 following:
- 17 "20. Iowa finance authority.
- 18 For the housing trust fund program, to be deposited
- 19 in the housing trust fund and to be used for the grant
- 20 program for the homeless for the construction,
- 21 rehabilitation, or expansion of group home shelter for
- 22 the homeless:
- 23 ..... \$ 100,000".
- 24 5. Page 4, by striking lines 32 through 34 and
- 25 inserting the following: "and an "invest in Iowa"
- 26 program. The".

Connolly of Dubuque asked and received unanimous consent to withdraw amendment H—5953, to the committee amendment H—5842, filed by him on March 28, 1988.

Blanshan of Greene in the chair at 5:46 p.m.

On motion by Running of Linn, the committee amendment H—5842 was adopted.

Corbett of Linn asked and received unanimous consent to withdraw amendment H—6043 filed by him on March 29, 1988.

Running of Linn offered the following amendment H—6037 filed by him:

H—6037

- 1 Amend Senate File 2309, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, by inserting after line 14 the
- 4 following:
- 5 "The department shall evaluate the feasibility of
- 6 providing financial and nonfinancial assistance to
- 7 local and regional tourism organizations to promote
- 8 local and regional tourism and recreational
- 9 attractions and sites at the Iowa state fair, and to
- 10 educate residents of this state and out-of-state
- 11 visitors about the significant number of tourism and
- 12 recreational attractions and sites within the state.
- 13 The department shall consult with regional tourism
- 14 councils and local tourism organizations to evaluate
- 15 the type, extent, and effectiveness of providing
- 16 financial and nonfinancial assistance programs. The
- 17 department shall report the recommendations, findings,
- 18 and conclusions resulting from the evaluation to the
- 19 governor's office and the general assembly on or
- 20 before February 15, 1989."

Running of Linn asked for unanimous consent to withdraw amendment H—6037.

Objection was raised.

Running of Linn moved the adoption of amendment H—6037.

A non-record roll call was requested.

The ayes were 38, nays 19.

Amendment H—6037 was adopted.

Running of Linn offered the following amendment H—6032 filed by him:

H—6032

- 1 Amend Senate File 2309, as amended, passed, and re-
- 2 printed by the Senate, as follows:
- 3 1. Page 2, by inserting after line 21 the
- 4 following:
- 5 "Of the amount appropriated by this subsection, the
- 6 department may provide to small businesses, as defined
- 7 by the United States small business administration,

- 8 financial assistance to defray costs incurred by the
- 9 businesses participating in foreign trade shows,
- 10 missions, seminars, or related activities sponsored by
- 11 the United States department of commerce or by the
- 12 department of economic development."

Corbett of Linn offered the following amendment H—6060, to amendment H—6032, filed from the floor by Corbett, Branstad and Running and moved its adoption:

H—6060

- 1 Amend the amendment, H—6032, to Senate File 2309,
- 2 as amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 1, by inserting after line 2 the
- 5 following:
- 6 "\_\_\_\_\_. Page 2, line 18, by striking the word
- 7 "five" and inserting the following: "six".

Amendment H—6060 was adopted.

On motion by Running of Linn, amendment H—6032, as amended, was adopted.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Adams of Hamilton on request of Teaford of Black Hawk; Skow of Guthrie on request of Black of Jasper, both for the remainder of the day.

Corbett of Linn offered the following amendment H—5989 filed by him and moved its adoption:

H—5989

- 1 Amend Senate File 2309, as amended, passed, and re-
- 2 printed by the Senate, as follows:
- 3 1. Page 4, by inserting before line 6 the
- 4 following:
- 5 "\_\_\_\_\_. Iowa promotion
- 6 For advertising and promotional marketing:
- 7 .....\$3,000,000".

Roll call was requested by Running of Linn and Jochum of Dubuque.

On the question "Shall amendment H—5989 be adopted?"  
(S.F. 2309)

The ayes were, 35:

Beaman  
Daggett

Bennett  
De Groot

Carpenter  
Diemer

Corbett  
Dvorsky

Eddie	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	Schneklloth	Shoning	Siegrist
Stromer	Stueland	Van Camp	

The nays were, 54:

Arnould	Avenson	Beatty	Bisignano
Brammer	Buhr	Clark	Cohoon
Connolly	Cooper	Doderer	Fey
Fuller	Garman	Groninga	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	Sherzan
Shoultz	Spear	Svoboda	Swartz
Tabor	Teaford	Tyrrell	Van Maanen
Wise	Mr. Speaker (Blanshan)		

Absent or not voting, 11:

Adams	Black	Branstad	Chapman
Connors	Corey	Fogarty	Gruhn
Kremer	Skow	Swearingen	

Amendment H—5989 lost.

Lundby of Linn offered the following amendment H—5990 filed by her and moved its adoption:

H—5990

- 1 Amend Senate File 2309, as amended, passed and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 4, by inserting before line 6 the
- 4 following:
- 5 " \_\_\_\_\_. Iowa promotion
- 6 For advertising and promotional marketing:
- 7 .....\$2,000,000".

A non-record roll call was requested.

The ayes were 25, nays 41.

Amendment H—5990 lost.

Neuhauser of Johnson offered the following amendment H—6048 filed by her and Swartz of Marshall:

H-6048

1 Amend Senate File 2309, as amended, passed, and re-  
2 printed by the Senate, as follows:

3 1. Page 4, by inserting after line 5 the  
4 following:

5 "Sec. \_\_\_\_\_. Notwithstanding section 8.33, moneys  
6 credited to the loan reserve account and  
7 administrative account established under section  
8 220.111 shall not revert to the general fund of the  
9 state but shall be appropriated for the fiscal year  
10 beginning July 1, 1988, and ending June 30, 1989, to  
11 the department of economic development to provide case  
12 management assistance to low-income persons for the  
13 purpose of establishing or expanding small business  
14 ventures."

15 2. Page 4, by inserting after line 16 the fol-  
16 lowing:

17 "Sec. \_\_\_\_\_. Section 12.43, subsection 1, Code  
18 Supplement 1987, is amended to read as follows:

19 1. "Targeted small business" means a business as  
20 defined in section ~~220.111~~ 15.111, subsection 1.

21 Sec. \_\_\_\_\_. Section 15.108, subsection 7, paragraph  
22 c, unnumbered paragraph 1; subparagraph (2); and  
23 subparagraph (5), unnumbered paragraph 1, Code  
24 Supplement 1987, are amended to read as follows:

25 Aid in the development and implementation of the  
26 Iowa targeted small business procurement Act  
27 established in sections 73.15 through 73.21 and the  
28 targeted small business loan guarantee program of the  
29 ~~Iowa finance authority~~ established in section ~~220.111~~  
30 15.111. The duties of the director under this  
31 paragraph include the following:

32 (2) The director, in conjunction with the director  
33 of the department of management, shall publicize the  
34 loan guarantee program of the ~~Iowa finance authority~~  
35 established in section 15.111 to targeted small  
36 businesses.

37 (5) The director shall submit an annual report to  
38 the governor and the general assembly relating  
39 progress toward realizing the goals and objectives of  
40 the procurement set-aside program and the loan  
41 guarantee program of the ~~Iowa finance authority~~  
42 established in section 15.111 during the preceding  
43 fiscal year. The ~~Iowa finance authority and the~~  
44 director of the department of management shall assist  
45 in compiling the data to be included in the report.  
46 The report shall include the following information:

47 Sec. \_\_\_\_\_. NEW SECTION. 15.111 TARGETED SMALL  
48 BUSINESS LOAN GUARANTEE PROGRAM.

49 1. As used in this section, "small business" and  
50 "targeted small business" means the same as defined in

## Page 2

1 section 15.102, subsections 4 and 5.

2 2. The department shall operate, contingent upon  
3 the availability of funds authorized for the program,  
4 the targeted small business loan guarantee program  
5 originally established by the housing finance  
6 authority, to provide for guarantees with respect to  
7 loans made to beginning and existing targeted small  
8 businesses. The program shall provide guarantees not  
9 to exceed seventy-five percent for loans made by  
10 qualified lenders. The department shall establish a  
11 loan reserve account from funds provided for this  
12 program, from which any default on a guaranteed loan  
13 under this section shall be paid. In administering  
14 the program the department shall not guarantee loan  
15 values in excess of the amount credited to the reserve  
16 account and only moneys set aside in the loan reserve  
17 account may be used for the payment of a default.  
18 3. All moneys designated for the targeted small  
19 business loan guarantee program shall be credited to  
20 the loan reserve account. The department shall also  
21 establish an administrative account from which the  
22 operating costs of the program shall be paid. The  
23 department may transfer moneys between the reserve and  
24 the administrative accounts. The department shall  
25 determine what is the actuarially sound reserve  
26 requirement for the amount of guaranteed loans  
27 outstanding.

28 4. A default is not eligible for payment until the  
29 lender has satisfied all administrative and legal  
30 remedies for settlement of the loan and the loan has  
31 been reduced to judgment by the lender. After the  
32 default has been reduced to judgment and the guarantee  
33 paid from the loan reserve account, the department, on  
34 behalf of the state, is entitled to an assignment of  
35 the judgment. The attorney general shall take all  
36 appropriate action to enforce the judgment or may  
37 enter into an agreement with the lender to provide for  
38 enforcement. Upon collection of the amount  
39 guaranteed, any excess collected shall be paid to the  
40 lender.

41 5. The director, in conjunction with the director  
42 of the department of management, may organize one or  
43 more advisory groups composed of representatives of  
44 women, minority persons, the business and financial  
45 community, and others interested in the loan guarantee  
46 program to serve on a volunteer basis in advising the  
47 department concerning the implementation of this  
48 section. The department shall consult with the  
49 director of the department of management to determine  
50 whether targeted small businesses which have expressed

## Page 3

1 an interest in doing business with agencies of state  
2 government under the provisions of sections 73.15  
3 through 73.21 should be considered for application for  
4 guarantees under this section.

5 6. The department may require an applicant for a  
6 loan guarantee under this section to consult with a  
7 designated small business assistance program as  
8 described in section 15.108, subsection 7, paragraph  
9 "c", subparagraph (3), prior to approval of the loan  
10 guarantee.

11 7. The department shall adopt rules as necessary  
12 for the administration of the loan guarantee program  
13 under this section. Rules and guidelines adopted  
14 pursuant to this section are subject to review and  
15 approval by the director of the department of  
16 management.

17 8. The general assembly is not obligated to  
18 appropriate any moneys to pay for any defaults or to  
19 appropriate any moneys to be credited to the loan  
20 reserve account. The loan guarantee program does not  
21 obligate the state except to the extent provided in  
22 this section, and the department in administering the  
23 program shall not give or lend the credit of the state  
24 of Iowa.

25 9. Notwithstanding any other provision, the  
26 department may use uncommitted moneys in the loan  
27 reserve account and the administrative account for  
28 purposes of the case management assistance program  
29 established pursuant to House File 2416, if enacted by  
30 the Seventy-second General Assembly, 1988 Session."

31 3. Page 6, inserting after line 7 the following:  
32 "Sec. \_\_\_\_\_. Section 220.111, Code 1987, is  
33 repealed.

34 Sec. \_\_\_\_\_. The targeted small business loan  
35 guarantee program in operation under section 220.111  
36 prior to that section's repeal shall be transferred to  
37 the department of economic development upon repeal of  
38 section 220.111. Any rules, regulation, order, or  
39 guideline established by the Iowa finance authority  
40 pursuant to section 220.111 and in effect on the  
41 effective date of this Act shall continue in full  
42 force and effect until amended, repealed, or  
43 supplemented by affirmative action of the department  
44 of economic development. All guarantees made under  
45 section 220.111 shall be maintained by the department  
46 of economic development under the transferred program  
47 under section 15.111."

48 4. Title page, line 2, by inserting after the  
49 word "development" the following: " , transferring  
50 administration of a program, and providing an

**Page 4**

1 effective date".

2 5. By renumbering as necessary.

Speaker Avenson in the chair at 6:20 p.m.

Running of Linn asked and received unanimous consent to defer action on amendment H—6048.

The House stood at ease at 6:25 p.m., until the fall of the gavel.

The House resumed session and consideration of Senate File 2309 at 6:28 p.m., Speaker Avenson in the chair.

Arnould of Scott asked and received unanimous consent that Senate File 2309 be deferred and that the bill retain its place on the calendar.

### **RULES SUSPENDED**

Arnould of Scott asked and received unanimous consent to suspend the rules and take up out of order Senate Files 2307 and 2257.

### **LEAVE OF ABSENCE**

Leave of absence was granted as follows:

Hanson of Delaware, for the remainder of the day, on request of Renken of Grundy.

### **Regular Calendar**

**Senate File 2307**, a bill for an act relating to evidence for identification of certain criminals, providing for a study by the department of public safety, and providing an effective date, with report of committee recommending amendment and passage was taken up for consideration.

Rosenberg of Story offered the following amendment H—5899 filed by the committee on judiciary and law enforcement and moved its adoption:

H—5899

1 Amend Senate File 2307, 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. The department of public safety shall  
6 prepare a study, including an implementation plan and  
7 budget, for the establishment of a physical criminal  
8 evidence registry. The report of this study shall be  
9 submitted to the governor and the general assembly no



10 later than January 1, 1990. The study shall consider,  
 11 but shall not be limited to, the use of genetic  
 12 profiling techniques in criminal identification, and  
 13 shall address the potential effectiveness, the cost,  
 14 and the feasibility of the use of these techniques."

The committee amendment H—5899 was adopted, placing out of order amendment H—5911 filed by Tyrrell of Iowa on March 25, 1988.

Rosenberg of Story offered the following amendment H—5934 filed by him and moved its adoption:

H—5934

1 Amend Senate File 2307 as amended, passed, and  
 2 reprinted by the Senate as follows:

3 1. Title page, by striking lines 1 through 3 and  
 4 inserting the following: "An Act providing for a  
 5 study by the department of public safety concerning  
 6 the establishment of a physical criminal evidence  
 7 registry."

Amendment H—5934 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. 2307)

The ayes were, 90:

Arnould	Beaman	Beatty	Bennett
Bisignano	Black	Blanshan	Brammer
Buhr	Carpenter	Chapman	Clark
Cohoon	Connolly	Connors	Cooper
Corbett	Corey	Daggett	De Groot
Diemer	Dvorsky	Eddie	Fey
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	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
Shoning	Shoultz	Siegrist	Spear

Stromer	Svoboda	Swartz	Tabor
Teaford	Tyrrell	Van Camp	Van Maanen
Wise	Mr. Speaker		

The nays were, none.

Absent or not voting, 10:

Adams	Branstad	Doderer	Fogarty
Hanson, D. R.	Haverland	Sherzan	Skow
Stueland	Swearingen		

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

**Senate File 2257**, a bill for an act relating to expenses and compensation for the state judicial nominating commission, with report of committee recommending amendment and passage was taken up for consideration.

McKinney of Dallas offered the following amendment H—5949 filed by the committee on judiciary and law enforcement and moved its adoption:

H—5949

- 1 Amend Senate File 2257 as passed, by the Senate as
- 2 follows:
- 3 1. Page 1, lines 6 and 7 by striking the words
- 4 "and are entitled to forty dollars per diem".
- 5 2. Page 1, line 9, by striking the words "and
- 6 compensation".
- 7 3. Title page, line 1, by striking the words "and
- 8 compensation".

The committee amendment H—5949 was adopted.

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. 2257)

The ayes were, 90:

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	Fuller	Garman	Groninga
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Hansen, S. D.	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	Shoning	Siegrist	Spear
Stromer	Svoboda	Swartz	Tabor
Teaford	Tyrrell	Van Camp	Van Maanen
Wise	Mr. Speaker		

The nays were, none.

Absent or not voting, 10:

Adams	Doderer	Fogarty	Hanson, D. R.
Plasier	Sherzan	Shultz	Skow
Stueland	Swearingen		

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

#### DIVISIONS WITHDRAWN

(Amendment H—5893 to House Joint Resolution 13)

Stromer of Hancock asked and received unanimous consent to withdraw the request for divisions A through V (found on pages 1074 and 1075 of the House Journal) on amendment H—5893 on House Joint Resolution 13.

#### Appropriations Calendar

The House resumed consideration of **Senate File 2309**, a bill for an act relating to and making appropriations to the department of economic development, previously deferred.

The House resumed consideration of amendment H—6048, previously deferred (found on pages 1236 through 1239 of the House Journal).

Neuhauser of Johnson offered the following amendment H—6118, to amendment H—6048, filed from the floor by Neuhauser, Brammer, Connolly and Swartz and moved its adoption:

H—6118

- 1 Amend the amendment, H—6048, to Senate File 2309,
- 2 as amended, passed, and reprinted by the Senate, as
- 3 follows:

4 1. Page 1, by inserting after line 2, the  
5 following:

6 "\_\_\_\_\_. Page 3, line 8, by striking the word "six"  
7 and inserting the following: "five".

8 \_\_\_\_\_. Page 3, by inserting after line 10, the  
9 following:

10 "Of this amount thirty-three thousand (33,000)  
11 dollars shall be transferred to the department of  
12 inspections and appeals to support not more than one  
13 full-time equivalent position for the purpose of  
14 certifying targeted small businesses established  
15 pursuant to section 10A.104, subsection 8, as enacted  
16 by this Act." "

17 2. Page 1, by striking lines 3 through 14.

18 3. Page 1, line 22, by striking the figure "1,"  
19 and inserting the following: "1,".

20 4. Page 1, line 22, by striking the figure "(2);"  
21 and inserting the following: "(2),".

22 5. Page 1, line 28, by striking the words "loan  
23 guarantee" and inserting the following: "~~loan~~  
24 guarantee financial assistance".

25 6. Page 1, line 34, by striking the words "loan  
26 guarantee" and inserting the following: "~~loan~~  
27 guarantee financial assistance".

28 7. Page 1, lines 40 and 41, by striking the words  
29 "loan guarantee" and inserting the following: "~~loan~~  
30 guarantee financial assistance".

31 8. By striking page 1, line 47 through page 3,  
32 line 30, and inserting the following:

33 "Sec. \_\_\_\_\_. Section 12.43, subsections 1 and 2,  
34 Code Supplement 1987, are amended to read as follows:

35 1. "Targeted small business" means a business as  
36 defined in section ~~220.111~~ 15.102, subsection ~~1~~ 5.

37 2. A linked deposit shall only be approved in  
38 connection with a loan application for a targeted  
39 small business which has been certified pursuant to  
40 section ~~15.108~~ 10A.104, subsection ~~7~~ 8, ~~paragraph "c",~~  
41 ~~subparagraph (4).~~

42 Sec. \_\_\_\_\_. NEW SECTION. 15.111 TARGETED SMALL  
43 BUSINESS FINANCIAL ASSISTANCE PROGRAM.

44 1. As used in this section, "small business" and  
45 "targeted small business" mean the same as defined in  
46 section 15.102, subsections 4 and 5.

47 2. The department shall establish, contingent upon  
48 the availability of funds authorized for the program,  
49 a targeted small business financial assistance  
50 program, to provide for loans, loan guarantees, or

## Page 2

1 grants to targeted small businesses. A targeted small  
2 business in any year shall receive under this program

3 not more than twenty-five thousand dollars in a loan  
4 or grant, and not more than forty thousand dollars in  
5 a guarantee, or a combination of loans, grants, or  
6 guarantees. The program shall provide guarantees not  
7 to exceed seventy-five percent for loans made by  
8 qualified lenders. The department shall establish a  
9 financial assistance reserve account from funds  
10 provided for this program, from which any default on a  
11 guaranteed loan under this section shall be paid. In  
12 administering the program the department shall not  
13 guarantee loan values in excess of the amount credited  
14 to the reserve account and only moneys set aside in  
15 the loan reserve account may be used for the payment  
16 of a default.

17 2. All moneys designated for the targeted small  
18 business financial assistance program shall be  
19 credited to the financial assistance reserve account.  
20 The department shall also establish an administrative  
21 account from which the operating costs of the program  
22 shall be paid. The department may transfer moneys  
23 between the reserve and the administrative accounts  
24 except that not more than twenty-five percent of the  
25 funds, pursuant to section 15.241, shall be used to  
26 administer the fund. The department shall determine  
27 what is the actuarially sound reserve requirement for  
28 the amount of guaranteed loans outstanding.

29 3. The department shall adopt rules as necessary  
30 for the administration of the financial assistance  
31 program under this section.

32 4. The general assembly is not obligated to  
33 appropriate moneys to pay for any defaults or to  
34 appropriate moneys to be credited to the loan reserve  
35 account. The loan guarantee program does not obligate  
36 the state except to the extent provided in this  
37 section, and the department in administering the  
38 program shall not give or lend the credit of the state  
39 of Iowa.

40 Sec. \_\_\_\_\_. Section 10A.104, Code 1987, is amended  
41 by adding the following new subsection:

42 NEW SUBSECTION. 8. Establish by rule standards  
43 and procedures for certifying that targeted small  
44 businesses are eligible to participate in the  
45 procurement set-aside program established in sections  
46 73.15 through 73.21. The procedure for determination  
47 of eligibility shall not include self-certification by  
48 a business. Rules and guidelines adopted pursuant to  
49 this subsection are subject to review and approval by  
50 the director of the department of management. The

**Page 3**

1 director shall maintain a current directory of

2 targeted small businesses which have been certified  
3 pursuant to this subsection.

4 Sec. \_\_\_\_\_. Section 12.44, unnumbered paragraphs 1  
5 and 2, Code Supplement 1987, are amended to read as  
6 follows:

7 Agencies of state government shall be required to  
8 waive the requirement of satisfaction or performance  
9 bonds for targeted small businesses which are able to  
10 demonstrate the inability of securing such a bond  
11 because of a lack of experience. This waiver shall  
12 not apply to businesses with a record of repeated  
13 failure of substantial performance or material breach  
14 of contract in prior circumstances. The waiver shall  
15 be applied only to a project or individual transaction  
16 amounting to fifty thousand dollars or less,  
17 notwithstanding section 573.2. In order to qualify,  
18 the targeted small business shall provide written  
19 evidence to the department of ~~economic development~~  
20 ~~inspections and appeals~~ that the bond would otherwise  
21 be denied the business. The granting of the waiver  
22 shall in no way relieve the business from its  
23 contractual obligations and shall not preclude the  
24 state agency from pursuing any remedies under law upon  
25 default or breach of contract.

26 The department of ~~economic development~~ inspections  
27 and appeals shall certify targeted small businesses  
28 for eligibility and participation in this program and  
29 shall make this information available to other state  
30 agencies.

31 Sec. \_\_\_\_\_. Section 15.108, subsection 7, paragraph  
32 c, subparagraph (4), Code Supplement 1987, is amended  
33 by striking the subparagraph.

34 Sec. \_\_\_\_\_. Section 15.108, subsection 7, paragraph  
35 g, subparagraph (1), Code Supplement 1987, is amended  
36 to read as follows:

37 (1) Developing a uniform small business vendor  
38 application form which can be adopted by all agencies  
39 and departments of state government to identify small  
40 businesses and targeted small businesses which desire  
41 to sell goods and services to the state. This form  
42 shall also contain information which can be used to  
43 determine certification as a targeted small business  
44 pursuant to ~~paragraph "c", subparagraph (4) section~~  
45 10A.104, subsection 8.

46 Sec. \_\_\_\_\_. Section 73.16, subsection 2, Code 1987,  
47 is amended to read as follows:

48 2. The director of each agency or department of  
49 state government having purchasing authority shall  
50 designate and set aside for awarding to certified

## Page 4

1 targeted small businesses identified pursuant to  
2 section 15.108, subsection 7, paragraph "e" 10A.104,  
3 subsection 8, at least two percent, and should set a  
4 goal of up to ten percent, of the value of anticipated  
5 procurements of goods and services, including  
6 construction, but not including utility services, each  
7 fiscal year. The director of each department and  
8 agency of state government shall cooperate with the  
9 director of the department of inspections and appeals,  
10 the director of the department of economic development  
11 and the director of the department of management and  
12 do all acts necessary to carry out the provisions of  
13 this division.

14 Sec. \_\_\_\_\_. Section 73.18, Code 1987, is amended to  
15 read as follows:

16 73.18 NOTICE OF SOLICITATION FOR BIDS –  
17 IDENTIFICATION OF TARGETED SMALL BUSINESSES.

18 The director of each agency or department releasing  
19 a solicitation for bids or request for proposal under  
20 the set-aside program shall notify the director of the  
21 department of economic development inspections and  
22 appeals prior to or upon release of the solicitation.  
23 The director of the department of economic development  
24 inspections and appeals shall notify the soliciting  
25 agency or department of any targeted small businesses  
26 which have been certified pursuant to section 15.108,  
27 subsection 7, paragraph "e", subparagraph (4) 10A.104,  
28 subsection 8, and which may be qualified to bid."

29 9. Page 3, by inserting after line 30, the  
30 following:

31 "\_\_\_\_\_. Page 6, by inserting after line 3 the  
32 following:

33 "Sec. \_\_\_\_\_. The director of the department of  
34 inspections and appeals shall maintain the directory  
35 of targeted small businesses which have been certified  
36 prior to the effective date of this Act pursuant to  
37 section 15.108, subsection 7, paragraph "c", subpara-  
38 graph (4). Businesses certified by the department of  
39 economic development prior to the effective date of  
40 this Act shall remain certified unless decertified."

41 10. Page 3, by striking lines 32 and 33 and  
42 inserting the following:

43 "Sec. \_\_\_\_\_. REPEALS.

44 1. Section 15.110, Code Supplement 1987, is re-  
45 pealed.

46 2. Section 220.111, Code 1987, is repealed."

47 11. Page 3, by striking lines 34 through 47 and  
48 inserting the following:

49 "Sec. \_\_\_\_\_. Moneys credited to the loan reserve  
50 account and administrative account established under

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1 section 220.111 shall be transferred to the department  
2 of economic development prior to that section's  
3 repeal. The department may use uncommitted moneys in  
4 the loan reserve account and the administrative  
5 account for purposes of the case management assistance  
6 program established pursuant to House File 2416, if  
7 enacted by the Seventy-second General Assembly, 1988  
8 Session. The department shall make a good faith  
9 effort to serve clients of the self-employment loan  
10 program, clients that meet the definition of a  
11 targeted small business, or clients that qualify under  
12 the unemployment insurance demonstration project if  
13 authorized by the federal government.

14 Sec. \_\_\_\_\_. The department of economic development  
15 and not the Iowa finance authority shall administer  
16 any guarantee and may enforce any agreement or collect  
17 any loan made pursuant to section 15.110 or 220.111 to  
18 the same extent the department did or the Iowa finance  
19 authority did prior to the repeal of those sections.  
20 Any rule, regulation, order, or guideline established  
21 by the department of economic development pursuant to  
22 section 15.110 or by the Iowa finance authority  
23 pursuant to section 220.111 and in effect on the  
24 effective date of this Act shall continue in full  
25 force and effect until amended, repealed, or  
26 supplemented by affirmative action of the department  
27 of economic development. All guarantees made under  
28 section 15.110 or 220.111 shall be maintained by the  
29 department of economic development." "

30 12. Page 3, line 49, by inserting before the word  
31 "transferring" the following: "providing for the  
32 creation and repeal of programs, and".

33 13. By striking page 3, line 50 through page 4,  
34 line 1, and inserting the following: "administration  
35 of a program."

36 14. By renumbering as necessary.

Amendment H—6118 was adopted.

On motion by Neuhauser of Johnson, amendment H—6048, as amended, was adopted.

Brammer of Linn asked and received unanimous consent to withdraw amendment H—6046 filed by him on March 29, 1988.

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. 2309)



The ayes were, 93:

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	Fuller	Garman	Groninga
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Hansen, S. D.	Harbor	Harper	Hatch
Haverland	Hermann	Hester	Holveck
Hummel	Jay	Jochum	Johnson
Knapp	Koenigs	Kremer	Lageschulte
Lundby	Maulsby	May	McKean
McKinney	Metcalf	Miller	Muhlbauer
Mullins	Neuhausser	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	Spear	Stromer
Svoboda	Swartz	Tabor	Teaford
Tyrrell	Van Camp	Van Maanen	Wise
Mr. Speaker			

The nays were, none.

Absent or not voting, 7:

Adams	Doderer	Fogarty	Hanson, D. R.
Skow	Stueland	Swearingen	

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

### MOTIONS TO RECONSIDER (Senate File 2051)

I move to reconsider the vote by which Senate File 2051 passed the House on March 30, 1988.

HATCH of Polk

(Senate File 2193)

I move to reconsider the vote by which Senate File 2193 passed the House on March 30, 1988.

COREY of Louisa

**BILLS ENROLLED, SIGNED AND SENT TO GOVERNOR**

The Chief Clerk of the House submitted the following report:

Mr. Speaker: The Chief Clerk of the House respectfully reports that the following bills have been examined and found correctly enrolled, signed by the Speaker of the House and the President of the Senate, and presented to the Governor for his approval on this 30th day of March, 1988: House Files 433, 2264, 2306, 2318, 2322, 2337 and 2355.

JOSEPH O'HERN

Chief Clerk of the House

Report adopted.

**EXPLANATIONS OF VOTE**

I was necessarily absent from the House chamber on March 29, 1988. Had I been present, I would have voted "aye" on Senate File 2284.

BRANSTAD of Winnebago

I was necessarily absent from the House chamber on March 28 and 29, 1988. Had I been present, I would have voted "aye" on Senate Files 299, 323, 443, 450, 464, 2011, 2050, 2070, 2117, 2157, 2159, 2164, 2167, 2174, 2225, 2236, 2253, 2274, 2284, 2310 and amendment H-5737 to Senate File 2310; and "nay" on amendments H-6022, H-6017A, H-6017B and H-6017C to Senate File 2310.

EDDIE of Buena Vista

**PRESENTATION OF VISITORS**

Fey of Scott presented to the House the Honorable Bill Gluba, former member of the House and Senate representing Scott County.

Buhr of Polk presented to the House the Honorable Ulrich Irmer, a member of the West German Parliament.

The Speaker announced that the following visitors were present in the House chamber:

One hundred twenty senior students from Grinnell High School, Grinnell. By Black of Jasper and Tyrrell of Iowa.

Forty-five senior students from Highland High School, Riverside, accompanied by Chris Samuelson. By Corey of Louisa.

Seventeen 4-H teenclub members from Mills County, accompanied by Dale Clayton. By Royer of Page and Harbor of Mills.

Fifty-eight eighth grade students from Knoxville Junior High School, Knoxville, accompanied by Elaine Farner. By Schrader of Marion.

### HOUSE STUDY BILL COMMITTEE ASSIGNMENT

#### **H.S.B. 833    Judiciary and Law Enforcement**

To legalize and validate the proceedings for the organization and operation of the Resale Power Group of Iowa and declaring it to be legally established and declaring each and all of its acts to have been legally taken and declaring each and all of the actions taken by the Resale Power Group of Iowa and by the City of Burt, City of Dike, City of Dysart, City of Long Grove, City of Maquoketa, City of Marathon, City of Panora, City of Preston, City of Sibley, City of Stanhope, City of State Center, City of Tipton, City of West Liberty, City of Whittemore, City of Anita, City of Hopkinton, City of Grand Junction, City of Ogden, City of Story City, City of Traer, City of Vinton, the Amana Society Service Company, Amana, and the Board of Directors of the Farmers Electric Cooperative, Kalona, all in Iowa, in entering into, ratifying and confirming an agreement between the Resale Power Group of Iowa and its members dated November 3, 1987 and a certain joint transmission agreement dated November 3, 1987, to have been legally taken.

### HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS

#### **House Study Bill 830**

Ways and Means: Wise, Chair; Connolly, Hanson of Delaware, Osterberg and Siegrist.

#### **House Study Bill 831**

Ways and Means: Bisignano, Chair; Doderer and Metcalf.

#### **House Study Bill 832**

Ways and Means: Connolly, Chair; Bennett and Chapman.

### 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 2312**, a bill for an act relating to the funding of, operation of, and appropriation of moneys to agencies, institutions, commissions, departments, and boards

responsible for educational and cultural programs of this state and providing an effective date.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H—6119** March 30, 1988.

#### COMMITTEE ON WAYS AND MEANS

**Senate File 452**, a bill for an act to cancel all personal property taxes not collected by July 1, 1988, including the removal of tax liens against personal property.

Fiscal Note is not required.

Recommended **Do Pass** March 30, 1988.

#### AMENDMENTS FILED

H—6050	S.F.	2250	De Groot of Lyon
H—6051	S.F.	2263	Garman of Story
H—6053	H.F.	278	Sherzan of Polk
H—6054	H.F.	278	Sherzan of Polk
H—6055	S.F.	2263	Garman of Story
H—6056	S.F.	2023	Peterson of Carroll
			Paulin of Plymouth
			Gruhn of Dickinson
H—6057	S.F.	2314	Jochum of Dubuque
H—6058	H.F.	2415	Senate Amendment
H—6059	S.F.	2304	Jay of Appanoose
			Rosenberg of Story
			McKinney of Dallas
H—6061	H.F.	649	Svoboda of Tama
H—6062	S.F.	2314	Koenigs of Mitchell
H—6063	H.F.	2326	Senate Amendment
H—6064	H.F.	2316	Senate Amendment
H—6065	H.F.	2262	Senate Amendment
H—6066	S.F.	2259	Halvorson of Clayton
H—6067	S.F.	2314	Van Maanen of Mahaska
H—6068	H.F.	2233	Senate Amendment
H—6069	S.F.	2314	Van Maanen of Mahaska
H—6070	H.F.	2395	Senate Amendment
H—6071	H.F.	2387	Senate Amendment
H—6072	H.F.	2277	Senate Amendment
H—6073	H.F.	2412	Senate Amendment
H—6074	S.F.	2208	Jay of Appanoose
H—6075	S.F.	2314	De Groot of Lyon
H—6076	S.F.	2314	Platt of Muscatine
H—6077	H.F.	2367	Senate Amendment

H—6078	H.F.	2336	Senate Amendment
H—6079	H.F.	2327	Senate Amendment
H—6080	H.F.	429	Senate Amendment
H—6081	H.F.	498	Senate Amendment
H—6083	H.F.	2414	Senate Amendment
H—6084	H.F.	2016	Senate Amendment
H—6085	H.F.	578	Senate Amendment
H—6086	H.F.	2102	Senate Amendment
H—6087	H.F.	2117	Senate Amendment
H—6088	H.F.	185	Senate Amendment
H—6089	H.F.	649	Corbett of Linn
H—6090	S.F.	173	Spear of Lee
H—6091	S.F.	2017	Fey of Scott
H—6092	H.F.	653	Senate Amendment
H—6093	H.F.	105	Senate Amendment
H—6094	S.F.	2055	Lundby of Linn
H—6095	S.F.	2068	Black of Jasper
H—6096	S.F.	302	Norrgard of Des Moines
			Hammond of Story
			Mullins of Kossuth
			Fey of Scott
H—6097	H.F.	2444	Blanshan of Greene
			Beatty of Warren
			Carpenter of Polk
H—6098	S.F.	2169	Blanshan of Greene
			Carpenter of Polk
H—6099	H.F.	2437	Senate Amendment
H—6100	S.F.	2314	Beatty of Warren
			Jay of Appanoose
H—6101	H.F.	278	Sherzan of Polk
H—6102	H.F.	278	Sherzan of Polk
H—6103	H.F.	278	Sherzan of Polk
H—6104	H.F.	278	Sherzan of Polk
H—6105	S.F.	2314	Harbor of Mills
H—6106	S.F.	2092	Metcalf of Polk
H—6107	H.F.	278	Sherzan of Polk
H—6108	S.F.	2314	Pavich of Pottawattamie
H—6109	H.F.	105	Beatty of Warren
H—6110	S.F.	2314	Blanshan of Greene
			Harbor of Mills
			Van Maanen of Mahaska
			Halvorson of Clayton
H—6111	S.F.	2208	Kremer of Buchanan

H-6112	H.F.	278	Sherzan of Polk
H-6113	S.F.	2314	Van Maanen of Mahaska
H-6114	S.F.	2314	Van Maanen of Mahaska
H-6115	S.F.	2314	Van Maanen of Mahaska
H-6116	H.F.	2444	Lundby of Linn
			Connors of Polk
H-6117	S.F.	2106	Schrader of Marion
H-6119	S.F.	2312	Committee on
			Appropriations
H-6120	S.F.	2312	Jochum of Dubuque
H-6121	S.F.	2017	Fey of Scott
H-6122	S.F.	2092	Metcalf of Polk
H-6123	H.F.	278	Sherzan of Polk
H-6124	S.F.	2091	Rosenberg of Story
			Jay of Appanoose
H-6125	S.F.	2108	Rosenberg of Story
H-6126	H.F.	649	Brammer of Linn
H-6127	S.F.	2314	Black of Jasper
			Platt of Muscatine
			Diemer of Black Hawk
			Pavich of Pottawattamie
H-6128	S.F.	2314	Van Maanen of Mahaska
			Maulsby of Calhoun
			Royer of Page
H-6129	S.F.	2314	Maulsby of Calhoun
			Van Maanen of Mahaska
H-6130	S.F.	2314	Royer of Page
			Van Maanen of Mahaska
			Maulsby of Calhoun
H-6131	S.F.	2019	Hammond of Story
			Stromer of Hancock
			Blanshan of Greene
			Renaud of Polk
			De Groot of Lyon
H-6132	S.F.	2314	De Groot of Lyon

On motion by Arnould of Scott, the House adjourned at 7:00 p.m., until 9:00 a.m., Thursday, March 31, 1988.

# JOURNAL OF THE HOUSE

Eighty-first Calendar Day — Fifty-fifth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Thursday, March 31, 1988

The House met pursuant to adjournment, Speaker Avenson in the chair.

Prayer was offered by the Honorable Phil Tyrrell, state representative from Iowa County.

The Journal of Wednesday, March 30, 1988 was approved.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Hummel of Benton, until his arrival, on request of Mullins of Kossuth; Hanson of Delaware on request of Metcalf 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 March 29, 1988, passed the following bill in which the concurrence of the Senate was asked:

House File 209, a bill for an act relating to the enforcement of protective orders and orders to vacate the homestead in dissolution cases, and providing for the application of penalties.

Also: That the Senate has on March 30, 1988, amended and passed the following bill in which the concurrence of the House is asked:

House File 393, a bill for an act relating to the regulation of the sale of alcoholic beverages by amending the definition of licensed premises, by requiring the division of alcoholic beverages to place its system of purchase of alcoholic liquor on a bailment system, by providing for service of notice of nonpayment and penalty by the division to a class "E" license by certified mail, and relating to liquor control licenses and wine and beer permits by providing for adjustment of fees for certain businesses and permittees and by requiring all class "A" wine permit premises and class "A" beer permit premises to be located within the state.

Also: That the Senate has on March 29, 1988, passed the following bill in which the concurrence of the Senate was asked:

House File 431, a bill for an act relating to the education, practice, and supervision of cosmetologists and barbers.

Also: That the Senate has on March 29, 1988, passed the following bill in which the concurrence of the Senate was asked:

House File 470, a bill for an act relating to the payment of expenses of merged area schools by the board secretary.

Also: That the Senate has on March 29, 1988, passed the following bill in which the concurrence of the Senate was asked:

House File 2063, a bill for an act relating to bed and breakfast homes, by requiring smoke detectors and fire extinguishers, by providing for the testing of drinking water, by providing an effective date, and by subjecting violators to a penalty.

Also: That the Senate has on March 29, 1988, passed the following bill in which the concurrence of the Senate was asked:

House File 2088, a bill for an act relating to work release for prisoners in county jails by providing for intermittent sentencing.

Also: That the Senate has on March 29, 1988, passed the following bill in which the concurrence of the Senate was asked:

House File 2123, a bill for an act relating to the inheritance laws by providing for the power of a surviving spouse's conservator to elect to take or refuse to take under a will or to elect to occupy the homestead, eliminating the time requirement when the share of a surviving spouse may be set off by referees when the spouse elects to take against the will, and providing for a share of an estate of a child born or adopted after execution of a testator's last will.

Also: That the Senate has on March 29, 1988, passed the following bill in which the concurrence of the Senate was asked:

House File 2127, a bill for an act relating to the acceptance of checks and share drafts by prohibiting certain forms of identification as a condition of acceptance of a check or share draft, and providing penalties.

Also: That the Senate has on March 29, 1988, passed the following bill in which the concurrence of the Senate was asked:

House File 2179, a bill for an act extending civil service status to certain job classes funded by public grants or other temporary funds.

Also: That the Senate has on March 29, 1988, passed the following bill in which the concurrence of the Senate was asked:

House File 2228, a bill for an act relating to vacancies in civil service promotional grades and providing an effective date.

Also: That the Senate has on March 29, 1988, passed the following bill in which the concurrence of the Senate was asked:

House File 2247, a bill for an act relating to an action for slander or libel for a report or statement made to the division of job service of the department of employment services.

Also: That the Senate has on March 29, 1988, passed the following bill in which the concurrence of the Senate was asked:

House File 2255, a bill for an act relating to the confidentiality of records of clients of advocacy services offered by the department of human rights.



Also: That the Senate has on March 29, 1988, passed the following bill in which the concurrence of the Senate was asked:

House File 2260, a bill for an act to prohibit employer sanctions against employees who refuse to work in unsafe conditions.

Also: That the Senate has on March 29, 1988, passed the following bill in which the concurrence of the Senate was asked:

House File 2263, a bill for an act relating to the use of the Iowa state industries revolving fund.

Also: That the Senate has on March 29, 1988, passed the following bill in which the concurrence of the Senate was asked:

House File 2296, a bill for an act providing coverage under the Iowa life and health guaranty association to the holders of unallocated annuity contracts.

Also: That the Senate has on March 29, 1988, passed the following bill in which the concurrence of the Senate was asked:

House File 2313, a bill for an act relating to child day care for sick children.

Also: That the Senate has on March 29, 1988, passed the following bill in which the concurrence of the Senate was asked:

House File 2317, a bill for an act relating to the repeal of the Iowa venture capital investment Act.

Also: That the Senate has on March 29, 1988, passed the following bill in which the concurrence of the Senate was asked:

House File 2320, a bill for an act relating to credit unions by amending the power to sell, participate in, or discount, or purchase the obligations of certain credit union members; by amending the authorization to appoint credit and auditing committees; and by permitting the superintendent to prescribe by rule the period of preservation of records or files for credit unions.

Also: That the Senate has on March 29, 1988, amended and passed the following bill in which the concurrence of the House is asked:

House File 2338, a bill for an act relating to environmental quality by creating an emergency response fund and by establishing and increasing fines and penalties.

Also: That the Senate has on March 29, 1988, passed the following bill in which the concurrence of the Senate was asked:

House File 2347, a bill for an act relating to the calculation of special assessment installments, interest on unpaid installments, and interest penalties.

Also: That the Senate has on March 29, 1988, passed the following bill in which the concurrence of the Senate was asked:

House File 2363, a bill for an act relating to the control of certain parasitic infestations common to bees by the state apiarist.

Also: That the Senate has on March 29, 1988, passed the following bill in which the concurrence of the Senate was asked:

House File 2369, a bill for an act relating to the duties and authority of the board of parole.

Also: That the Senate has on March 29, 1988, passed the following bill in which the concurrence of the Senate was asked:

House File 2371, a bill for an act authorizing the joint investment of funds by counties, cities, city utilities, and judicial district departments of correctional services, and providing an effective date.

Also: That the Senate has on March 29, 1988, passed the following bill in which the concurrence of the Senate was asked:

House File 2384, a bill for an act relating to the notice to be given to a judgment debtor when the debtor's property is levied upon.

Also: That the Senate has on March 29, 1988, passed the following bill in which the concurrence of the Senate was asked:

House File 2388, a bill for an act relating to the petition signatures required to call an election to fill a vacancy in an elective city office.

Also: That the Senate has on March 29, 1988, passed the following bill in which the concurrence of the Senate was asked:

House File 2423, a bill for an act relating to sureties and surety bonds for public officers and employees.

Also: That the Senate has on March 29, 1988, passed the following bill in which the concurrence of the Senate was asked:

House File 2427, a bill for an act to repeal certain health-related regulation responsibilities of the department of agriculture and land stewardship.

Also: That the Senate has on March 29, 1988, passed the following bill in which the concurrence of the Senate was asked:

House File 2430, a bill for an act to designate hearing officers as administrative law judges.

Also: That the Senate has on March 29, 1988, adopted the following resolution in which the concurrence of the Senate was asked:

House Concurrent Resolution 27, a concurrent resolution to approve and confirm the appointment of the citizens' aide.

JOHN F. DWYER, Secretary

## CONSIDERATION OF BILLS

### Regular Calendar

The House resumed consideration of **Senate File 2302**, a bill for an act relating to the investment powers of state banks, deferred March 23, 1988.

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. 2302)

The ayes were, 90:

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	Fuller
Garman	Groninga	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Harper
Hatch	Haverland	Hester	Holveck
Jay	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
Running	Schnekloth	Schrader	Sherzan
Shoning	Shoultz	Siegrist	Spear
Stueland	Svoboda	Swartz	Tabor
Teaford	Tyrrell	Van Camp	Van Maanen
Wise	Mr. Speaker		

The nays were, none.

Absent or not voting, 10:

Daggett	Hanson, D. R.	Harbor	Hermann
Hummel	Jochum	Norrgard	Skow
Stromer	Swearingen		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**Senate File 2088**, a bill for an act relating to the eligibility date of certain military veterans for membership on a county commission of veterans affairs and certain military veteran benefits, with report of committee recommending passage was taken up for consideration.

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. 2088)

The ayes were, 93:

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	Fuller
Garman	Groninga	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Harbor
Harper	Hatch	Haverland	Hester
Holveck	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
Tyrrell	Van Camp	Van Maanen	Wise
Mr. Speaker			

The nays were, none.

Absent or not voting, 7:

Daggett	Hanson, D. R.	Hermann	Hummel
Jochum	Shoultz	Swearingen	

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**Senate File 302**, a bill for an act relating to the disability of brain injury, with report of committee recommending amendment and passage was taken up for consideration.

Norrgard of Des Moines offered the following amendment H—5872 filed by the committee on human resources:

H—5872

- 1 Amend Senate File 302 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 225C.22, Code 1987, is amended
- 6 to read as follows:
- 7 225C.22 CENTRAL REGISTRY FOR BRAIN INJURIES.
- 8 1. As used in this section and section 225C.23,
- 9 "brain injury" means clinically evident brain damage
- 10 resulting directly or indirectly from trauma,
- 11 infection, anoxia, or vascular lesions spinal cord

12 injuries not primarily related to degenerative or  
13 aging processes, which temporarily or permanently  
14 impairs a person's physical or cognitive functions.  
15 2. The director shall establish and maintain a  
16 central registry of persons with brain injuries in  
17 order to facilitate the provision of appropriate  
18 rehabilitative services to the persons by the  
19 department and other state agencies. ~~Hospitals and~~  
20 ~~attending~~ Attending physicians shall report a brain  
21 injury to the director within seven days after  
22 identification of the person sustaining a brain  
23 injury. Hospitals shall report a brain injury to the  
24 director no later than forty-five days after the close  
25 of a quarter in which the patient was discharged. The  
26 report shall contain the name, age and residence of  
27 the person, the date, type, and cause of the brain  
28 injury, and additional information as the director  
29 requires, except that hospitals shall not be required  
30 to report the Glasgow coma scales. The director shall  
31 consult with health care providers concerning the  
32 availability of additional relevant information. The  
33 department shall maintain the confidentiality of all  
34 information which would identify any person named in a  
35 report. However, the identifying information may be  
36 released for bona fide research purposes if the  
37 confidentiality of the identifying information is  
38 maintained by the researchers, or the identifying  
39 information may be released by the person with the  
40 brain injury or by the person's guardian or, if the  
41 person is a minor, by the person's parent or  
42 guardian."

43 2. Page 1, line 7, by striking the following: "  
44 the civil rights commission,".

45 3. Page 1, by striking lines 12 through 19.

Norrsgard of Des Moines offered the following amendment  
H—6096, to the committee amendment H—5872, filed by Norrgard,  
et al. and moved its adoption:

H—6096

1 Amend the amendment, H—5872, to Senate File 302 as  
2 amended, passed, and reprinted by the Senate, as  
3 follows:

4 1. Page 1, line 10, by striking the word  
5 "trauma;" and inserting the following: "trauma,".

6 2. Page 1, by striking line 11, and inserting the  
7 following: "infection, anoxia, or vascular lesions,  
8 or spinal cord".

Amendment H—6096 was adopted.

On motion by Norrgard of Des Moines, the committee amendment H—5872, as amended, was adopted.

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. 302)

The ayes were, 92:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Black	Blanshan
Brammer	Branstad	Buhr	Carpenter
Chapman	Clark	Cohoon	Connolly
Connors	Cooper	Corbett	Daggett
De Groot	Diemer	Doderer	Dvorsky
Eddie	Fey	Fogarty	Garman
Groninga	Gruhn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hansen, S. D.	Harbor	Harper
Hatch	Haverland	Hermann	Holveck
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
Running	Schnekloth	Schrader	Sherzan
Shoning	Shultz	Siegrist	Skow
Spear	Stromer	Stueland	Svoboda
Swartz	Tabor	Teaford	Tyrrell
Van Camp	Van Maanen	Wise	Mr. Speaker

The nays were, none.

Absent or not voting, 8:

Corey	Fuller	Hanson, D. R.	Hester
Hummel	Jochum	Royer	Swearingen

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**Senate File 2018**, a bill for an act creating a family support subsidy program, with report of committee recommending amendment and passage was taken up for consideration.

Teaford of Black Hawk offered the following amendment H—5883 filed by the committee on human resources and moved its adoption:

H—5883

- 1 Amend Senate File 2018, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, line 3, by striking the figure
- 4 "255C.35" and inserting the following: "225C.35".
- 5 2. Page 2, lines 1 and 2, by striking the
- 6 following: " , on or before the effective date of this
- 7 Act,".

The committee amendment H—5883 was adopted.

Teaford of Black Hawk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2018)

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.
Harbor	Harper	Hatch	Haverland
Hermann	Hester	Holveck	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	Shoultz	Siegrist	Skow
Spear	Stromer	Stueland	Svoboda
Swartz	Tabor	Teaford	Tyrrell
Van Camp	Van Maanen	Wise	Mr. Speaker

The nays were, none.

Absent or not voting, 4:

Hanson, D. R.	Hummel	Jochum	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.

**Senate File 2106**, a bill for an act relating to the prohibition of the sale, offering for sale, purchase, application, or use of chlordane in this state, and making a penalty applicable, with report of committee recommending passage was taken up for consideration.

Schrader of Marion offered the following amendment H—6117 filed by him and moved its adoption:

H—6117

- 1 Amend Senate File 2106, as amended, passed, and re-
- 2 printed by the Senate, as follows:
- 3 1. Page 1, by striking lines 5 and 6 and in-
- 4 serting the following:
- 5 "2. The department, working in conjunction with
- 6 the department of natural resources, shall identify
- 7 existing stocks of chlordane, shall formulate
- 8 recommendations for the safe disposal of existing
- 9 stocks of chlordane, and shall make those
- 10 recommendations available to the owners of existing
- 11 stocks of chlordane."

Amendment H—6117 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. 2106)

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.
Harbor	Harper	Hatch	Haverland
Hermann	Hester	Holveck	Jay
Johnson	Knapp	Koenigs	Kremer
Lageschulte	Lundby	Maulsby	May
McKean	McKinney	Metcalf	Miller
Muhlbauer	Mullins	Neuhauser	Norrard
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	Tyrrell	Van Camp
Van Maanen	Wise	Mr. Speaker	

The nays were, none.

Absent or not voting, 5:

Hanson, D. R.	Hummel	Jochum	Plasier
Swearingen			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**Senate File 2180**, a bill for an act relating to the eligibility policies established by the commission of elder affairs, with report of committee recommending passage was taken up for consideration.

Harper of Black Hawk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2180)

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.
Harper	Hatch	Haverland	Hermann
Hester	Holveck	Jay	Jochum
Johnson	Knapp	Koenigs	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	Running
Schnekloth	Schrader	Sherzan	Shoning
Shoultz	Siegrist	Skow	Spear
Stromer	Stueland	Svoboda	Swartz
Tabor	Teaford	Tyrrell	Van Camp
Van Maanen	Wise	Mr. Speaker	

The nays were, none.

Absent or not voting, 5:

Hanson, D. R.  
Swearingen

Harbor

Hummel

Kremer

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**Senate File 2289**, a bill for an act relating to the sale of certificates of deposit, issued by foreign associations, within the state, with report of committee recommending amendment and passage was taken up for consideration.

Arnould of Scott asked and received unanimous consent that Senate File 2289 be deferred and placed on the calendar under unfinished business.

**Senate File 2190**, a bill for an act to create an advancement and recruitment program to encourage administrative advancement of women and minorities and recruitment of minorities by school corporations, with report of committee recommending passage was taken up for consideration.

Teaford of Black Hawk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2190)

The ayes were, 74:

Adams	Arnould	Beatty	Bisignano
Black	Blanshan	Brammer	Buhr
Carpenter	Chapman	Clark	Cohoon
Connolly	Connors	Cooper	Daggett
Diemer	Doderer	Dvorsky	Fey
Fogarty	Fuller	Groninga	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Hansen, S. D.
Harper	Hatch	Haverland	Holveck
Jay	Jochum	Johnson	Knapp
Koenigs	Lageschulte	May	McKean
McKinney	Metcalf	Muhlbauer	Mullins
Neuhauser	Norrgard	Ollie	Osterberg
Parker	Pavich	Pellett	Peters
Peterson, M. K.	Plasier	Platt	Poncy
Renaud	Rosenberg	Running	Schrader
Sherzan	Shoning	Shultz	Skow
Spear	Stromer	Stueland	Svoboda
Swartz	Tabor	Teaford	Van Camp
Wise	Mr. Speaker		

The nays were, 21:

Beaman	Bennett	Branstad	Corbett
Corey	De Groot	Eddie	Garman
Hester	Kremer	Lundby	Maulsby
Miller	Paulin	Petersen, D. F.	Renken
Royer	Schnekloth	Siegrist	Tyrrell
Van Maanen			

Absent or not voting, 5:

Hanson, D. R.	Harbor	Hermann	Hummel
Swearingen			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**Senate File 456**, a bill for an act relating to support or service dogs for disabled or handicapped persons, with report of committee recommending passage was taken up for consideration.

Harper of Black Hawk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 456)

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	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	Holveck	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	Schnekloth	Schrader
Sherzan	Shoning	Shoultz	Siegrist
Skow	Spear	Stromer	Stueland
Svoboda	Swartz	Tabor	Teaford
Tyrrell	Van Camp	Van Maanen	Wise
Mr. Speaker			

The nays were, none.

Absent or not voting, 3:

Hanson, D. R.      Hummel      Swearingen

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**Senate File 2201**, a bill for an act to remove the bond required for class "A", "B", "C", and "D" liquor control licenses and retail wine and beer permits, with report of committee recommending passage was taken up for consideration.

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. 2201)

The ayes were, 92:

Adams	Arnould	Beaman	Beatty
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
Groninga	Gruhn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hansen, S. D.	Harbor	Harper
Hatch	Haverland	Hermann	Hester
Holveck	Jay	Jochum	Johnson
Knapp	Koenigs	Kremer	Lageschulte
Lundby	May	McKean	McKinney
Metcalf	Miller	Muhlbauer	Mullins
Neuhauser	Norrsgard	Ollie	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
Tyrrell	Van Camp	Wise	Mr. Speaker

The nays were, 5:

Bennett      Doderer      Maulsby      Osterberg  
Van Maanen

Absent or not voting, 3:

Hanson, D. R.      Hummel      Swearingen

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

### RULES SUSPENDED

Arnould of Scott asked and received unanimous consent to suspend the rules and take up out of order Senate Files 2062, 2055, 2278, 2017, 376, 437, 2263, 2068 and 38.

**Senate File 2062**, a bill for an act relating to the appointment and compensation of acting county attorneys, with report of committee recommending passage was taken up for consideration.

Peterson of Carroll moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2062)

The ayes were, 96:

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
Garman	Groninga	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	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	Pellet	Peters	Petersen, D. F.
Peterson, M. K.	Plasier	Platt	Poncy
Renaud	Renken	Rosenberg	Royer
Running	Schnekloth	Schrader	Sherzan
Shoning	Shoultz	Siegrist	Skow
Spear	Stromer	Stueland	Svoboda
Swartz	Tabor	Teaford	Tyrrell
Van Camp	Van Maanen	Wise	Mr. Speaker

The nays were, none.

Absent or not voting, 4:

Fuller	Hanson, D. R.	Hummel	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.

**Senate File 2055**, a bill for an act relating to the registration and use of certain pesticides, with report of committee recommending amendment and passage was taken up for consideration.

Arnould of Scott asked and received unanimous consent that Senate File 2055 be deferred and placed on the calendar under unfinished business.

**Senate File 2278**, a bill for an act relating to implementation of educational standards adopted by the state board of education, including delaying the effective date and providing for additional study of certain standards, with report of committee recommending passage was taken up for consideration.

Arnould of Scott asked and received unanimous consent that Senate File 2278 be deferred and placed on the calendar under unfinished business.

**Senate File 2017**, a bill for an act relating to handicapped parking and the use, issuance, and display of handicapped identification devices, stickers, signs, and plates, providing a penalty and making penalties applicable; 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—5906 filed by the committee on transportation:

H—5906

- 1 Amend Senate File 2017 as amended, passed and
- 2 reprinted by the Senate as follows:
- 3 1. Page 1, by striking lines 18 and 19 and
- 4 inserting the following: "registration plates issued
- 5 to the person. The fee for the special plates shall
- 6 be five dollars which shall be issued without imposing
- 7 any fee in".
- 8 2. Page 2, lines 9 and 10, by striking the words
- 9 "cost, not to exceed five dollars," and inserting the
- 10 following: "cost, ~~not to exceed five dollars,~~".
- 11 3. Page 4, by inserting after line 30 the
- 12 following:
- 13 "Sec. \_\_\_\_\_. Section 601E.10, Code 1987, is amended
- 14 by adding the following new subsection:
- 15 NEW SUBSECTION. 3. A handicapped parking sign
- 16 shall be displayed designating the handicapped parking

17 space. The handicapped parking sign shall be affixed  
18 to a pole or affixed vertically on another object so  
19 that it is readily visible to a driver of a motor  
20 vehicle approaching the handicapped parking space. A  
21 handicapped parking space designated only by the  
22 international symbol of accessibility being painted or  
23 otherwise placed horizontally on the parking space  
24 does not meet the requirements of this subsection."

25 4. Page 4, by inserting before line 31 the  
26 following:

27 "Sec. \_\_\_\_\_. Section 805.8, subsection 2, paragraph  
28 s, Code Supplement 1987, is amended to read as  
29 follows:

30 s. For a violation of section 601E.6, regulating  
31 the use of handicapped parking spaces, the scheduled  
32 fine is fifteen dollars unless the violation involves  
33 the use of a handicapped registration plate or a  
34 handicapped identification sticker affixed to a  
35 registration plate, in which case the scheduled fine  
36 is twenty-five dollars."

37 5. Page 4, line 33, by striking the figure "1988"  
38 and inserting the following: "1989".

Fey of Scott offered the following amendment H—6121, to the committee amendment H—5906, filed by him and moved its adoption:

H—6121

1 Amend the committee on transportation amendment, H—  
2 5906, to Senate File 2017, as amended, passed, and  
3 reprinted by the Senate, as follows:

4 1. Page 1, by striking lines 3 through 10.

5 2. Page 1, by inserting before line 11 the  
6 following:

7 "\_\_\_\_\_. Page 3, by striking lines 19 through 33 and  
8 inserting the following: "motor vehicle. The fine  
9 for each violation is ~~fifteen~~ twenty-five dollars.  
10 Proof of conviction of three or more violations  
11 involving improper use of the same a handicapped  
12 identification device, handicapped registration plate  
13 issued under section 321.34, subsection 7, or a  
14 handicapped identification sticker affixed to a  
15 registration plate is grounds for revocation by the  
16 department of the holder's privilege to use the  
17 device." "

18 3. Page 1, by striking lines 32 through 36 and  
19 inserting the following: "fine is ~~fifteen~~ twenty-five  
20 dollars." "

Amendment H—6121 was adopted, placing out of order amendment H—6091, to the committee amendment H—5906, filed by Fey of Scott on March 30, 1988.

On motion by Fey of Scott, the committee amendment H — 5906, as amended, was adopted.

Fey of Scott moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2017)

The ayes were, 94:

Adams	Arnould	Beaman	Beatty
Bennett	Black	Blanshan	Brammer
Branstad	Buhr	Carpenter	Chapman
Clark	Cphoon	Connolly	Connors
Corbett	Corey	Daggett	De Groot
Diemer	Doderer	Eddie	Fey
Fogarty	Fuller	Garman	Groninga
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Hansen, S. D.	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.	Plasier
Platt	Poncy	Renaud	Renken
Rosenberg	Royer	Running	Schneklloth
Schrader	Sherzan	Shoning	Shoultz
Siegrist	Skow	Spear	Stromer
Stueland	Svoboda	Swartz	Tabor
Teaford	Tyrrell	Van Camp	Van Maanen
Wise	Mr. Speaker		

The nays were, none.

Absent or not voting, 6:

Busignano	Cooper	Dvorsky	Hanson, D. R.
Hummel	Swearingen		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**Senate File 376**, a bill for an act relating to state banks by permitting a state bank to engage in securities activities and to organize, acquire, or invest in a subsidiary to engage in nondepository activities permitted by state or federal law, and to invest in certain financial contracts and mutual funds for its own account, with report of committee recommending amendment and passage was taken up for consideration.



Arnould of Scott asked and received unanimous consent that Senate File 376 be deferred and placed on the calendar under unfinished business.

**Senate File 437**, a bill for an act relating to anesthesia services, care, and procedures provided by certified registered nurse anesthetists, providing for insurance coverage and payment for services provided to recipients of medical assistance, providing other properly related matters, and providing for the applicability of the Act, with report of committee recommending amendment and passage was taken up for consideration.

Arnould of Scott asked and received unanimous consent that Senate File 437 be deferred and placed on the calendar under unfinished business.

**Senate File 2263**, a bill for an act relating to horse and dog racing by allowing the application of cold with ice, cold packs, or similar treatments to the limbs of a horse or a dog prior to the start of a race and by allowing the use of certain drugs on racing horses under rules adopted by the state racing commission, and providing an effective date, with report of committee recommending amendment and passage was taken up for consideration.

Arnould of Scott asked and received unanimous consent that Senate File 2263 be deferred and placed on the calendar under unfinished business.

**Senate File 2068**, a bill for an act to require a public hearing before the issuance of a permit to construct and operate a sanitary landfill, with report of committee recommending passage was taken up for consideration.

Arnould of Scott asked and received unanimous consent that Senate File 2068 be deferred and placed on the calendar under unfinished business.

**Senate File 38**, a bill for an act relating to conservation easements, with report of committee recommending passage was taken up for consideration.

Arnould of Scott asked and received unanimous consent that Senate File 38 be deferred and placed on the calendar under unfinished business.

The House stood at ease at 10:29 a.m., until the fall of the gavel.

The House resumed session at 10:41 a.m., Connors of Polk in the chair.

### RULES SUSPENDED

Arnould of Scott asked and received unanimous consent to suspend the rules and take up out of order Senate Files 69, 2023, 2273, 2133, 156, 2039, 173 and 2245.

**Senate File 69**, a bill for an act relating to the investment of idle public funds by authorizing investment in drainage district warrants or improvement certificates and by correcting an error, with report of committee recommending passage was taken up for consideration.

Arnould of Scott asked and received unanimous consent that Senate File 69 be deferred and placed on the calendar under unfinished business.

**Senate File 2023**, a bill for an act relating to the ownership, issuance of title, operation, and regulation of snowmobiles and all-terrain vehicles, imposing fees, subjecting violators to penalties, and providing effective dates, with report of committee recommending passage was taken up for consideration.

Arnould of Scott asked and received unanimous consent that Senate File 2023 be deferred and placed on the calendar under unfinished business.

**Senate File 2133**, a bill for an act relating to the registration date for agricultural drainage wells and providing an effective date, with report of committee recommending passage was taken up for consideration.

Arnould of Scott asked and received unanimous consent that Senate File 2133 be deferred and placed on the calendar under unfinished business.

**Senate File 156**, a bill for an act relating to the exemption from liability of care review committee members and the state concerning actions undertaken by care review committee members in the performance of their duties, with report of committee recommending passage was taken up for consideration.

Jay of Appanoose moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 156)

The ayes were, 93:

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.
Harbor	Harper	Hatch	Haverland
Hermann	Hester	Holveck	Jay
Jochum	Johnson	Knapp	Koenigs
Kremer	Lageschulte	Lundby	Maulsby
May	McKean	McKinney	Metcalf
Muhlbauer	Mullins	Neuhauser	Norrgard
Ollie	Osterberg	Paulin	Pavich
Pellett	Peters	Petersen, D. F.	Peterson, M. K.
Plasier	Poncy	Renaud	Renken
Rosenberg	Royer	Running	Schnekloth
Schrader	Sherzan	Shoning	Siegrist
Skow	Spear	Stromer	Stueland
Svoboda	Swartz	Tabor	Teaford
Tyrrell	Van Camp	Van Maanen	Wise
Mr. Speaker			
(Connors)			

The nays were, 1:

Platt

Absent or not voting, 6:

Hanson, D. R.	Hummel	Miller	Parker
Shoultz	Swearingen		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**Senate File 2039**, a bill for an act allowing certain personalized vehicle registration plates to contain up to seven characters and providing an effective date, with report of committee recommending passage was taken up for consideration.

Arnould of Scott asked and received unanimous consent that Senate File 2039 be deferred and placed on the calendar under unfinished business.

**Senate File 2273**, a bill for an act relating to the establishment and construction of rest areas and rest area buildings, deferred March 29, 1988, with report of committee recommending passage was taken up for consideration.

Fogarty of Palo Alto moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2273)

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	Doderer
Dvorsky	Eddie	Fey	Fogarty
Fuller	Garman	Groninga	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Hansen, S. D.
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	Paulin	Pavich
Pellett	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	Tabor	Teaford
Tyrrell	Van Maanen	Wise	Mr. Speaker (Connors)

The nays were, none.

Absent or not voting, 8:

Hanson, D. R.	Hatch	Hummel	Parker
Plasier	Swartz	Swearingen	Van Camp

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**Senate File 173**, a bill for an act establishing priorities for deductions from the earnings of residents of community-based correctional facilities, with report of committee recommending passage was taken up for consideration.

Spear of Lee offered the following amendment H—6090 filed by him and moved its adoption:

H—6090

- 1 Amend Senate File 173 as passed by the Senate, as
- 2 follows:
- 3 1. Page 1, line 7, by inserting after the word
- 4 "reside." the following: "For the purpose of this
- 5 subsection, "legally obligated" means under a court
- 6 order."

Amendment H—6090 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. 173)

The ayes were, 96:

Adams	Arnould	Avenson	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Branstad	Buhr
Carpenter	Chapman	Clark	Cphoon
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.
Harbor	Harper	Hatch	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	Platt	Poncy
Renaud	Renken	Rosenberg	Royer
Running	Schneklath	Schrader	Sherzan
Shoning	Shoultz	Siegrist	Skow
Spear	Stromer	Stueland	Svoboda
Swartz	Tabor	Teaford	Tyrrell
Van Camp	Van Maanen	Wise	Mr. Speaker (Connors)

The nays were, none.

Absent or not voting, 4:

Hanson, D. R.	Haverland	Hummel	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.

Speaker Avenson in the chair at 11:03 a.m.

The House resumed consideration of **Senate File 2245**, a bill for an act relating to the certification of laboratories which perform analyses of specimens for the department of natural resources, deferred March 23, 1988.

Arnould of Scott asked and received unanimous consent that Senate File 2245 be deferred and placed on the calendar under unfinished business.

### RULES SUSPENDED

Arnould of Scott asked and received unanimous consent to suspend the rules and take up out of order Senate Files 2091, 2126, 2169, 2171, 2046; Senate Joint Resolutions 2006 and 1; Senate Files 2107, 2259 and 2238.

**Senate File 2091**, a bill for an act relating to the offense of disorderly conduct and making a penalty applicable, with report of committee recommending passage was taken up for consideration.

Rosenberg of Story offered the following amendment H—6124 filed by him and Jay of Appanoose and moved its adoption:

H—6124

- 1 Amend Senate File 2091 as passed by the Senate as
- 2 follows:
- 3 1. Page 1, line 4, by striking the words
- 4 "~~residence or hospital public or private~~" and
- 5 inserting the following: "~~residence or hospital~~
- 6 public".

Amendment H—6124 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. 2091)

The ayes were, 94:

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	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	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	Shoning	Shoultz
Siegrist	Skow	Spear	Stromer
Stueland	Svoboda	Swartz	Tabor
Teaford	Tyrrell	Van Camp	Van Maanen
Wise	Mr. Speaker		

The nays were, none.

Absent or not voting, 6:

Connors	Hanson, D. R.	Hummel	Plasier
Sherzan	Swearingen		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**Senate File 2126**, a bill for an act restricting the time period for the initiating of administrative or judicial actions to remove or eliminate certain structures, dams, obstructions, deposits, excavations, or stream straightenings to a floodway, with report of committee recommending passage was taken up for consideration.

Arnould of Scott asked and received unanimous consent that Senate File 2126 be deferred and placed on the calendar under unfinished business.

**Senate File 2169**, a bill for an act relating to physician assistants, establishing a board of physician assistant examiners, providing for the registration and licensure of physician assistants, making penalties applicable, providing properly related matters, and providing an effective date, with report of committee recommending amendment and passage was taken up for consideration.

Arnould of Scott asked and received unanimous consent that Senate File 2169 be deferred and placed on the calendar under unfinished business.

**Senate File 2171**, a bill for an act making nonsubstantive, noncontroversial statutory corrections to comply with reorganization changes, improve clarity, remove conflicts and inconsistencies, correct references, and correct grammar and syntax, with report of committee recommending passage was taken up for consideration.

Jay of Appanoose offered the following amendment H—5947 filed by him and moved its adoption:

H—5947

- 1 Amend Senate File 2171 as passed by the Senate
- 2 as follows:
- 3 1. Page 26, line 5, by striking the numbers
- 4 "292.1," and inserting the following: "~~292.1~~,".

Amendment H—5947 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. 2171)

The ayes were, 88:

Adams	Arnould	Beaman	Beatty
Bennett	Black	Blanshan	Brammer
Branstad	Buhr	Carpenter	Chapman
Clark	Cohoon	Connolly	Cooper
Corbett	Corey	Daggett	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	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
Rosenberg	Royer	Running	Schrader
Shoning	Shoultz	Siegrist	Skow
Spear	Stromer	Stueland	Tabor
Tyrrell	Van Camp	Wise	Mr. Speaker

The nays were, 5:

De Groot	Renken	Schnekloth	Swartz
Van Maanen			



Absent or not voting, 7:

Bisignano	Connors	Hanson, D. R.	Sherzan
Svoboda	Swearingen	Teaford	

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**Senate File 2046**, a bill for an act relating to the method of election of directors of certain school districts and providing an effective date, with report of committee recommending passage was taken up for consideration.

Arnould of Scott asked and received unanimous consent that Senate File 2046 be deferred and placed on the calendar under unfinished business.

**Senate Joint Resolution 2006**, a joint resolution to nullify an administrative rule of the department of human services relating to the correction or expungement of information in the possession of the department concerning a case of alleged child abuse, with report of committee recommending passage was taken up for consideration.

Rosenberg of Story offered the following amendment H—5922 filed by him and moved its adoption:

H—5922

- 1 Amend Senate Joint Resolution 2006 as passed by the
- 2 Senate as follows:
- 3 1. Title page, line 4, by inserting after the
- 4 word "abuse" the following: "and providing an
- 5 effective date".

Amendment H—5922 was adopted.

Rosenberg of Story moved that the joint resolution be read a last time now and placed upon its adoption which motion prevailed and the resolution was read a last time.

On the question "Shall the joint resolution be adopted and agreed to?" (S.J.R. 2006)

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.	Halvorson, R. N.
Hammond	Hansen, S. D.	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.
Plasier	Platt	Poncy	Renaud
Renken	Rosenberg	Running	Schneklath
Schrader	Shoning	Shoultz	Siegrist
Skow	Spear	Stromer	Stueland
Svoboda	Swartz	Tabor	Teaford
Tyrrell	Van Camp	Van Maanen	Wise
Mr. Speaker			

The nays were, none.

Absent or not voting, 7:

Connors	Gruhn	Hanson, D. R.	Mullins
Royer	Sherzan	Swearingen	

The joint resolution having received a constitutional majority was declared to have been adopted and agreed to by the House, and the title as amended, was agreed to.

**Senate Joint Resolution 1**, a joint resolution proposing amendments to the Constitution of the State of Iowa relating to the offices of the governor and lieutenant governor, with report of committee recommending passage was taken up for consideration.

Arnould of Scott asked and received unanimous consent that Senate Joint Resolution 1 be deferred and placed on the calendar under unfinished business.

**Senate File 2107**, a bill for an act relating to the creation of a foster home insurance fund, with report of committee recommending passage was taken up for consideration.

Arnould of Scott asked and received unanimous consent that Senate File 2107 be deferred and placed on the calendar under unfinished business.

**Senate File 2259**, a bill for an act relating to the disposal of abandoned mobile homes and abandoned personal property of the abandoned mobile home owner, with report of committee recommending amendment and passage was taken up for consideration.

Halvorson of Clayton offered the following amendment H—5918 filed by the committee on judiciary and law enforcement and moved its adoption:

H—5918

- 1 Amend Senate File 2259 as amended, passed, and
- 2 reprinted by the Senate as follows:
- 3 1. Page 1, line 6, by striking the word
- 4 "Lienholder" and inserting the following: "Claimant".
- 5 2. Page 1, line 26, by inserting after the figure
- 6 "562C.8" the following: "provided that there is no
- 7 lien on the mobile home or personal property other
- 8 than a tax lien pursuant to chapter 135D. For
- 9 purposes of this chapter, a lien exists only if the
- 10 real property owner receives notice of a lien on the
- 11 standardized registration form completed by a tenant
- 12 pursuant to section 562B.27, subsection 3, or a lien
- 13 has been filed in state or county records on a date
- 14 before the mobile home is considered to be abandoned."
- 15 3. Page 2, line 24, by inserting after the word
- 16 "located" the following: "provided that there is no
- 17 lien on the mobile home or personal property other
- 18 than a tax lien pursuant to chapter 135D".
- 19 4. Page 3, line 9, by striking the figure "60"
- 20 and inserting the following: "62".
- 21 5. Page 3, by striking lines 13 through 30 and
- 22 inserting the following:
- 23 "3. If a lien exists on the mobile home or
- 24 personal property, the real property owner shall
- 25 notify the county treasurer of each county in which a
- 26 tax lien appears by restricted certified mail sent not
- 27 less than ten days before the hearing. The notice
- 28 shall describe the mobile home and shall state the
- 29 date and time at which the hearing is scheduled, and
- 30 the county treasurer's right to assert a claim to the
- 31 mobile home at the hearing. The notice shall also
- 32 state that failure to assert a claim to the mobile
- 33 home is deemed a waiver of all right, title, claim,
- 34 and interest in the mobile home and is deemed consent
- 35 to the sale or disposal of the mobile home."
- 36 6. Page 4, line 15, by striking the word "
- 37 lienholder,".
- 38 7. Page 4, line 17, by striking the word "
- 39 lienholder,".
- 40 8. Page 5, line 2, by striking the word "
- 41 lienholder,".
- 42 9. Page 5, by striking lines 15 and 16 and
- 43 inserting the following: "property and any tax lien.
- 44 The".
- 45 10. By striking page 5, line 25 through page 6,
- 46 line 1 and inserting the following:

- 47 "b. Second, to satisfy any tax lien for which a  
48 claim was asserted pursuant to section 562C.4,  
49 subsection 3."  
50 11. Page 6, lines 3 and 4, by striking the words

**Page 2**

- 1 "one year" and inserting the following: "six months".  
2 12. Page 6, line 13, by striking the word "  
3 lienholder,".  
4 13. Page 6, lines 16 and 17 by striking the words  
5 "a person entitled to be sent notice," and inserting  
6 the following: "the mobile home owner or other  
7 claimant".  
8 14. Page 6, by striking lines 24 through 26 and  
9 inserting the following: "the judgment of the real  
10 property owner and any tax lien."  
11 15. Page 6, line 33, by inserting the figure "3."  
12 the following: "If the personal property is a motor  
13 vehicle to which section 321.90 applies, the real  
14 property owner shall present the order for disposal  
15 obtained pursuant to section 562C.8, subsection 3, to  
16 the police authority to obtain a certificate of  
17 authority to dispose of the motor vehicle pursuant to  
18 section 321.90, subsection 2."  
19 16. Page 7, line 26, by inserting after the word  
20 "manner." the following: "A disposition approved in  
21 any judicial proceeding shall be deemed conclusively  
22 to be commercially reasonable."  
23 17. Page 10, by striking lines 1 through 16 and  
24 inserting the following:  
25 "a. If a tenant abandons a mobile home on a mobile  
26 home space, the landlord shall notify the mobile home  
27 owner or other claimant of the mobile home and  
28 communicate to that person that the person is liable  
29 for any costs incurred for the mobile home space,  
30 including rent and utilities due and owing. However,  
31 the person is only liable for costs incurred ninety  
32 days before the landlord's communication. After the  
33 landlord's communication, costs for which liability is  
34 incurred shall then become the responsibility of the  
35 mobile home owner or other claimant of the mobile  
36 home. The mobile home shall not be removed from the  
37 mobile home space without a signed written agreement  
38 from the landlord showing clearance for removal, and  
39 that all debts are paid in full, or an agreement  
40 reached with the mobile home owner or other claimant  
41 and the landlord.  
42 b. If there is no lien on the mobile home other  
43 than a lien for taxes, the landlord shall follow the  
44 procedure in chapter 562C to dispose of the mobile  
45 home."

- 46 18. Page 11, by inserting after line 3 the  
47 following:  
48 "Sec. \_\_\_\_\_. Section 135D.24, subsection 4, Code  
49 Supplement 1987, is amended to read as follows:  
50 4. The tax is a lien on the vehicle senior to any

**Page 3**

- 1 other lien upon it except a judgment obtained in an  
2 action to dispose of an abandoned mobile home under  
3 section 562C.8. The mobile home bearing a current  
4 registration issued by any other state and remaining  
5 within this state for an accumulated period not to  
6 exceed ninety days in any twelve-month period is not  
7 subject to Iowa tax. However, when one or more  
8 persons occupying a mobile home bearing a foreign  
9 registration are employed in this state, there is no  
10 exemption from the Iowa tax. This tax is in lieu of  
11 all other taxes general or local on a mobile home."  
12 19. By renumbering as necessary.

The committee amendment H—5918 was adopted.

Halvorson of Clayton offered the following amendment H—6066 filed by him and moved its adoption:

**H—6066**

- 1 Amend Senate File 2259, as amended, passed, and re-  
2 printed by the Senate, as follows:  
3 1. Page 8, by striking lines 12 through 18 and  
4 inserting the following: "method prescribed by the  
5 department of transportation. Two copies are to be  
6 provided to the company or person transporting the  
7 mobile home with one copy to be carried in the vehicle  
8 transporting the mobile home. One copy is to be  
9 forwarded to the county treasurer of the county in  
10 which the mobile home is to be relocated and one copy  
11 is to be retained by the county treasurer issuing the  
12 tax clearance statement."

Amendment H—6066 was adopted.

Halvorson of Clayton moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2259)

The ayes were, 95:

Adams	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.	Harbor	Harper
Hatch	Haverland	Hermann	Hester
Holveck	Hummel	Jay	Jochum
Johnson	Knapp	Koenigs	Kremer
Lageschulte	Lundby	Maulsby	May
McKean	McKinney	Metcalf	Muhlbauer
Mullins	Neuhauser	Norrsgard	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	Tyrrell	Van Camp
Van Maanen	Wise	Mr. Speaker	

The nays were, none.

Absent or not voting, 5:

Blanshan	Connors	Hanson, D. R.	Miller
Swearingen			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**Senate File 2238**, 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, with report of committee recommending amendment and passage was taken up for consideration.

Jay of Appanoose offered the following amendment H—5919 filed by the committee on judiciary and law enforcement and moved its adoption:

H—5919

- 1 Amend Senate File 2238, as amended, passed, and re-
- 2 printed by the Senate, as follows:
- 3 1. Page 12, line 26, by inserting after the word
- 4 "organization," the following: "a corporation
- 5 organized under chapter 496A,".

The committee amendment H-5919 was adopted.

Jay of Appanoose offered the following amendment H—5902 filed by the committee on judiciary and law enforcement and moved its adoption:

H—5902

- 1 Amend Senate File 2238, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 35, line 18, by striking the word
- 4 "supervisor" and inserting the following:
- 5 "superintendent".
- 6 2. Page 51, line 25, by inserting after the word
- 7 "Sections" the following: "135.43, 135.44,".
- 8 3. Title page, by striking line 5 and inserting
- 9 the following: "provisions, remove ambiguities and
- 10 providing effective dates."

The committee amendment H—5902 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. 2238)

The ayes were, 97:

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	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	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	Schneklloth	Schrader
Sherzan	Shoning	Shoultz	Siegrist
Skow	Spear	Stromer	Stueland
Svoboda	Swartz	Tabor	Teaford
Tyrrell	Van Camp	Van Maanen	Wise
Mr. Speaker			

The nays were, none.

Absent or not voting, 3:

Connors

Hanson, D. R.

Swearingen

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

### RULE 57 SUSPENDED

Arnould of Scott asked and received unanimous consent to suspend Rule 57, relating to committee notice and agenda, for a meeting of the committee on appropriations upon recess.

**Senate File 56**, a bill for an act relating to the regulation of firearms by a political subdivision, with report of committee recommending passage was taken up for consideration.

Arnould of Scott asked and received unanimous consent that Senate File 56 be deferred and placed on the calendar under unfinished business.

**Senate File 312**, a bill for an act requiring the state and its political subdivisions, under certain circumstances, to pay compensation to owners of off-premises advertising devices, with report of committee recommending amendment and passage was taken up for consideration.

Arnould of Scott asked and received unanimous consent that Senate File 312 be deferred and placed on the calendar under unfinished business.

**Senate File 2208**, a bill for an act relating to the possession of alcoholic beverages by persons under legal age, with report of committee recommending amendment and passage was taken up for consideration.

Halvorson of Clayton offered the following amendment H—5920 filed by the committee on judiciary and law enforcement:

H—5920

- 1 Amend Senate File 2208, as passed by the Senate, as
- 2 follows:
- 3 1. Page 1, line 12, by inserting after the word
- 4 "age" the words "in the presence of and with the
- 5 knowledge or consent of the person's parent or
- 6 guardian or".
- 7 2. Page 1, line 12, by striking the word "and"
- 8 and inserting the following: "and".



9 3. Page 1, by inserting after line 19 the  
10 following:  
11 "Sec. 2. Section 123.47A, Code 1987, is amended to  
12 read as follows:  
13 123.47A PERSONS AGE NINETEEN AND TWENTY —  
14 PENALTY.

15 A person shall not sell, give, or otherwise supply  
16 alcoholic liquor, wine, or beer to any person knowing  
17 or having reasonable cause to believe that the person  
18 is age nineteen or twenty. A person age nineteen or  
19 twenty shall not purchase or possess alcoholic liquor,  
20 wine, or beer. However, a person age nineteen or  
21 twenty may possess alcoholic liquor, wine, or beer  
22 given to the person in the presence of and with the  
23 knowledge and consent of the person's parent or  
24 guardian or within a private home with the knowledge  
25 and consent of the person's parent or guardian, and a  
26 person age nineteen or twenty may handle alcoholic  
27 liquor, wine, and beer during the course of the  
28 person's employment by a liquor control licensee, or  
29 wine or beer permittee. A person, other than a  
30 licensee or permittee, who violates this section  
31 commits a scheduled violation of section 805.8,  
32 subsection 10. A licensee or permittee who violates  
33 this section is guilty of a simple misdemeanor  
34 punishable by a fine of not more than fifty dollars.  
35 The penalty provided under this section against a  
36 licensee or permittee who violates this section is the  
37 only penalty which shall be imposed against a licensee  
38 or permittee who violates this section."

Kremer of Buchanan offered the following amendment H—6111,  
to the committee amendment H—5920, filed by him and moved its  
adoption:

H—6111

1 Amend amendment, H—5920, to Senate File 2208 as  
2 passed by the Senate as follows:  
3 1. Page 1, line 4, by inserting before the word  
4 "in" the following: "at a private, nonpublic  
5 function".  
6 2. Page 1, line 22, by inserting before the word  
7 "in" the following: "at a private, nonpublic  
8 function".

Amendment H—6111 was adopted.

Jay of Appanoose asked and received unanimous consent to with-  
draw amendment H—6074, to the committee amendment H—5920,  
filed by him on March 30, 1988.

On motion by Halvorson of Clayton, the committee amendment H—5920, as amended, was adopted.

Arnould of Scott asked and received unanimous consent that Senate File 2208 be deferred and placed on the calendar under unfinished business.

**Senate File 2247**, a bill for an act relating to the regulation and reporting of certain pesticides, with report of committee recommending amendment and passage was taken up for consideration.

Arnould of Scott asked and received unanimous consent that Senate File 2247 be deferred and placed on the calendar under unfinished business.

**Senate File 2209**, a bill for an act relating to the sale, lease, exchange, or other disposition of corporate property and assets, with report of committee recommending amendment and passage was taken up for consideration.

Arnould of Scott asked and received unanimous consent that Senate File 2209 be deferred and placed on the calendar under unfinished business.

**Senate File 484**, a bill for an act relating to health care providers and patients and providing for the creation of an excess liability fund for health care providers, establishing a surcharge to be deposited in the fund, establishing a special surcharge, establishing qualifications for a health care provider or a patient to be protected by the fund, establishing a maximum limitation on the liability of the fund, creation of a compensation review board, authorization of the fund to procure reinsurance to protect the fund, authorization of the fund to provide primary insurance coverage to health care providers and providing for structured settlements, with report of committee recommending amendment and passage was taken up for consideration.

Arnould of Scott asked and received unanimous consent that Senate File 484 be deferred and placed on the calendar under unfinished business.

On motion by Arnould of Scott, the House was recessed at 11:55 a.m., until 1:00 p.m.

#### AFTERNOON SESSION

The House reconvened, Speaker Avenson in the chair.

## INTRODUCTION OF BILLS

**House File 2460**, by committee on ways and means, a bill for an act relating to the treatment of rebates given on the sales of motor vehicles subject to registration for purposes of the state sales, services, and use taxes.

Read first time and placed on the **ways and means calendar**.

**House File 2461**, by committee on ways and means, a bill for an act relating to tax refunds paid by the county treasurer.

Read first time and placed on the **ways and means calendar**.

**House File 2462**, by committee on ways and means, a bill for an act relating to the regulation of dogs, by providing for rabies control and licensing, subjecting violators to a penalty, and providing an effective date.

Read first time and placed on the **ways and means calendar**.

**House File 2463**, by committee on ways and means, a bill for an act relating to the authorization for a city and county to impose a local option income surtax or a local option sales and services tax, the spending of the revenues, obtaining tax return information relating to the taxes, providing penalties, and providing effective dates.

Read first time and placed on the **ways and means calendar**.

## QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed seventy members present, thirty 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 March 29, 1988, amended and passed the following bill in which the concurrence of the House is asked:

House File 529, a bill for an act relating to governmental competition with and purchase of goods and services from private enterprise.

Also: That the Senate has on March 30, 1988, amended and passed the following bill in which the concurrence of the House is asked:

House File 2106, a bill for an act prohibiting the advertisement or sale in this state of home testing kits for human immunodeficiency virus antibody or antigen testing, and providing a penalty.

JOHN F. DWYER, Secretary

## CONSIDERATION OF BILLS Unfinished Business Calendar

The House resumed consideration of **Senate File 2318**, a bill for an act relating to the registration of construction contractors; providing for administration and enforcement of a system of registration by the labor commissioner; providing for administrative penalties; providing an effective date; and providing other properly related matters, deferred and placed on the unfinished business calendar on March 30, 1988.

Arnould of Scott asked and received unanimous consent to suspend Rule 31.8, relating to the timely filing of amendments, for consideration of amendment H—6139.

Plasier of Sioux offered the following amendment H—6139 filed from the floor by Plasier, Van Camp and Lundby:

H—6139

- 1 Amend Senate File 2318 as passed by the Senate as
- 2 follows:
- 3 1. Page 1, line 15, by inserting after the word
- 4 "law." the following: "However, a person who earns
- 5 less than one thousand dollars annually or who
- 6 performs work or has work performed on the person's
- 7 own property is not a contractor for purposes of this
- 8 chapter."
- 9 2. Page 1, by striking lines 16 through 20 and
- 10 inserting the following:
- 11 "2. If a contractor's registration application
- 12 shows that the contractor is self-employed, does not
- 13 pay more than one thousand dollars annually to employ
- 14 other persons in the business, and does not work with
- 15 or for other contractors in the same phases of
- 16 construction, the contractor is exempt from the fee
- 17 requirements under this chapter."
- 18 3. Page 1, line 29, by inserting after the word
- 19 "coverage" the following: "annually".
- 20 4. Page 1, line 31, by inserting after the figure
- 21 "87.2." the following: "Notice of a policy's
- 22 cancellation shall be provided to the labor
- 23 commissioner by the insurance company."
- 24 5. Page 2, line 23, by inserting after the word
- 25 "dollars." the following: "A contractor who is in
- 26 compliance with the requirements listed in section
- 27 549.2 shall be exempt from this fee."
- 28 6. Page 2, by inserting after line 35 the
- 29 following:
- 30 "When soliciting or performing work, the
- 31 contractor's public registration number shall be

32 prominently displayed."

33 7. Page 3, by inserting after line 25 the

34 following:

35 "c. The requirement that a contractor prominently  
36 display the public registration number."

37 8. Page 6, line 8, by striking the word "January"

38 and inserting the following: "April".

Connors of Polk in the chair at 1:33 p.m.

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Norrgard of Des Moines, for the remainder of the day, on request of McKinney of Dallas.

Plasier of Sioux moved the adoption of amendment H—6139.

A non-record roll call was requested.

Rule 75 was invoked.

The ayes were 40, nays 51.

Amendment H—6139 lost.

The House stood at ease at 2:15 p.m., until the fall of the gavel.

The House resumed session and consideration of Senate File 2318 at 2:35 p.m., Connors of Polk in the chair.

Speaker Avenson in the chair at 2:50 p.m.

Blanshan of Greene in the chair at 2:55 p.m.

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. 2318)

The ayes were, 49:

Adams	Arnould	Avenson	Beatty
Bisignano	Brammer	Buhr	Chapman
Cohoon	Connolly	Connors	Cooper
Doderer	Dvorsky	Fey	Fogarty
Fuller	Groninga	Gruhn	Halvorson, R. N.
Hammond	Harper	Hatch	Haverland
Holveck	Jay	Jochum	Johnson
Knapp	Lundby	May	McKinney
Muhlbauer	Neuhauser	Ollie	Osterberg
Parker	Pavich	Peters	Peterson, M. K.
Poney	Renaud	Rosenberg	Running

Shoultz	Skow	Teaford	Wise
Mr. Speaker			
(Blanshan)			

The nays were, 46:

Beaman	Bennett	Black	Branstad
Carpenter	Clark	Corey	Daggett
De Groot	Diemer	Eddie	Garman
Halvorson, R. A.	Hansen, S. D.	Harbor	Hermann
Hester	Hummel	Koenigs	Kremer
Lageschulte	Maulsby	McKean	Metcalf
Miller	Mullins	Paulin	Pellett
Petersen, D. F.	Plasier	Platt	Renken
Royer	Schnekloth	Schrader	Sherzan
Shoning	Siegrist	Spear	Stromer
Stueland	Swartz	Tabor	Tyrrell
Van Camp	Van Maanen		

Absent or not voting, 5:

Corbett	Hanson, D. R.	Norrsgard	Svoboda
Swearingen			

The bill having failed to receive a constitutional majority was declared to have failed to pass the House.

### RULES SUSPENDED

Arnould of Scott asked and received unanimous consent to suspend the rules and take up out of order Senate Files 2171, 2092, 2130, 2296 and 2314.

### MOTION TO RECONSIDER PREVAILED (Senate File 2171)

Jay of Appanoose moved to reconsider the vote by which Senate File 2171, a bill for an act making nonsubstantive, noncontroversial statutory corrections to comply with reorganization changes, improve clarity, remove conflicts and inconsistencies, correct references, and correct grammar and syntax, passed the House and was placed on its last reading on March 31, 1988.

A non-record roll call was requested.

The ayes were 53, nays none.

The motion prevailed and the House reconsidered Senate File 2171.

Jay of Appanoose moved to reconsider the vote by which amendment H — 5947 (found on page 1279 of the House Journal) was adopted

by the House on March 31, 1988, which motion prevailed and the House reconsidered amendment H—5947.

Jay of Appanoose asked and received unanimous consent to withdraw amendment H—5947.

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. 2171)

The ayes were, 90:

Adams	Arnould	Avenson	Beaman
Beatty	Bennett	Bisignano	Black
Branstad	Buhr	Carpenter	Chapman
Clark	Cohoon	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
Haverland	Hermann	Hester	Holveck
Hummel	Jay	Jochum	Johnson
Knapp	Koenigs	Kremer	Lageschulte
Lundby	Maulsby	May	McKean
McKinney	Metcalf	Miller	Muhlbauer
Mullins	Neuhausser	Ollie	Osterberg
Parker	Paulin	Pavich	Pellett
Peters	Petersen, D. F.	Peterson, M. K.	Plasier
Platt	Poncy	Renaud	Rosenberg
Royer	Running	Schnekloth	Schrader
Shoning	Shoultz	Siegrist	Skow
Spear	Stromer	Stueland	Swartz
Tabor	Teaford	Tyrrell	Van Camp
Wise	Mr. Speaker (Blanshan)		

The nays were, 2:

Renken                      Van Maanen

Absent or not voting, 8:

Brammer	Connolly	Hanson, D. R.	Hatch
Norrgard	Sherzan	Svoboda	Swearingen

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 recommendations 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 2092**, a bill for an act establishing a community and rural development loan program and a sewage treatment works financing program to assist communities in financing sewage treatment projects and in financing traditional and new infrastructure and housing for needy and elderly, authorizing the Iowa finance authority to issue bonds and notes for the program, and providing an appropriation from a revolving fund to be used for each program.

Fiscal Note is not required.

Recommended **Do Pass** March 31, 1988.

#### RULES SUSPENDED

Arnould of Scott asked and received unanimous consent to suspend the rules for the immediate consideration of Senate File 2092.

**Senate File 2092**, a bill for an act establishing a community and rural development loan program and a sewage treatment works financing program to assist communities in financing sewage treatment projects and in financing traditional and new infrastructure and housing for needy and elderly, authorizing the Iowa finance authority to issue bonds and notes for the program, and providing an appropriation from a revolving fund to be used for each program, was taken up for consideration.

Arnould of Scott asked and received unanimous consent that Senate File 2092 be deferred and placed on the calendar under unfinished business.

**Senate File 2130**, a bill for an act repealing the prohibition against selling or offering for sale decorative gas lamps, with report of committee recommending amendment and passage was taken up for consideration.

Speaker Avenson in the chair at 3:16 p.m.

Arnould of Scott asked and received unanimous consent that Senate File 2130 be deferred and placed on the calendar under unfinished business.

**Senate File 2296**, a bill for an act requiring the area education agencies to utilize private health care benefit plans and federally funded health care programs to share in the costs of services provided



to certain children requiring special education, with report of committee recommending amendment and passage was taken up for consideration.

Ollie of Clinton offered amendment H—5912 filed by the committee on education and requested division as follows:

H—5912

- 1 Amend Senate File 2296, as amended, passed, and
- 2 reprinted by the Senate, as follows:

H—5912A

- 3 1. Page 1, line 5, by striking the words "private
- 4 health care benefit plans and".
- 5 2. Page 1, by striking lines 9 through 22 and
- 6 inserting the following: "education."
- 7 3. Page 1, lines 29 and 30, by striking the words
- 8 " , federal agencies, and private health care
- 9 providers" and inserting the following: "and federal
- 10 agencies".
- 11 4. Page 1, lines 32 and 33, by striking the words
- 12 "and private health care benefit plans".
- 13 5. Page 2, lines 1 and 2, by striking the words
- 14 "and private health care providers".

H—5912B

- 15 6. Page 2, by striking lines 7, through 9, and
- 16 inserting the following: "providing those services."

H—5912A

- 17 7. Page 2, by striking lines 10 through 21.
- 18 8. By striking page 2, line 26, through page 3,
- 19 line 3, and inserting the following: "to federally
- 20 funded health care programs."
- 21 9. Page 3, line 13, by inserting after the figure
- 22 "1988." the following: "Retroactive Title XIX billing
- 23 is contingent upon state plan approval."
- 24 10. Page 3, by striking lines 24 through 32 and
- 25 inserting the following:
- 26 "10. Students or their parents or guardians
- 27 covered by a federal health care program shall provide
- 28 health care information to an area education agency or
- 29 local school district."
- 30 11. Page 4, by striking lines 10 through 18 and
- 31 inserting the following: "audiological services
- 32 provided by an area education agency."
- 33 12. Title page, lines 1 and 2, by striking the
- 34 words "private health care benefit plans and".
- 35 13. Title page, line 4, by inserting after the
- 36 word "education" the following: "and providing an
- 37 effective date".

Ollie of Clinton offered the following amendment H—6049, to the committee amendment H—5912A, filed by him and moved its adoption:

H—6049

- 1 Amend the amendment, H—5912, to Senate File 2296,
- 2 as amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 1, line 30, by striking the figure "18"
- 5 and inserting the following: "15".
- 6 2. Page 1, line 32, by inserting after the word
- 7 "agency." the following: "It is".
- 8 3. Page 1, by inserting after line 32 the
- 9 following:
- 10 " \_\_\_\_\_. Page 4, line 17, by striking the words and
- 11 figures "prior to July 1, 1988" and inserting the fol-
- 12 lowing: "as soon after July 1, 1988, as possible".
- 13 \_\_\_\_\_. Page 4, line 18, by inserting after the
- 14 figure "1988" the following: "if state plan approval
- 15 is secured".

Amendment H—6049 was adopted.

On motion by Ollie of Clinton, the committee amendment H—5912A, as amended, was adopted.

Ollie of Clinton asked and received unanimous consent to withdraw the committee amendment H—5912B.

Tabor of Jackson in the chair at 5:17 p.m.

Ollie of Clinton moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2296)

The ayes were, 72:

Arnould	Avenson	Beaman	Beatty
Bisignano	Black	Blanshan	Brammer
Buhr	Carpenter	Chapman	Clark
Cohoon	Connolly	Connors	Cooper
Corbett	Corey	Daggett	Diemer
Doderer	Dvorsky	Fey	Fogarty
Garman	Groninga	Gruhn	Halvorson, R. A.
Hammond	Hansen, S. D.	Harbor	Harper
Hatch	Haverland	Hermann	Hester
Holveck	Hummel	Jay	Jochum
Johnson	Koenigs	Lundby	May
Muhlbauer	Mullins	Neuhauser	Ollie
Osterberg	Parker	Paulin	Pavich
Peters	Peterson, M. K.	Plasier	Platt

Poncey	Renaud	Rosenberg	Running
Schrader	Shoning	Shoultz	Siegrist
Skow	Spear	Stromer	Svoboda
Swartz	Van Camp	Wise	Mr. Speaker (Tabor)

The nays were, 23:

Adams	Bennett	Branstad	De Groot
Eddie	Fuller	Halvorson, R. N.	Knapp
Kremer	Lageschulte	Maulsby	McKean
McKinney	Metcalf	Miller	Pellett
Petersen, D. F.	Renken	Schnekloth	Stueland
Teaford	Tyrrell	Van Maanen	

Absent or not voting, 5:

Hanson, D. R.	Norrgard	Royer	Sherzan
Swearingen			

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

### Appropriations Calendar

**Senate File 2314**, a bill for an act relating to and making appropriations to state agencies whose responsibilities relate to general services, public defense, public safety, transportation, and enforcement, and including allocation and use of moneys from the road use tax fund and abstract fee fund, providing an increase in the abstract fee, mandating reports of certain agency purchases, renaming the chief executive officer of the department of public safety, 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—6042 filed by the committee on appropriations:

H—6042

- 1 Amend Senate File 2314 as amended, passed, and
- 2 reprinted by the Senate as follows:
- 3 1. Page 7, by striking line 11 and inserting the
- 4 following: "million three hundred fifty-six thousand
- 5 (16,356,000)".
- 6 2. Page 7, line 15, by striking the words "forty-
- 7 three" and inserting the following: "forty-eight
- 8 point five".
- 9 3. Page 7, line 19, by striking the words "the
- 10 federal Highway Safety Act program" and inserting the
- 11 following: "federal Highway Safety Act programs".
- 12 4. Page 8, by inserting after line 9 the
- 13 following:

14 "An employee of the department of public safety or  
15 its successor who retires after the effective date of  
16 this Act is eligible for payment of life or health  
17 insurance premiums as provided for in the collective  
18 bargaining agreement covering the public safety  
19 bargaining unit at the time of retirement if that  
20 employee previously served in a position which would  
21 have been covered by the agreement. The employee  
22 shall be given credit for the service in that prior  
23 position as though it were covered by that agreement.  
24 This section shall not operate to reduce any  
25 retirement benefits an employee may have earned under  
26 other collective bargaining agreements or retirement  
27 programs."

28 5. Page 8, line 18, by striking the word  
29 "patrolling" and inserting the following:  
30 "patrolling".

31 6. Page 9, by striking lines 14 and 15 and  
32 inserting the following: "raise at least an  
33 additional one million one hundred ninety-four  
34 thousand nine hundred twenty-nine (1,194,929) dollars  
35 in receipts and federal funds."

36 7. Page 14, by inserting after line 3 the  
37 following:

38 "Sec. \_\_\_\_\_. There is appropriated to the state  
39 department of transportation from the revenue to be  
40 credited to the road use tax fund under section  
41 423.24, subsection 1, paragraph "b", for the fiscal  
42 year beginning July 1, 1988, and ending June 30, 1989,  
43 the sum of two hundred thousand (200,000) dollars, or  
44 so much thereof as is necessary, for the purposes of a  
45 study and pilot projects to evaluate gaps in the  
46 federal aviation weather collection and dissemination  
47 system in Iowa. The results of the pilot projects and  
48 the study shall be used to make recommendations for a  
49 comprehensive, coordinated statewide system to meet  
50 the needs of Iowa aviation. The study shall be

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1 independently conducted but administered by the state  
2 department of transportation. The pilot projects  
3 shall include one weather observer only system and one  
4 semiautomated system."

5 8. Page 14, by striking lines 4 through 18.

6 9. Page 14, by striking lines 25 through 31.

7 10. Page 15, by striking lines 15 through 34.

8 11. By striking page 17, line 31 through page 18,  
9 line 6.

10 12. Page 18, line 14, by striking the words "one  
11 fortieth" and inserting the following: "one fortieth  
12 one-twentieth".

13 13. Page 19, line 31, by striking the words "one  
14 million four" and inserting the following: "nine".

15 14. Page 20, by striking line 12 and inserting  
16 the following: "or this chapter through one of the  
17 department's computer terminals or through a computer  
18 printout generated by the department."

19 15. Page 20, line 13, by striking the word  
20 "printout."

21 16. Page 20, by striking lines 15 through 18 and  
22 inserting the following: "impose a fee of one dollar  
23 for each of the first five operating records viewed  
24 within a calendar day and two dollars for each  
25 additional operating record viewed within the calendar  
26 day."

27 17. Page 20, line 32, by inserting before the  
28 word "the" the following: "except as provided in  
29 subsection 5,".

30 18. Page 20, line 34, by striking the words "this  
31 section." and inserting the following: "subsection 1.  
32 Should the director make available copies of abstracts  
33 of operating records on magnetic tape or on disk or  
34 through electronic data transfer, the five dollar fee  
35 under subsection 1 applies to each abstract supplied."

36 19. Page 21, line 30, by striking the figure  
37 "1989" and inserting the following: "1989 1994".

38 20. Page 24, by inserting before line 19 the  
39 following:

40 "Sec. \_\_\_\_\_. The legislative fiscal bureau shall  
41 conduct a study evaluating the administration of the  
42 department of public safety specifically identifying  
43 areas of duplication or overlap of functions within  
44 the department of public safety and with other  
45 departments, and reviewing the organizational  
46 structure of the department of public safety. The  
47 department of public safety and other state  
48 departments and agencies shall cooperate with the  
49 legislative fiscal bureau in the study. The study  
50 shall, upon completion, be presented to the members of

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1 the general assembly."

2 21. Page 24, line 33, by inserting after the word  
3 "agencies" the following: "which are".

4 22. Page 25, by striking lines 2 through 5.

5 23. Page 25, by inserting before line 6 the  
6 following:

7 "Sec. \_\_\_\_\_. The state department of transportation  
8 shall adopt rules pursuant to section 325.26,  
9 subsection 1, paragraph "d", providing for lesser  
10 levels of financial responsibility for intrastate  
11 passenger motor carriers. The rules shall not

12 establish a minimal level of financial responsibility  
13 for intrastate passenger motor carriers in excess of  
14 one million dollars aggregate."

15 24. Page 25, by inserting before line 6 the  
16 following:

17 "Sec. \_\_\_\_\_. Senate File 2196 appropriated moneys to  
18 the state department of transportation for a network  
19 of commercial and industrial highways and other  
20 expenditures. However, the bill does not require a  
21 plan or budget for expenditures to be submitted. In  
22 order to effectively track the use of these moneys,  
23 the state department of transportation shall submit a  
24 spending plan on moneys appropriated to it under  
25 Senate File 2196 prior to July 1, 1988, to the  
26 legislative fiscal bureau and each member of the  
27 fiscal committee of the legislative council and shall  
28 also submit to the legislative fiscal bureau and each  
29 member of the fiscal committee of the legislative  
30 council monthly reports on the actual expenditures.  
31 The spending plan should address any additional full-  
32 time equivalent employee positions required and major  
33 planned expenditures."

34 25. Title page, line 2, by striking the words  
35 "general services,".

36 26. By renumbering, relettering, or redesignating  
37 and correcting internal references as necessary.

Speaker Avenson in the chair at 3:48 p.m.

Van Maanen of Mahaska offered the following amendment  
H-6067, to the committee amendment H-6042, filed by him and  
moved its adoption:

H-6067

1 Amend the Committee on Appropriations amendment, H-  
2 6042, to Senate File 2314, as amended, passed, and  
3 reprinted by the Senate, as follows:

4 1. Page 1, by striking lines 39 through 41 and  
5 inserting the following: "department of  
6 transportation from the state aviation fund for the  
7 fiscal".

A non-record roll call was requested.

The ayes were 32, nays 39.

Amendment H-6067 lost.

Harbor of Mills offered the following amendment H-6105, to the  
committee amendment H-6042, filed by him and moved its adoption:

H-6105

1 Amend the Committee on Appropriations amendment, H--  
2 6042, to Senate File 2314 as amended, passed, and  
3 reprinted by the Senate, as follows:  
4 1. Page 2, line 4, by inserting after the word  
5 "system." the following: "The moneys appropriated  
6 under this section shall be repaid to the road use tax  
7 fund from the state aviation fund. For the fiscal  
8 year beginning July 1, 1989, and each fiscal year  
9 thereafter there is appropriated from the state  
10 aviation fund to the road use tax fund the sum of  
11 forty thousand (40,000) dollars annually until the  
12 full amount of the appropriation under this section  
13 has been repaid to the road use tax fund."

Amendment H-6105 was adopted.

Pavich of Pottawattamie offered the following amendment H-6134, to the committee amendment H-6042, filed by him from the floor and moved its adoption:

H-6134

1 Amend the Committee on Appropriations amendment, H--  
2 6042, to Senate File 2314 as amended, passed, and  
3 reprinted by the Senate as follows:  
4 1. Page 3, line 17, by striking the word "Sec."  
5 "\_\_\_\_\_" and inserting the following: "Sec. 707."  
6 2. Page 3, line 25, by striking the word and  
7 figures "July 1, 1988," and inserting the following:  
8 "an expenditure of moneys appropriated under Senate  
9 File 2196".  
10 3. Page 3, line 27, by striking the words  
11 "council and shall" and inserting the following:  
12 "council."  
13 4. Page 3, by striking lines 28 through 33 and  
14 inserting the following: "The state department of  
15 transportation shall report to the legislative fiscal  
16 bureau and each member of the fiscal committee of the  
17 legislative council by January 1, 1989, expenditures  
18 made to date in regard to moneys appropriated to the  
19 department under Senate File 2196. The state  
20 department of transportation shall include in future  
21 long range programs adopted pursuant to section  
22 307A.2, subsection 12, spending plans on moneys  
23 appropriated to it under Senate File 2196. The state  
24 department of transportation's budget request for the  
25 fiscal year beginning July 1, 1989, and ending June  
26 30, 1990, shall address any full-time equivalent  
27 positions required for the implementation of Senate  
28 File 2196."  
29 \_\_\_\_\_ Page 25, line 8, by inserting after the  
30 figure "47," the following: "707,"."

Amendment H-6134 was adopted.

Maulsby of Calhoun offered the following amendment H—6129, to the committee amendment H—6042, filed by him and Van Maanen of Mahaska and moved its adoption:

H—6129

1 Amend the Committee on Appropriations amendment, H—  
2 6042, to Senate File 2314, as amended, passed, and  
3 reprinted by the Senate, as follows:

4 1. Page 2, line 37, by striking the figure “1994”  
5 and inserting the following: “1993”.

6 2. Page 2, by inserting after line 37 the follow-  
7 ing:

8 “\_\_\_\_\_. Page 21, by inserting after line 30 the  
9 following:

10 “Each entity which has received a loan pursuant to  
11 this section shall have repaid twenty-five percent of  
12 the total amount of the loan by June 30, 1990, fifty  
13 percent of the total amount of the loan by June 30,  
14 1991, seventy-five percent of the total amount of the  
15 loan by June 30, 1992, and the total amount of the  
16 loan by June 30, 1993. If an entity fails to make a  
17 loan repayment as required under this section, the  
18 entity is disqualified from receiving moneys from the  
19 public transit assistance fund.””

A non-record roll call was requested.

The ayes were 32, nays 45.

Amendment H—6129 lost.

On motion by Pavich of Pottawattamie, the committee amendment H—6042, as amended, was adopted.

Royer of Page offered the following amendment H—6130 filed by Royer, et al., and moved its adoption:

H—6130

1 Amend Senate File 2314, as amended, passed, and re-  
2 printed by the Senate, as follows:

3 1. Page 8, by striking lines 10 through 19.

4 2. Page 8, by inserting after line 29 the  
5 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, 1988, and ending June 30, 1989,  
10 the following amounts, or so much thereof as is  
11 necessary, for the capital purchase of mobile vehicle  
12 repeater radios and test equipment to be used by the  
13 Iowa highway safety patrol, provided that only the



- 14 lowest, most responsible bid is accepted by the  
 15 department of public safety in the purchase of these  
 16 motor vehicle repeater radios:  
 17 .....\$ 920,000  
 18 The mobile vehicle repeater radios are to be placed  
 19 solely in motor vehicles used by members of the Iowa  
 20 highway safety patrol below the rank of lieutenant for  
 21 patrolling the highways."

Amendment H—6130 lost.

Van Maanen of Mahaska offered the following amendment  
 H—6128 filed by Van Maanen, et al., and moved its adoption:

H—6128

- 1 Amend Senate File 2314 as amended, passed, and  
 2 reprinted by the Senate as follows:  
 3 1. Page 8, line 30, by striking the words "road  
 4 use tax" and inserting the following: "primary road".  
 5 2. Page 8, by striking lines 31 and 32 and  
 6 inserting the following: "to the department of".  
 7 3. Page 21, line 1, by striking the figure "1."  
 8 4. Page 21, by striking lines 4 through 10.

Roll call was requested by Jay of Appanoose and Maulsby of  
 Calhoun.

On the question "Shall amendment H—6128 be adopted?"  
 (S.F. 2314)

The ayes were, 34:

Beaman	Bennett	Branstad	Clark
Corey	Daggett	De Groot	Eddie
Garman	Halvorson, R. A.	Harbor	Hermann
Hester	Hummel	Kremer	Lageschulte
Lundby	Maulsby	Metcalf	Miller
Mullins	Paulin	Pellett	Petersen, D. F.
Plasier	Platt	Renken	Schneklath
Shoning	Stromer	Stueland	Tyrrell
Van Camp	Van Maanen		

The nays were, 57:

Adams	Arnould	Beatty	Bisignano
Black	Blanshan	Brammer	Buhr
Chapman	Cphoon	Connolly	Connors
Cooper	Diemer	Doderer	Dvorsky
Fey	Fogarty	Fuller	Gruhn
Halvorson, R. N.	Hammond	Hansen, S. D.	Harper
Hatch	Haverland	Holveck	Jay
Jochum	Johnson	Knapp	Koenigs
May	McKean	McKinney	Muhlbauer

Neuhauser	Ollie	Osterberg	Pavich
Peters	Peterson, M. K.	Poncy	Renaud
Rosenberg	Running	Schrader	Shoultz
Siegrist	Skow	Spear	Svoboda
Swartz	Tabor	Teaford	Wise
Mr. Speaker			

Absent or not voting, 9:

Carpenter	Corbett	Groninga	Hanson, D. R.
Norrgard	Parker	Royer	Sherzan
Swearingen			

Amendment H—6128 lost.

Van Maanen of Mahaska asked and received unanimous consent to withdraw amendment H—6113 filed by him on March 30, 1988.

De Groot of Lyon offered the following amendment H—6075 filed by him and moved its adoption:

H—6075

- 1 Amend Senate File 2314 as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 9, line 31, by striking the word "fifty-
- 4 two" and inserting the following: "forty-eight".
- 5 2. Page 9, line 33, by striking the figure
- 6 "3,068,632" and inserting the following: "2,934,438".
- 7 3. Page 10, line 35, by striking the words "three
- 8 hundred one" and inserting the following: "two
- 9 hundred eighty-seven".
- 10 4. Page 11, line 2, by striking the figure
- 11 "18,802,617" and inserting the following:
- 12 "18,075,395".

Roll call was requested by De Groot of Lyon and Branstad of Winnebago.

On the question "Shall amendment H—6075 be adopted?"  
(S.F. 2314)

The ayes were, 68:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Black	Blanshan
Branstad	Buhr	Carpenter	Clark
Cohoon	Connors	Corbett	Corey
Daggett	De Groot	Doderer	Dvorsky
Eddie	Fogarty	Fuller	Garman
Halvorson, R. A.	Halvorson, R. N.	Hansen, S. D.	Harbor
Haverland	Hermann	Hester	Hummel
Kremer	Lageschulte	Lundby	Maulsby
McKean	McKinney	Metcalf	Miller

Mullins	Neuhauser	Osterberg	Parker
Paulin	Pellett	Petersen, D. F.	Plasier
Platt	Renken	Royer	Schnekloth
Schrader	Sherzan	Shoning	Shultz
Siegrist	Skow	Spear	Stromer
Stueland	Svoboda	Tabor	Tyrrell
Van Camp	Van Maanen	Wise	Mr. Speaker

The nays were, 29:

Brammer	Chapman	Connolly	Cooper
Diemer	Fey	Groninga	Gruhn
Hammond	Harper	Hatch	Holveck
Jay	Jochum	Johnson	Knapp
Koenigs	May	Muhlbauer	Ollie
Pavich	Peters	Peterson, M. K.	Poncy
Renaud	Rosenberg	Running	Swartz
Teaford			

Absent or not voting, 3:

Hanson, D. R.	Norrgard	Swearingen
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Amendment H—6075 was adopted.

Arnould of Scott asked and received unanimous consent that Senate File 2314 be deferred and that the bill retain its place on the calendar.

Fogarty of Palo Alto in the chair at 4:26 p.m.

### MOTION TO RECONSIDER PREVAILED (Senate File 2318)

Sherzan of Polk called up for consideration the motion to reconsider Senate File 2318, filed by him from the floor, and moved to reconsider the vote by which Senate File 2318, a bill for an act relating to the registration of construction contractors; providing for administration and enforcement of a system of registration by the labor commissioner; providing for administrative penalties; providing an effective date; and providing other properly related matters, failed to pass the House and was placed on its last reading on March 31, 1988.

A non-record roll call was requested.

The ayes were 64, nays 16.

The motion prevailed and the House reconsidered Senate File 2318.

Speaker Avenson in the chair at 5:05 p.m.

Sherzan of Polk moved to reconsider the vote by which amendment H—6139 (found on pages 1291 and 1292 of the House Journal) failed to be adopted by the House on March 31, 1988, which motion prevailed and amendment H—6139 was taken up for consideration.

On motion by Plasier of Sioux, amendment H—6139 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. 2318)

The ayes were, 60:

Adams	Arnould	Black	Blanshan
Brammer	Buhr	Chapman	Cohoon
Connolly	Connors	Cooper	Corbett
Dvorsky	Eddie	Fey	Fuller
Groninga	Halvorson, R. A.	Halvorson, R. N.	Hammond
Hansen, S. D.	Harper	Hatch	Haverland
Hermann	Holveck	Jay	Jochum
Johnson	Knapp	Lundby	May
McKinney	Muhlbauer	Mullins	Neuhauser
Ollie	Osterberg	Parker	Paulin
Pavich	Peters	Peterson, M. K.	Plasier
Platt	Poney	Renaud	Rosenberg
Running	Sherzan	Shoning	Shoultz
Siegrist	Skow	Stromer	Svoboda
Teaford	Van Camp	Wise	Mr. Speaker

The nays were, 34:

Beaman	Bennett	Branstad	Carpenter
Clark	Corey	Daggett	De Groot
Diemer	Doderer	Fogarty	Garman
Gruhn	Harbor	Hester	Hummel
Koenigs	Kremer	Lageschulte	Maulsby
Metcalf	Miller	Pellett	Petersen, D. F.
Renken	Royer	Schnekloth	Schrader
Spear	Stueland	Swartz	Tabor
Tyrrell	Van Maanen		

Absent or not voting, 6:

Beatty	Bisignano	Hanson, D. R.	McKean
Norrard	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 2318)

Arnould of Scott asked and received unanimous consent that Senate File 2318 be immediately messaged to the Senate.

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Bisignano of Polk on request of Fuller of Hardin; McKean of Jones on request of Stromer of Hancock, both for the remainder of the day.

### Appropriations Calendar

The House resumed consideration of **Senate File 2314**, a bill for an act relating to and making appropriations to state agencies whose responsibilities relate to general services, public defense, public safety, transportation, and enforcement, and including allocation and use of moneys from the road use tax fund and abstract fee fund, providing an increase in the abstract fee, mandating reports of certain agency purchases, renaming the chief executive officer of the department of public safety, and providing effective dates, previously deferred.

Groninga of Cerro Gordo offered the following amendment H—6036 filed by him and Pavich of Pottawattamie and moved its adoption:

H—6036

- 1 Amend Senate File 2314, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 15, by inserting after line 14 the
- 4 following:
- 5 "Sec. \_\_\_\_\_. Section 100.35, Code 1987, is amended
- 6 by adding the following new unnumbered paragraph:
- 7 NEW UNNUMBERED PARAGRAPH. The rules adopted by the
- 8 state fire marshal under this section shall provide
- 9 standards for fire resistance of cellulose insulation
- 10 sold or used in this state, whether for public or
- 11 private use. The rules shall provide for approval of
- 12 the cellulose insulation by at least one nationally
- 13 recognized independent testing laboratory."

Amendment H—6036 was adopted.

De Groot of Lyon asked and received unanimous consent to withdraw amendment H—6132 filed by him on March 30, 1988.

Koenigs of Mitchell offered the following amendment H—5797 filed by him and Lageschulte of Bremer:

H—5797

- 1 Amend Senate File 2314 as amended, passed, and

2 reprinted by the Senate, as follows:

3 1. Page 18, by inserting before line 28 the  
4 following:

5 "Sec. \_\_\_\_\_. NEW SECTION. 312.2B MAXIMUM

6 APPROPRIATION TO DEPARTMENT OF PUBLIC SAFETY FROM ROAD  
7 USE TAX FUND.

8 For the fiscal year beginning July 1, 1987, and  
9 ending June 30, 1988, no more than twenty-one million  
10 dollars shall be appropriated from the road use tax  
11 fund to the department of public safety, division of  
12 highway safety and uniformed force. For each  
13 succeeding fiscal year the maximum appropriation from  
14 the road use tax fund to the department of public  
15 safety, division of highway safety and uniformed  
16 force, shall be reduced by two point one million  
17 dollars. For fiscal years beginning on or after July  
18 1, 1997, no moneys shall be appropriated from the road  
19 use tax fund to the department of public safety,  
20 division of highway safety and uniformed force."

Koenigs of Mitchell offered the following amendment H—6062,  
to amendment H—5797, filed by him and moved its adoption:

H—6062

1 Amend amendment H—5797 to Senate File 2314, as  
2 amended, passed, and reprinted by the Senate, as  
3 follows:

4 1. Page 1, line 8, by striking the figure "1987"  
5 and inserting the following: "1988".

6 2. Page 1, line 9, by striking the figure "1988"  
7 and inserting the following "1989".

8 3. Page 1, line 18, by striking the figure "1997"  
9 and inserting the following: "1998".

Amendment H—6062 was adopted.

Koenigs of Mitchell moved the adoption of amendment H—5797,  
as amended.

Roll call was requested by Maulsby of Calhoun and Bennett of Ida.

On the question "Shall amendment H—5797, as amended, be  
adopted?" (S.F. 2314)

The ayes were, 41:

Beaman	Bennett	Black	Branstad
Connolly	Corbett	Corey	De Groot
Eddie	Fogarty	Fuller	Garman
Halvorson, R. A.	Harbor	Hermann	Hester
Hummel	Jay	Koenigs	Kremer
Lageschulte	Lundby	Maulsby	May
Miller	Muhlbauer	Mullins	Paulin

Pellett	Petersen, D. F.	Renaud	Renken
Royer	Schnekloth	Skow	Stromer
Stueland	Tyrrell	Van Camp	Van Maanen
Wise			

The nays were, 52:

Adams	Arnould	Beatty	Blanshan
Brammer	Buhr	Carpenter	Chapman
Clark	Cohoon	Connors	Cooper
Daggett	Diemer	Dvorsky	Fey
Groninga	Gruhn	Halvorson, R. N.	Hammond
Hansen, S. D.	Harper	Hatch	Haverland
Holveck	Jochum	Johnson	Knapp
McKinney	Metcalf	Neuhauser	Ollie
Osterberg	Parker	Pavich	Peters
Peterson, M. K.	Platt	Poncy	Rosenberg
Running	Schrader	Sherzan	Shoning
Shoultz	Siegrist	Spear	Svoboda
Swartz	Tabor	Teaford	Mr. Speaker

Absent or not voting, 7:

Bisignano	Doderer	Hanson, D. R.	McKean
Norrgard	Plasier	Swearingen	

Amendment H—5797, as amended, lost.

Beatty of Warren offered the following amendment H—6100 filed by her and Jay of Appanoose:

H—6100

- 1 Amend Senate File 2314 as amended, passed, and
- 2 reprinted by the Senate as follows:
- 3 1. Page 18, by inserting before line 28 the
- 4 following:
- 5 "Sec. 711. Section 321.1, subsection 40,
- 6 unnumbered paragraphs 3 and 4, Code Supplement 1987,
- 7 are amended by striking the paragraphs and inserting
- 8 in lieu thereof the following:
- 9 "Final stage manufacturer" means a person who
- 10 performs such manufacturing operations on an
- 11 incomplete vehicle that it becomes a completed
- 12 vehicle.
- 13 "Incomplete vehicle" means an assemblage, as a
- 14 minimum, consisting of a frame and chassis structure,
- 15 power train, steering system, suspension system, and
- 16 braking system, to the extent that those systems are
- 17 to be a part of the completed vehicle, that requires
- 18 further manufacturing operations, other than the
- 19 addition of readily attachable equipment, components,
- 20 or minor finishing operations.
- 21 Sec. 712. NEW SECTION. 321.23A IDENTIFICATION BY

## 22 FINAL STAGE MANUFACTURER.

23 A final stage manufacturer shall furnish to the  
24 department a document which identifies that the  
25 vehicle was incomplete prior to that manufacturing  
26 operation. The identification shall include the name  
27 of the incomplete vehicle manufacturer, the date of  
28 manufacture, the vehicle identification number to  
29 ascertain that the document applies to a particular  
30 incomplete vehicle, and such other information as the  
31 department may require."

32 2. Page 25, line 8, by inserting after the figure  
33 "47," the following: "711,712".

34 3. Title page, line 8, by inserting before the  
35 word "and" the following: "reenacting and modifying  
36 current Code language pertaining to manufacturing of  
37 vehicles,".

Paulin of Plymouth rose on a point of order that amendment H—6100 was not germane.

The Speaker ruled the point well taken and amendment H—6100 not germane.

Jochum of Dubuque offered the following amendment H—6057 filed by him and moved its adoption:

H—6057

1 Amend Senate File 2314, as amended, passed, and  
2 reprinted by the Senate, as follows:

3 1. Page 18, by inserting before line 28 the  
4 following:

5 "Sec. \_\_\_\_\_. Section 321.44, Code 1987, is amended  
6 to read as follows:

7 321.44 REGULATIONS GOVERNING CHANGE OF MOTORS  
8 ENGINES, DRIVETRAIN ASSEMBLIES AND RELATED PARTS.

9 The director is ~~authorized to~~ shall adopt and  
10 ~~enforce such~~ enforce rules governing registration and titling  
11 ~~of motor vehicles as may be deemed necessary by the~~  
12 ~~director and compatible with the public interest with~~  
13 ~~respect to the change or substitution of one engine in~~  
14 ~~place of another engines, drivetrain assemblies or~~  
15 ~~related parts in any motor vehicle."~~

16 2. Title page, line 6, by inserting after the  
17 word "purchases," the following: "mandating adoption  
18 of rules governing registration and titling of motor  
19 vehicles,".

Amendment H—6057 was adopted.

Black of Jasper offered the following amendment H—6127 filed by Black, et al., and moved its adoption:



H—6127

- 1 Amend Senate File 2314 as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 18, by inserting after line 27 the
- 4 following:
- 5 "2. The treasurer of state, before making the
- 6 allotments provided for in section 312.2, shall credit
- 7 for the fiscal year beginning July 1, 1988, and ending
- 8 June 30, 1989, to the state department of
- 9 transportation one hundred thousand dollars from the
- 10 road use tax fund from revenue credited to the road
- 11 use tax fund under section 423.24, subsection 1,
- 12 paragraph "b". The state department of transportation
- 13 shall expend the moneys to carry out the statewide
- 14 trails development plan provided for in section
- 15 111F.2."

Amendment H—6127 was adopted.

Van Maanen of Mahaska offered the following amendment H—6069 filed by him and moved its adoption:

H—6069

- 1 Amend Senate File 2314, as amended, passed, and re-
- 2 printed by the Senate, as follows:
- 3 1. Page 19, line 32, by striking the word
- 4 "general" and inserting the following: "road use
- 5 tax".

Roll call was requested by Stromer of Hancock and Petersen of Muscatine.

Rule 75 was invoked.

On the question "Shall amendment H—6069 be adopted?"  
(S.F. 2314)

The ayes were, 45:

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	May	Metcalf	Miller
Muhlbauer	Mullins	Paulin	Pellett
Petersen, D. F.	Plasier	Platt	Renken
Royer	Schnekloth	Siegrist	Skow
Stromer	Stueland	Tyrrell	Van Camp
Van Maanen			

The nays were, 50:

Adams	Arnould	Beatty	Blanshan
Brammer	Buhr	Chapman	Cohoon
Connolly	Connors	Cooper	Diemer
Doderer	Dvorsky	Fey	Groninga
Halvorson, R. N.	Hammond	Hansen, S. D.	Harper
Hatch	Haverland	Holveck	Jay
Jochum	Johnson	Knapp	McKinney
Neuhauser	Ollie	Osterberg	Parker
Pavich	Peters	Peterson, M. K.	Poncy
Renaud	Rosenberg	Running	Schrader
Sherzan	Shoning	Shoultz	Spear
Svoboda	Swartz	Tabor	Teaford
Wise	Mr. Speaker		

Absent or not voting, 5:

Bisignano	Hanson, D. R.	McKean	Norrgard
Swearingen			

Amendment H—6069 lost.

Blanshan of Greene offered the following amendment H—6110 filed by Blanshan, et al., and moved its adoption:

H—6110

1 Amend Senate File 2314 as amended, passed, and  
 2 reprinted by the Senate, as follows:  
 3 1. Page 21, by inserting after line 30 the  
 4 following:  
 5 "Each entity which has received a loan pursuant to  
 6 this section shall have repaid twenty percent of the  
 7 total amount of the loan by June 30, 1990, forty  
 8 percent of the total amount of the loan by June 30,  
 9 1991, sixty percent of the total amount of the loan by  
 10 June 30, 1992, eighty percent of the total amount of the  
 11 loan by June 30, 1993, and the total amount of the  
 12 loan by June 30, 1994. If an entity fails to make a  
 13 loan repayment as required under this section, the  
 14 entire amount of the loan is immediately due and  
 15 payable."

Amendment H—6110 was adopted.

Van Maanen of Mahaska asked and received unanimous consent to withdraw amendments H—6114 and H—6115 filed by him on March 30, 1988.

Platt of Muscatine offered the following amendment H—6076 filed by him and moved its adoption:

H—6076

- 1 Amend Senate File 2314 as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 24, by inserting after line 3 the
- 4 following:
- 5 "Sec. 777. 1987 Iowa Acts, chapter 233, section
- 6 120, is amended by adding the following new
- 7 subsection:
- 8 NEW SUBSECTION. 7. There is appropriated from the
- 9 road use tax fund of the state to the state department
- 10 of transportation, administrative services, for the
- 11 fiscal year beginning July 1, 1987, the sum of four
- 12 hundred thousand (400,000) dollars, or so much thereof
- 13 as may be necessary for the purposes of information
- 14 processing adjustments. Section 8.33 does not apply
- 15 to the funds appropriated by this subsection.
- 16 However, unencumbered or unobligated funds remaining
- 17 on June 30, 1989, from funds appropriated under this
- 18 subsection shall revert to the road use tax fund of
- 19 the state on July 1, 1989."
- 20 2. Page 25, line 8, by inserting after the figure
- 21 "47," the following: "777,".
- 22 3. By renumbering as necessary.

Amendment H—6076 was adopted.

Pavich of Pottawattamie offered the following amendment H—6108 filed by him and moved its adoption:

H—6108

- 1 Amend Senate File 2314 as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 25, line 8, by inserting after the figure
- 4 "32," the following: "35 through 40,".

Amendment H—6108 was adopted.

Swartz of Marshall asked and received unanimous consent to withdraw amendment H—5891 filed by him on March 25, 1988.

Daggett of Adams moved to reconsider the vote by which amendment H—5797, as amended, (found on pages 1308 and 1309 of the House Journal) failed to be adopted by the House on March 31, 1988.

A non-record roll call was requested.

The ayes were 42, nays 47.

The motion to reconsider lost.

Arnould of Scott moved to reconsider the vote by which amendment H—6075 (found on page 1305 of the House Journal) was adopted by the House on March 31, 1988.

A non-record roll call was requested.

The ayes were 43, nays 32.

The motion prevailed and the House reconsidered amendment H—6075.

De Groot of Lyon moved the adoption of amendment H—6075.

A non-record roll call was requested.

The ayes were 40, nays 48.

Amendment H—6075 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. 2314)

The ayes were, 79:

Adams	Arnould	Beaman	Beatty
Black	Blanshan	Brammer	Buhr
Carpenter	Chapman	Clark	Cohoon
Connolly	Connors	Cooper	Corbett
Corey	Daggett	Diemer	Doderer
Dvorsky	Fey	Fogarty	Fuller
Garman	Groninga	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Harbor
Harper	Hatch	Haverland	Hermann
Hester	Holveck	Jay	Jochum
Johnson	Knapp	Koenigs	Lageschulte
Lundby	May	McKinney	Metcalf
Muhlbauer	Mullins	Neuhauser	Ollie
Osterberg	Parker	Paulin	Pavich
Pellett	Peters	Peterson, M. K.	Platt
Poncy	Renaud	Rosenberg	Royer
Schrader	Sherzan	Shoning	Shoultz
Siegrist	Skow	Spear	Stromer
Svoboda	Swartz	Tabor	Teaford
Van Camp	Wise	Mr. Speaker	

The nays were, 16:

Bennett	Branstad	De Groot	Eddie
Hummel	Kremer	Maulsby	Miller
Petersen, D. F.	Plasier	Renken	Running
Schnekloth	Stueland	Tyrrell	Van Maanen

Absent or not voting, 5:

Bisignano	Hanson, D. R.	McKean	Norrgard
Swearingen			

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**  
(Senate File 2017)

I move to reconsider the vote by which Senate File 2017 passed the House on March 31, 1988.

**HAMMOND of Story**

**BILLS SIGNED BY THE GOVERNOR**

A communication was received from the Governor announcing that on March 31, 1988, he approved and transmitted to the Secretary of State the following bills:

House File 433, an act relating to an exemption from securities registration for securities traded or approved for trade on the national association of securities dealers automated quotations — national market system (NASDAQ/NMS).

House File 2264, an act repealing a requirement that the department of corrections prepare a biennial report relating to the management of the community-based corrections programs.

House File 2306, an act relating to the regulation of the extraction of coal for commercial purposes from a site of one-half acre or less, and making penalties applicable.

House File 2318, an act providing for the acknowledgment of delivery of certain debt documents.

House File 2322, an act relating to Schedule I and Schedule III controlled substances.

House File 2337, an act relating to the jurisdiction of the employment appeal board.

House File 2355, an act relating to cooperative associations by providing for their purposes and powers.

Senate File 2168, an act relating to the authority of the treasurer of state to invest in United States government obligations.

**EXPLANATIONS OF VOTE**

I was necessarily absent from the House chamber on March 30, 1988. Had I been present, I would have voted "aye" on Senate Files 2257, 2307 and 2309.

**ADAMS of Hamilton**

I was necessarily absent from the House chamber on March 30, 1988. Had I been present, I would have voted "aye" on Senate Files 2257, 2307 and 2309.

**STUELAND of Clinton**

## PRESENTATION OF IOWA'S MOTHER OF THE YEAR

Halvorson of Clayton presented to the House Mrs. Phyllis Dettman, "1988 Iowa's Mother of the Year." Mrs. Dettman who is from Monona, Iowa was accompanied by her husband, Lorin.

Mrs. Ruth Daggett, wife and Secretary of Representative Horace Daggett, was also recognized as one of six regional finalists.

The House rose and expressed its congratulations.

## PRESENTATION OF VISITORS

McKean of Jones presented to the House Yoshiko Toyama, a teacher from Tokyo, Japan. She has been working with different teachers in eastern Iowa since October.

The Speaker announced that the following visitors were present in the House chamber:

Seventeen students from Hales Owen College in Hales Owen, England, accompanied by Dean Peterson and eight students from North Fayette High School, West Union. By Avenson of Fayette.

Cub Scout Pack 95, Jesup. By Kremer of Buchanan.

Fifteen high school students from Urbandale High School and fourteen high school students from Hamburg, Germany, accompanied by Frances Roller, Claudia Ludurg and Astrid Komoll. By Metcalf of Polk.

Forty-five ninth grade students from Williams Junior High School, Davenport, accompanied by Joe Gross. By Van Camp of Scott.

## 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 File 2151), relating to the treatment of rebates for purposes of the state sales, services, and use taxes.

Fiscal Note is not required.

**Recommended Amend and Do Pass** March 30, 1988.

**Committee Bill** (Formerly House Study Bill 749), relating to tax refunds paid by the county treasurer.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 30, 1988.

**Committee Bill** (Formerly House Study Bill 830), relating to the authorization for a city and county to impose a local option income surtax or a local option sales and services tax, the spending of the revenues, obtaining tax return information relating to the taxes, providing penalties, and providing effective dates.

Fiscal Note is not required.

Recommended **Do Pass** March 30, 1988.

**Committee Bill** (Formerly House Study Bill 831), relating to the licensing of dogs, subjecting violators to a penalty, and providing an effective date.

Fiscal Note is required.

Recommended **Amend and Do Pass** March 30, 1988.

#### AMENDMENTS FILED

H-6133	H.F.	2440	Knapp of Dubuque
H-6135	H.F.	2367	Haverland of Polk
H-6136	H.F.	2414	Adams of Hamilton
H-6137	H.F.	393	Senate Amendment
H-6138	H.F.	2338	Senate Amendment
H-6140	S.F.	2312	Maulsby of Calhoun
			Tyrrell of Iowa
H-6141	H.F.	2106	Senate Amendment
H-6142	S.F.	2058	Koenigs of Mitchell
H-6143	S.F.	2312	Neuhauser of Johnson
			Poncy of Wapello
			Dvorsky of Johnson
			Harbor of Mills
			Hummel of Benton
H-6144	H.F.	2443	Spear of Lee
H-6145	H.F.	649	Svoboda of Tama
H-6146	S.F.	2039	Neuhauser of Johnson
H-6148	H.F.	2443	Spear of Lee
H-6149	S.F.	2321	Connolly of Dubuque
H-6150	H.F.	529	Senate Amendment
H-6151	S.F.	2092	Gruhn of Dickinson
H-6152	S.F.	2092	Parker of Jasper
H-6153	S.F.	2312	Siegrist of Pottawattamie
			Jochum of Dubuque
			Pavich of Pottawattamie

H-6154	S.F.	2068	Shoultz of Black Hawk Petersen of Muscatine
H-6155	S.F.	2312	Pavich of Pottawattamie Hummel of Benton Siegrist of Pottawattamie
H-6156	S.F.	93	Hummel of Benton
H-6157	S.F.	2312	Hummel of Benton
H-6158	H.F.	2443	Spear of Lee
H-6159	S.F.	2017	Hammond of Story
H-6160	S.F.	2312	Poncy of Wapello
H-6161	S.F.	2312	Ollie of Clinton Fey of Scott Johnson of Winneshiek
H-6162	S.F.	2312	Siegrist of Pottawattamie Peterson of Carroll
H-6163	H.F.	278	Hatch of Polk Royer of Page Cooper of Lucas Platt of Muscatine

On motion by Arnould of Scott, the House adjourned at 5:51 p.m., until 1:00 p.m., Monday, April 4, 1988.